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## **SUMMARY**

### **I. Aims of the contract**

The main aim of the contract was to craft a technical guide to help and assist the Contracting Parties to the Barcelona Convention to implement the Action Plan on the conservation of bird species listed in Annex II to the Protocol on Specially Protected Areas and Biological Diversity in the Mediterranean.

This document must help the Contracting Parties to advance, if need be, their legislation and regulations on the protection and management of the concerned bird species in compliance with the objectives and measures that appear in the Action Plan.

### **II. Means used by the consultant to respond to the request**

First, the consultant sought out and analysed the main international or supranational texts likely to be used by the Contracting Parties for adopting pertinent measures for the protection and management of the concerned birds.

After analysing the content of the action plan, as well as the various international and supranational texts on the categories of bird appearing on the list in Annex II to the Protocol on Specially Protected Areas and Biological Diversity in the Mediterranean, the consultant went on to study the specific laws of the Contracting Parties in this field. To this end, a questionnaire (drawn up according to the various objectives of the Action Plan) was sent to all the Focal Points to establish more precisely the present state of regulation in their countries, particularly concerning: the conservation of bird species and their habitats, the management of human activities likely to have an effect on these species, the tools in force for the knowledge and monitoring of species of wild birds, and the educational and informational measures being implemented.

At the end of this phase of analysis of all the norms in force concerning the protection and management of the concerned bird species, the consultant was able to craft a technical guide, bearing in mind these pieces of information and the objectives and measures written into the Action Plan.

### **III. Results obtained**

The international and supranational texts on the protection and management of birds contain many principles and measures that are likely to be used by the Contracting Parties. Indeed, the protection and management of these species (and their habitats) is the subject of many European Directives (the Birds Directive, the Habitats Directive, etc.) and also of international texts (the Bonn Convention, the Berne Convention, CITES, the AEWAA Agreement, etc.) As a result, the states have a wide range of arrangements enabling them to adapt their legislation and regulations to suit the objectives of the Action Plan and the measures already in force in their countries.

However, analysis of the arrangements in force in the countries was rather more tricky because of the difficulties encountered in the collection of pertinent information. Thus, only the Focal Points of Montenegro, Libya, Lebanon, Turkey, Bosnia Herzegovina and Spain were able to answer the questionnaire within the given time. As a result, the technical guide is mainly inspired by the supranational norms in force.

The work of writing the guide was inspired, as to its form, by the document on the guidelines for establishing laws and regulations on the conservation and management of marine turtle populations and their habitats.

The technical guide contains general recommendations as well as specific recommendations that deal with four main fields:

- conserving, managing and restoring bird species
- conserving, managing and restoring the habitats of bird species
- measures of information and awareness for the various actors
- integrating measures for the conservation of bird species and habitats within coastal and marine planning processes.

#### **IV. The consultant's main recommendations**

The consultant recommends:

- that the states, when this seems necessary, carry out a complete assessment of their (legislative and regulatory) mechanism for protecting bird species and their habitats in order to learn lessons about the measures to be adopted. In fact, adopting the Action Plan for the Conservation of Birds in Annex II to the SPA Protocol offers an opportunity for the states to assess their national systems in order to harmonise the adopted measures, while respecting special national features.

Indeed, the fact that the various countries have such a heterogeneity of measures for protecting birds and their habitats acts as a brake to the protection and management of these species, which, because of their migratory movements, require global, harmonised protection carried on between the various countries to be fully efficacious.

- that the states give priority to the adopting of special common legislation on the protection and management of bird species and of their habitats that contains clear objectives setting out the priorities, defining the major principles intended to ensure the protection and management of these species, etc.
- that the adoption of measures and mechanisms of protection and management bear in mind those that have been adopted for other species. Thus it does not seem pertinent, for example, to carry out a host of 'impact studies' assessing the consequences of human activities on the environment. This kind of procedure is recommended in the technical guide on turtles and also in the present guide. It thus seems more judicious to provide for a single impact study procedure that would be applicable to turtles, birds, etc.

Generally speaking, there has to be dovetailing between the different technical guides produced on RAC/SPA's initiative when this is possible and pertinent.

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## **I. Analysis of the existing legal frameworks**

### ***1.1. Introducing the international and supranational regulations now in force***

There are 7 main great international and supranational texts that directly concern the kinds of bird that appear on the list in Annex II to the Protocol on Specially Protected Areas and Biological Diversity in the Mediterranean. The following texts appear in chronological order.

#### ***1.1.1. The African Convention of 15 September 1968 on the conservation of nature and natural resources***

##### Introduction

The aim of this Convention was to encourage the Contracting Parties to implement actions to be undertaken, both individually and jointly, for the conservation, use and valorization of soil, water, flora and fauna resources. The Parties must conserve and rationally use fauna resources by improved management of populations and habitats, and monitoring hunting, capture and fishing.

Bird species appearing on the list in Annex II to the Protocol and concerned by this text

5 bird species that appear on the list in Annex II to the Protocol are concerned by this text: the white pelican, the Dalmatian pelican, the greater flamingo, the osprey and the Eleonora's falcon.

Main objectives and measures provided for by this text

The aims emerging from this Convention (as well as the concrete measures put into effect to attain these objectives) likely to inspire states in adopting laws and regulations on birds concern:

- conservation of species and habitats: inventorying species, mapping their distribution, sustainably managing conservation areas, preventing the introduction of non-native species, eradicating harmful species, regulating removal, etc.
- strict protection given to certain species
- modes of creating conservation areas
- assessing and reducing the impact of human activities on species
- developing cooperation, research, information and awareness.

#### ***1.1.2. The Washington Convention of 3 March 1973 on the international trade in endangered species of fauna and flora (CITES Convention)***

##### Introduction

The aim of this Convention was to guarantee that international trade in the species (as well as parts and products that derive from them) listed in its Annexes should not harm the conservation of biodiversity and should rest on a sustainable use of wild species.

Bird species appearing on the list in Annex II to the Protocol and concerned by this text

4 bird species that appear on the list in Annex II to the Protocol are concerned by this text: the Dalmatian pelican, the greater flamingo, the Eleonora's falcon and the slender-billed curlew.

Main objectives and measures provided for by this text

The aims emerging from the CITES Convention (as well as the concrete measures put into effect to attain these objectives) likely to inspire states in adopting laws and regulations on birds concern:

- regulation of trade in endangered specimens that are or could be affected by trade: international movement of the concerned species, whether commercial or not, is only permitted for specimens with accompanying permits/certificates that prove that their removal is legal and compatible with the permanence of the species from which they spring
- regulation of trade in specimens that, although not currently automatically endangered, could become so if the trade in specimens of these species was not subject to strict regulation, whose aim is to avoid exploitation that is incompatible with their survival: delivery of permits/certificates for international movement of the species concerned.

### ***1.1.3. EEC Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds (the Birds Directive)***

Introduction

This text organises the protection of habitats that are necessary for the reproduction and survival of bird species considered to be rare or threatened on a European scale. In each country of the European Union those sites that are best suited to the conservation of the habitats of these species will be listed as Special Protection Zones (SPZs), bearing in mind their number and special features. This text concerns birds and also their eggs, nests and habitats.

This Directive is 'rounded off' by the Council's Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

Bird species appearing on the list in Annex II to the Protocol and concerned by this text

10 bird species that appear on the list in Annex II to the Protocol are concerned by this text: the Cory's shearwater, the British storm petrel, the Desmarest's shag, the greater flamingo, the osprey, the Eleonora's falcon, the slender-billed curlew, the Audouin's gull, the Cauceg tern and the little tern.

Main objectives and measures provided for by this text

The aims emerging from these texts (as well as the concrete measures put into effect to attain these objectives) likely to inspire states in adopting laws and regulations on birds concern:

- creation of Special Protection Zones (SPZs)
- restoration of destroyed biotopes and the creation of biotopes
- crafting of special conservation measures concerning the habitats of species in order to ensure their survival and their reproduction within their distribution area
- centralisation and coordination of information to constitute a consistent protection network
- prevention of pollution and of deterioration of habitats
- introducing a general system of species protection including a certain number of bans: on killing or deliberately capturing, destroying or harming nests, etc.
- regulating hunting
- looking for information on certain species
- regulating the introduction of non-native species.

#### ***1.1.4. The Bonn Convention of 23 June 1979 on the Conservation of Migratory Species of Wild Animals***

##### Introduction

The Bonn Convention aimed at the conservation of migratory species throughout the world. It pays special attention to migratory species whose conservation status is unfavourable and expects that member states will adopt the appropriate and necessary measures to conserve these species and their habitats. Furthermore, measures intended to avoid a migratory species becoming an endangered species are also envisaged in this text.

Bird species appearing on the list in Annex II to the Protocol and concerned by this text

11 bird species that appear on the list in Annex II to the Protocol are concerned by this text: the pygmy cormorant, the white pelican, the Dalmatian pelican, the greater flamingo, the osprey, the Eleonora's falcon, the slender-billed curlew, the Audouin's gull, the lesser Crested tern, the sandwich tern and the little tern.

Main objectives and measures provided for by this text

The aims emerging from the Bonn Convention (as well as the concrete measures put into effect to attain these objectives) likely to inspire states in adopting laws and regulations on birds concern:

- promoting research work on migratory species
- adopting measures concerning endangered species: conservation and restoration of habitats, evaluation and reduction of the impact of human activities, regulation of the introduction of non-native species, regulation of the removal of species, etc.
- adopting measures on migratory species whose conservation status is unfavourable: the Convention clearly sets out guidelines to guide the crafting of agreements intended to ensure the restoration or maintaining of the concerned migratory species in a favourable state of conservation.

***1.1.5. The Berne Convention of 19 September 1979 on the Conservation of European Wildlife and Natural Habitats***

Introduction

The Berne Convention aimed at the conservation of wild flora and fauna and their natural habitats, in particular species and habitats whose conservation requires the cooperation of many states, and at promoting such cooperation. This text pays special attention to endangered and vulnerable species (including migratory species).

Bird species appearing on the list in Annex II to the Protocol and concerned by this text

13 bird species that appear on the list in Annex II to the Protocol are concerned by this text: the Mediterranean shearwater, European storm petrel, the European shag, the pygmy cormorant, the white pelican, the Dalmatian pelican, the greater flamingo, the osprey, the slender-billed curlew, the Audouin's gull, the Lesser Crested tern, the Caugek tern and the little tern.

Main objectives and measures provided for by this text

The aims emerging from the Berne Convention (as well as the concrete measures put into effect to attain these objectives) likely to inspire states in adopting laws and regulations on birds concern:

- protecting habitats: taking the conservation needs of protected areas into account in improvement and development policies, in order to avoid or reduce as far as possible the deterioration of such areas
- species conservation that involves a certain number of bans: on deliberate capture, intentional possession and killing, on the deliberate deterioration or destruction of sites of reproduction or rest areas, on the deliberate disturbance of wild animals, on the destruction or deliberate gathering of eggs in the wild or their possession, on the possession and internal trade in such animals, etc.
- developing coordination on information and research work.

***1.1.6. (EC) Council Regulation no. 1627/94 of 27 June 1994 establishing general arrangements on special fishing authorization***

Introduction

This text laid down arrangements on special fishing permits applicable to Community fishing ships and ships flying the flag of a non-member country operating in the Community fishing area.

Bird species appearing on the list in Annex II to the Protocol and concerned by this text

14 bird species that appear on the list in Annex II to the Protocol are concerned by this text: the Cory's shearwater, the Mediterranean shearwater, the European storm petrel, the European shag, the pygmy cormorant, the white pelican, the Dalmatian pelican, the greater flamingo, the osprey, the Eleonora's falcon, the slender-billed curlew, the Audouin's gull, the lesser crested tern, and the little tern.

Main objectives and measures provided for by this text

The aims emerging from this European ruling (as well as the concrete measures put into effect to attain these objectives) likely to inspire states in adopting laws and regulations on birds concern:

- regulating fishing: ban on certain fishing methods, ban on fishing in certain places.

### ***1.1.7. Agreement of 16 June 1995 on the conservation of African-Eurasian migratory waterbirds (AEWA)***

#### Introduction

This text aimed at protecting migratory bird species that are ecologically dependent on wetlands in their migratory routes for at least part of their annual cycle. The Agreement provides for coordinated and concerted action from the states along the migratory routes of waterfowl.

Bird species appearing on the list in Annex II to the Protocol and concerned by this text

9 bird species that appear on the list in Annex II to the Protocol are concerned by this text: the pygmy cormorant, the white pelican, the Dalmatian pelican, the greater flamingo, the slender-billed curlew, the Audouin's gull, the lesser crested tern, the Sandwich tern and the little tern.

Main objectives and measures provided for by this text

The aims emerging from the AEWA action plan (as well as the concrete measures put into effect to attain these objectives) likely to inspire states in adopting laws and regulations on birds concern:

- species conservation: ban on the removal of birds (and eggs), ban on deliberate disturbance, etc.
- regulating the introduction of non-native species: ban, eradication etc.
- habitat conservation: inventorying habitats, special protection for wetlands, etc.
- managing human activities: regulating hunting, regulating ecotourism, assessing and reducing the impact of human activities, etc.
- looking for and monitoring species
- developing information and awareness campaigns.

## ***1.2. Heterogeneity of the existing national systems***

Analysis of national laws on the protection and management of bird species reveals a great disparity between the countries, especially as regards:

- taking the impact of human activities on bird species into account
- modes of planning on the ground
- treaties on the protection of species that have not been ratified by all the states party to the Barcelona Convention (in particular the AEWA Agreement)
- collecting and exchanging information on species between the states or the appropriate institutions
- training measures organised to serve knowledge about and protection for species and their habitats
- mechanisms for protecting and managing threatened species and their habitats.

This admission constitutes a brake on the adoption of measures to ensure 'global' protection of species and their habitats. Adoption of the Action Plan for the Conservation of the Birds in Annex II to the SPA Protocol offers an opportunity for the states to undertake a complete evaluation of their (legislative or regulatory) mechanisms for protecting species and their habitats and to learn from this about the steps they should take.

Implementing the Action Plan should enable the measures now in force to be harmonised, though special national features will be respected, in order to ensure more global and more effective protection of species and their habitats.

Also see on this aspect Annex I: States' answers to the questionnaire

### ***1.3. Guidelines on crafting appropriate legislation***

- (a) When the international instruments are drafted in terms that make their immediate application impossible, the states should adopt legal arrangements and regulations that enable these supranational rules to be integrated within the national legal systems
- (b) The laws and regulations thus adopted should use simple, precise terms, especially when defining rules and procedures in order to render the arrangements directly operational
- (c) A state may have recourse to one (or several) sector-based laws or one special common law on the protection and management of bird species and their habitats
- (d) When birds are concerned by several laws, these must tally in order to avoid contradictions likely to hinder the implementing of the arrangements
- (e) The law/s adopted should contain the following elements:
  - clear objectives that set out priorities. These objectives must comply with the international texts in force and with those defined in the Action Plan
  - the defining of major principles such as: impact activity assessment, the precautionary principle, the polluter pays principle, access to information and public participation
  - the appropriate authority should have adequate means to: craft regulations and provide for incentives for checking and managing activities and processes likely to have a significant impact on species and their habitats, establish procedures and obligations, ensure the monitoring of the implementation of these arrangements, make inventories in order to supplement knowledge, etc.

## **II. Guidelines for the conservation, management and restoration of bird species listed in Annex II to the Protocol on Specially Protected Areas and Biological Diversity in the Mediterranean**

### ***II.1. Inventorying, knowledge and monitoring of species***

- (a) The states should establish and strengthen monitoring programmes whose aim is to compile data on the status and evolution of a population (coordinated ringing programmes, etc.)
- (b) The states should give priority to research on mapping areas of reproduction, feeding, moulting and wintering in compliance with Item 4.3. of the Action Plan (particularly as regards pelagic birds)
- (c) The states should:
- make a map showing the distribution of species at sea and on land
  - implement a monitoring system to record the incidental capture and death of birds during fishing operations
  - monitor the levels of mercury and chlorinated hydrocarbons in particular in Cory's shearwater populations
  - particularly monitor the wintering and reproducing populations of the pygmy cormorant and the Dalmatian pelican
  - do research on the feeding of the pygmy cormorant
  - look into the causes of decline of the osprey
  - assess the impact of local fisheries on the successful reproduction of lesser crested terns
  - determine more clearly the size and changes in the populations of lesser crested terns and little terns
- (d) Generally speaking, the states should draw their inspiration from the objectives listed in Article XVIII of the African Convention for the Conservation of Nature and Natural Resources concerning research efforts, according to which the states must:
- coordinate their research programmes, when possible, to achieve maximum synergy and complementarity
  - pursue the exchange of results of research
  - work to promote joint research activities and programmes.

## ***II.2. Protection of species***

### ***II.2.1. Legal status of species***

- (a) The legislation/regulations must give strict protection status to the fifteen bird species listed in Annex II to the Protocol on Specially Protected Areas and Biological Diversity in the Mediterranean
- (b) The legal protection measures must apply to the birds and also to the parts and products that are derivative, including eggs and their nests
- (c) The birds must be protected at every stage of their life cycle. The legal protection measures should therefore also concern chicks.

### ***II.2.2. Crafting national action plans***

- (a) In compliance with Item 5.4 of the Action Plan, the Parties to the Barcelona Convention must craft national action plans for the conservation of threatened and endangered birds in the Mediterranean
- (b) These national action plans must:
  - target the current factors that cause loss or decline in bird species: plans regarding the incidental capture of specimens during fishing operations, etc. (see Item II.3.3.)
  - ensure the continuous monitoring of populations
- (c) The Parties to the Barcelona Convention must implement and make effective those action plans that already exist.

## ***II.3. Regulating human activities likely to have an impact on species***

### ***II.3.1. Regulating removal***

#### **II.3.1.1. Guidelines on legislation/regulations on deliberate removal**

- (a) The legislation/regulations should craft specific regulations on removal, concerning:
  - modes of removal
  - limits likely to be established concerning the number of species removed
  - means of checking whether the legislation/regulations are being respected
- (b) The legislation/regulations should state clearly a certain number of bans, concerning:
  - the removal of birds belonging to seriously threatened populations during the various phases of reproduction and rearing young and during their return to the areas of reproduction insofar as this removal has an unfavourable effect on the state of conservation of the concerned population
  - the deliberate disturbance of species, especially during periods of reproduction, nesting, wintering and migration
  - degrading, deliberate destruction or collecting of eggs and nests in the wild
  - the possession of eggs (even empty ones) or nests of the species



- the use of or trade in illegally removed species
- (c) Certain general terms used in the legislation/regulations must be precise in order to strengthen the bans. Thus the definition of the ban on deliberate disturbance must be sufficiently precise to include any disturbance that is significant for the conservation of the concerned population.

### *II.3.1.2. Guidelines on the framing of exemptions and derogations*

- (a) Exemptions and derogations can be granted regarding the rules and bans set out above. These derogation rules must be strictly framed and should only be granted:
- if the national or supranational texts governing this type of derogation are respected
  - if there is no other satisfactory solution
  - if the exemption does not harm the survival of the species
  - if the content of these exemptions is precise and justified by reasons defined beforehand
  - if they are limited in time and space.

Example 1: The AEWA Agreement allows the adopting of derogations that satisfy the following reasons: preventing major harm to crops, water or fisheries; in the interests of air security or other priority public interests; for the purposes of research and teaching, restoration and for rearing necessary for these purposes, etc.

Example 2: The Habitats Directive (Article 16) permits, on certain conditions, derogations granted in the interests of: protecting wild fauna and flora and conserving natural habitats, health and public safety, for the purposes of research, etc.

- (b) It is vital that the derogations and exemptions granted be monitored and checked. To this end, the appropriate authorities should be obliged to establish a file whose contents may be inspired from the arrangements in the Habitats Directive (Article 16):
- The species which are the subject of the derogations and the reason for the derogation, including the nature of the risk, with, if need be, an indication of the (not selected) alternatives and the scientific data used
  - The means, facilities or methods of capture or killing of animal species that are permitted and the reasons for their use
  - The circumstances of time and place in which these derogations are granted
  - The authority which is authorized to state and check that the required conditions are met and to decide which means, facilities or methods can be implemented, within which limits and by which services, and who are the people responsible for carrying this out
  - The monitoring measures implemented and the results obtained
- (c) Exemptions related to endangered species must be the subject of notification given to the Contracting Parties to the Protocol of the Barcelona Convention.

Source: Article 12 of the Protocol of the Barcelona Convention

### **II.3.2. Regulating hunting**

- (a) The states must make sure that hunting species does not compromise conservation efforts made in their distribution area
- (b) The members states must make sure that the practice of hunting, as it results from the application of the national measures in force, respects the principles of rational use and of balanced regulation from the ecological point of view, of the concerned bird species
- (c) The states must make sure that the arrangements in the Birds Directive, which concerns 10 bird species appearing on the list of the Protocol of the Barcelona Convention (and these arrangements may go so far as to ban the hunting of certain species) are respected
- (d) In compliance with Article 7 of the Birds Directive, the states must make sure:
  - that the species to which the hunting legislation applies are not hunted during the nesting period or during the different phases of reproduction and dependence
  - that the migratory species to which the hunting legislation applies are not hunted during their period of reproduction and during their return route to the place where they nest
- (e) The states must forbid recourse to all means, facilities or methods of mass, or non-selective, killing or capture or which can locally lead to the disappearance of a species
- (f) Derogations from the hunting regulations may be granted. These derogations should be grounded and be applied in a way that respects the arrangements provided for in Article 9 of the Birds Directive.

### ***II.3.3. Regulating fishing***

- (a) Interaction between fishing and certain bird species is often unsatisfactory. The appropriate authorities should craft action plans intended to better grasp the impact of fishing activities on certain species (in particular the Cory's shearwater and the Mediterranean shearwater, European shag, the Dalmatian pelican, the Audouin's gull): analysis of mortality due to incidental catch, the level and consequences of the dwindling fishing reserves, the impact of local fisheries on reproduction, etc.
  - (b) The law/regulations should contain specific, appropriate measures according to the impact of the activities on species, such as:
    - restricting the fishing effort in certain areas or at certain periods
    - banning certain fishing techniques that are incompatible with the conservation of the species
    - reducing to a minimum the pollution caused by such practices
    - introducing dissuasive penalties in cases where the regulations are not respected (administrative or even penal sanctions)
  - (c) The states should allow fishermen to participate in crafting and implementing the action plans.
- Here, see: Guidelines to reduce incidental catch of sea birds in the Mediterranean

#### ***II.3.4. Preventing oil slicks and chemical pollution***

- (a) In compliance with Article 21 of the Protocol, the Parties must as quickly as possible inform the other Parties, the states that can be affected, and the Centre about any situation that could endanger the ecosystems in the specially protected areas or the survival of species of fauna and flora
- (b) The appropriate authorities should craft and apply emergency measures for bird species when exceptionally unfavourable or dangerous conditions arise (oil slicks in particular). With a view to efficacy, these measures should be implemented in cooperation between the states every time this is possible and pertinent.

#### ***II.3.5. Regulating trade in species***

- (a) Four bird species (Dalmatian pelican, greater flamingo, Eleonora's falcon and slender-billed curlew) come under the field of application of the CITES Convention; the appropriate authorities must make sure its arrangements are respected
- (b) The training of customs officers so that they are able to identify the species concerned may be envisaged
- (c) The legislation/regulations may be inspired directly from the arrangements of the CITES Convention in order to regulate the trade in species which are not covered by this Convention. Thus, the international movement of species (whether commercial or not) should only be permitted for specimens that are accompanied by permits/certificates that prove that their removal is legal and compatible with the permanence of the species of which they are part
- (d) Such bans may also be enacted regarding transactions between the Parties themselves or with non-Parties to the CITES Convention, in compliance with Article X of this Convention
- (e) Permits (or certificates) should be delivered by the appropriate managing authority and repeat the contents and conditions of the grant defined by the CITES Convention
- (f) Derogations regarding the permit rules may be envisaged while respecting the arrangements of the CITES Convention on this point (Article VI)
- (g) The states can adopt internal measures that are stricter than those of the CITES Convention as regards the conditions regarding the trade, capture or collection, possession or transport of specimens of the listed species
- (h) The states must take the appropriate steps to punish non-respect of the arrangements, in particular by:
  - introducing dissuasive penal sanctions on either the trade in, or the possession of, such specimens, or both
  - confiscation or return to the exporting state of such specimens
- (i) In compliance with Article VIII.4. of the CITES Convention, in the case where a live specimen is confiscated in the conditions given above, the following steps must be taken:

- the specimen must be entrusted to a managing body of the state which has confiscated it
- the managing body, after consulting the exporting state, returns the specimen at its expense, or sends it to a rescue centre or any place that this body deems to be appropriate and compatible with the objectives of the CITES Convention
- the managing body can ask the opinion of a scientific authority or consult the Secretariat of the CITES Convention whenever it judges this to be desirable.

### **III. Guidelines for the conservation, management and restoration of the habitats of bird species listed in Annex II to the Protocol on Specially Protected Areas and Biological Diversity in the Mediterranean**

#### ***III.1. Inventorying, mapping and monitoring habitats***

##### ***III.1.1. Inventorying and mapping critical habitats that contain colonies***

- (a) According to Article 15 of the Protocol of the Barcelona Convention, the states have an obligation to make exhaustive inventories of areas placed under their sovereignty or jurisdiction that are important for endangered or threatened species
- (b) The appropriate authorities should make and publish national inventories of those habitats that exist on their territory that are important for populations of the concerned birds. These authorities should endeavour to give priority to identifying critical habitats (particularly located in the eastern Mediterranean) that contain colonies of:
  - the Cory's shearwater
  - the Mediterranean shearwater
  - the European storm petrel
  - the European shag
  - the osprey
  - the Eleonora's falcon
  - the Audouin's gull
  - the little tern
  - the Sandwich tern
- (c) These inventories and maps should be sufficiently precise to show the siting and the state of conservation of the habitats so that planning and management tools can be crafted, bearing this situation in mind
- (d) Information sources used in making the inventories can include government, non-governmental and economic etc. sources; these organisations are likely to obtain the title of Action Plan Partner in compliance with Item 5.3. of this plan
- (e) Identification of a critical habitat of a threatened species should lead to the adopting of appropriate measures in the concerned state.

##### ***III.1.2. Monitoring habitats***

- (a) Marine and coastal protected areas of importance for the conservation of birds must be correctly and continuously monitored
- (b) The states should monitor and protect colonies that are subject to disturbance. To this end, the following measures can usefully be implemented:

- undertake monitoring and research on the biology of conservation of species of Mediterranean shearwater
- encourage the creation and monitoring of buffer areas surrounding areas of reproduction, including adjacent areas out at sea, in particular regarding colonies where species of the European
- monitor the level and quality of water for colonies of the pygmy cormorant
- establish supervised buffer areas around nesting colonies of the Dalmatian pelican
- continuously monitor the nesting and wintering of populations of the Dalmatian pelican.

## **III.2. Protecting habitats**

### **III.2.1. Legal status of reproductive colonies**

- (a) The states must forbid the destruction and deterioration of habitats of the species listed in the Protocol of the Barcelona Convention in compliance with Article 12 of this text. They must also craft and set up action plans for their conservation or restoration
- (b) In compliance with Item 4.1. of the action plan, the reproduction sites of all threatened bird species must legally be made into protected areas with suitable management plans.

### **III.2.2. Creating specially protected areas**

See on this aspect: Guidelines for the creation and management of Mediterranean marine and coastal protected areas, <http://www.rac-spa.org/dl/gm2006.pdf>

- (a) The Parties to the Barcelona Convention should set up Specially Protected Areas where reproductive colonies exist in the conditions set out in Article 5 of the Protocol of the Convention
- (b) Furthermore, planning, management, monitoring and checking measures must also be adopted for these areas. According to Article 7 of the Protocol of the Barcelona Convention, these measures should include for each specially protected area:
  - crafting and adopting a management plan that clearly states the legal and institutional framework and the management and protection measures that are applicable
  - continuously monitoring ecological processes, habitats, population dynamics and the impact of human activities
  - the active participation of local people and communities, as circumstances dictate, in managing the specially protected areas, including assistance to the residents who could be affected by the creation of such areas
  - adopting mechanisms to fund the promotion and management of the specially protected areas as well as developing activities likely to ensure management that is compatible with the purpose of such areas
  - regulating activities that are compatible with the objectives that drove the creation of the specially protected area and the conditions for permits relating to this

- training managers and qualified technical staff and setting up an appropriate infrastructure
- (c) Furthermore, the states should endeavour to create nesting sites near the feeding sites of the white pelican.

### ***III.2.3. Protection measures for colonies***

- (a) The states should take the appropriate steps to avoid the deterioration of habitats located in the specially protected areas as well as disturbance that affects the species for which the protected areas were intended
- (b) The states should also endeavour to avoid the pollution or deterioration of habitats located outside the protection areas
- (c) The Parties to the Barcelona Convention must adopt in each specially protected area the protection measures set out in Article 6 of the Protocol of the Convention, in particular:
- enhance the application of other protocols of the Convention and of other pertinent treaties to which they are parties
  - ban the discharging or dumping of waste or other substances likely to harm directly or indirectly the integrity of the specially protected area
  - regulate the passage of ships and any stopping or anchorage
  - regulate the introduction of any species that is non-native to the specially protected area in question or genetically modified as well as the introduction or reintroduction of species that are or have been present in the specially protected area concerned
  - regulate or ban any exploring activity or one that implies a modification of the configuration of the soil or the exploiting of the subsoil of the terrestrial part, of the seabed or of its subsoil
  - regulate any scientific research activity
  - regulate or ban the fishing, hunting, capture or destruction of animals as well as the trade in animals or parts of animals coming from the specially protected areas
  - regulate and, if need be, ban any other activity or act that could harm or disturb the species or endanger the state of conservation of the ecosystems or of the species in the specially protected area
  - any other measure aimed at safeguarding the ecological and biological processes.

Also see on this point: Guidelines for the creation and management of Mediterranean marine and coastal protected areas, <http://www.rac-spa.org/dl/gm2006.pdf>

- (d) Furthermore, the states should take the following steps advocated in the action plan:
- manage the wintering and reproduction sites of the pygmy cormorant in order to meet this species' needs
  - as far as is possible, replace hanging electric cables by thick cables or bury them, particularly in colonies of Dalmatian pelicans.

### **III.3. Managing habitats**

#### **III.3.1. Managing introduced mammals and eradicating certain invasive species**

##### *III.3.1.1. Checking introduced mammals*

- (a) The states should take suitable steps to regulate the (deliberate or accidental) introduction into the wild of non-native or genetically modified species. These steps must lead to the banning of species whose introduction could have harmful effects on the habitats or species
- (b) According to the terms of the action plan, the states should particularly check the introduction of non-native predator species into colonies of:
- Cory's shearwater
  - Mediterranean shearwater
  - European storm petrel
  - Eleonora's falcon

##### *III.3.1.2. Eradicating certain invasive species*

- (a) The states should implement the appropriate measures to eradicate species that have already been introduced when, after scientific assessment, it appears that these cause or are likely to cause harm to the habitats or species
- (b) According to the terms of the action plan, the states should eradicate in particular predator species (such as rats) or rival species (especially the yellow-legged gull) in colonies of:
- Mediterranean shearwater
  - European storm petrel
  - Eleonora's falcon
  - Audouin's gull.

#### **III.3.2. Managing and restoring wetlands**

##### *III.3.2.1. Measures relating to the sustainable management of wetlands*

- (a) The states should endeavour to use all the wetlands in their territory in a rational and sustainable way. They should in particular be careful to avoid the degradation and loss of habitats that contain threatened populations by adopting the appropriate regulations, standards and checking measures
- (b) The measures likely to be adopted by the states can be inspired from those provided for in the AEWA Action Plan, which suggests:
- acting to introduce suitable regulatory measures that comply with all internationally accepted norms on the use of chemical products for farming, pest control procedures, and discharge of waste water, whose object is to reduce to the minimum the unfavourable impacts of these practices on populations



- preparing and circulating documentation in the appropriate languages that describes the regulations, standards and corresponding checking measures in force, and their advantages for the population and wildlife.

#### *III.3.2.2. Measures relating to the restoration of wetlands*

(a) The states should, whenever this is possible and appropriate, rehabilitate and restore degraded wetlands used by bird species. The action plan particularly targets degraded wetlands used by the following species:

- the pygmy cormorant
- the white pelican
- the Dalmatian pelican
- the greater flamingo
- the Sandwich tern
- the little tern.

#### **IV. Guidelines on measures for information and awareness of the various actors**

- (a) The states should endeavour to craft programmes, documents and information mechanisms to enable the public to become more aware of the objectives, arrangements and content of the legislation/regulations
- (b) The states, when this is proved to be necessary, should set up training programmes so that the staff responsible for applying the legislation/regulations have sufficient knowledge to apply these effectively (legal training, especially ornithological training)
- (c) The Parties to the Convention must give the necessary publicity to the creation of protected areas, their boundaries, the regulations applied therein and to the selection of protected species, their habitats and the relevant regulations. Particular attention must be paid to the people living inside and around the areas that are important to birds, the users of these areas (hunters, fishermen, tourists, etc.), the local authorities and other decision-makers. In compliance with Item 4.4. of the Action Plan, these public awareness campaigns must be organised and made effective in the context of cooperation with NGOs
- (d) The states may also launch specific public awareness campaigns for the conservation of certain species or habitats
- (e) The parties must endeavour to act so that the public and the nature protection organisations participate in the appropriate measures necessary to protect the concerned areas and species (Article 19 of the Protocol). Actively involved people or organisations are likely to obtain the title of Action Plan Partner in accordance with Item 5.3. of this plan.

## **V. Guidelines for integrating measures for conservation of bird species and habitats in marine and coastal planning processes**

### ***V.1. Environmental impact studies***

- (a) In compliance with Article 17 of the Barcelona Convention, “during the procedures which precede decision-making on industrial or other projects and activities that can have an impact seriously affecting protected areas and species and their habitats, the Parties assess and bear in mind the possible direct or indirect, immediate or long-term, impact, including the cumulative impact of the projects and activities considered.”
- (b) The states can take their inspiration from the principles written into the Habitats Directive which affirms that any “project not directly linked to or necessary to the management of the site but likely to significantly affect this site, individually or in conjunction with other plans and projects, must be the subject of an appropriate assessment of its impacts on the site in view of the conservation objectives of this site.”
- (c) The regulations regarding an impact study should provide for:
- the field of application of this study: in which conditions is a project likely to have an impact seriously affecting the protected areas and species and their habitats?
  - The content of the study: what are the effects of the project on the environment that should be analysed?
  - The conducting of the study: which are the authorities that intervene during the study? In which cases is a public enquiry compulsory? etc.
  - The consequences of the result of the study on the project
- (d) The conclusions of the project’s impact assessment should lead the appropriate authorities to only agree to this project once they are satisfied that it will not harm the integrity of the concerned site, and after having tested, if need be, public opinion
- (e) The assessment procedures should include strictly framed derogations, enabling a project to be carried out which, although it has an effect on species or habitats, nevertheless has to be carried out for imperative reasons of major public interest for:
- human health
  - public safety
  - beneficial consequences that are primordial for the environment.

## ***V.2. Planning processes***

- (a) The action plan requires the states to plan, regulate and/or manage activities and processes of coastal and infrastructure development near known colonies
- (b) The states currently carry out this kind of obligation via laws on land use in order to check: the delivery of permits, the density of soil use, the developing of different sites, etc. Thus they should make sure that the planning processes do respect international obligations
- (c) Zoning of local development plans for various classes of development should grant strict protection (unsuitability for development, or suitability for development under certain conditions) near known colonies.

## **ANNEXE I : Réponses des Etats au questionnaire sur les oiseaux**

Après analyse du contenu du plan d'action ainsi que les différents textes internationaux et supranationaux relatifs aux catégories d'oiseaux figurant sur la liste de l'annexe II du Protocole relatif aux aires spécialement protégées et à la diversité biologique en Méditerranée, il a été décidé d'envoyer un questionnaire (en version française ou anglaise) aux différents points focaux afin de compléter les informations disponibles.

### ***I. TEXTE DU QUESTIONNAIRE***

In 1995 the Parties to the Barcelona Convention adopted a new Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean. Annex II of this new protocol lists endangered or threatened species found in the Mediterranean. The Action Plan for the Conservation of bird species listed in annex II of the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean was approved at the XIII Conference of Contracting Parties to the Barcelona Convention at Catania, Sicily, in November 2003.

The aim of the Regional Activity Center for Specially Protected Area (RAC/SPA) is to assist and support Mediterranean countries in the implementation of the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean and its related action plans. In this ways, le RAC/SPA ordered the working-out of a technical guide to design national legislation and regulations concerning bird species conservation and management.

This questionnaire constitutes an important component for the working-out of the technical guide and the answers given by your country allow us to reach the most complete stage of current regulations. On the basis of this information and of the objectives settled by the Action Plan, the appropriate regulations will be defined in the technical guide.

#### Questionnaire

N.B. : The countries having referential information in computer form (or hypertext link) are asked to include these documents in their answers to the questionnaire. Thanks in advance for the time spent and the efforts made to answer the questionnaire.

### **1. Questions on the protection of bird species and habitat**

1.1. Has your country implemented a policy insuring bird species (and habitat), covered by the Protocol, protection and management ?

1.2.a. Did your country implement any legislation or regulations to forbid or regulate :

- the taking of birds ?

- birds trade ?

- birds hunting ?

1.2.b. What are the main penalties in case of non respect of this legislation and regulations ?

1.3. Did your country implement any legislation or regulations to prevent a major threat (oil spills, chemical pollution of the sea, ...) for the protection and management of bird species and habitat ?

1.4. Does your country have any legislation forbidding the introduction of alien predatory species ?

1.5. Did your country work out inventories of important habitat for the species covered by the Protocol ?

## **2. Questions on the management of human activities**

2.1. Do you have any such things as programmes or initiatives concerning ecotourism ?

2.2. Did your country assess the environmental impact on bird species covered by the Protocol by activities which could endanger the habitat or protected areas important to those species ?

## **3. Questions on the means of study and monitoring of wild bird species**

3.1. How did your country identify research priorities ?

3.2. What activities supervising wild birds and habitat did your country undertake ?

3.3. Did your country organise any exchange of data with other countries or appropriate organisations ?

## **4. Questions on education and information measures**

4.1. Does your country offer any specific training for the staff in the field of the monitoring, the protection and management of protected areas that are important to the birds ?

4.2. What did your country attempt to raise the public awareness of endangered birds and habitat towards the main protagonists (hunters, fishermen, decision-makers, public, ...) ?

## **5. General issues**

5.1. Does your country work out specific Action Plans for some endangered species and habitat ?

5.2. How does your country assess the working-out of these plans ?

5.3. Did your country ratify the AEWA Agreement ?

## **II. REPONSES DES POINTS FOCALUX**

### *II.1. MONTENEGRO*

#### **1. Questions on the protection of bird species and habitat**

##### 1.1. Has your country implemented a policy insuring bird species (and habitat), covered by the Protocol, protection and management ?

Government of Montenegro adopted Law on Nature protection (51/08) which are harmonized with EU Directive of wild bird and EU Directive on habitat. According to the articles 89 and 90 Law on nature protection proscribe measure for bird protection and migratory species.

##### Bird Protection Measures

It is prohibited to deliberately kill or capture strictly protected birds, in particular migratory birds, to destroy their nests and eggs or remove nests even when empty, their disturbance particularly at the time of feeding nestlings and during reproduction, holding birds which are prohibited for hunting, as well as other activities stipulated by this law.

##### Protection Measures for Migratory Species

Public roads and other types of roads as well as other facilities the construction of which cuts known migratory paths of wild animals shall be constructed in such a manner to reduce their negative impact and with the application of special structural, technological and engineering solutions on the facilities themselves and in the vicinity thereof to enable safe passing of wild animals at appropriate distances

Special technological and engineering solutions (ecological bridges, constructed passes and crosses, tunnels, pass-through cylinders, ditches, safety and guiding facilities, fish paths and lifts etc.), which ensure unobstructed and safe passage of wild species, shall enjoy protection as natural values.

##### 1.2.a. Did your country implement any legislation or regulations to forbid or regulate :

- the taking of birds ?

- birds trade ?

Yes. According the Law on nature protection It is forbidden to use any means for capturing and killing wild species disturbing their populations and endangering their habitats and which may cause their local disappearance. Also, according to the Decision of plant and animals, 297 of birds are protected. Regulation of trade in plants and animals establish by Convention on International Trade of Endangered Species of Wild Flora and Fauna (CITES). Montenegro ratified the CITES Convention on International Trade of Endangered Species of Wild Flora and Fauna in 2006.

- birds hunting

The Law on Hunting determines breeding, protection, hunting and usage of game animals. Game animals, as natural assets and part of the biological diversity, enjoy particular protection and are exploited under conditions and in a way prescribed by the Law (Article 1). Game animals are mammals and birds that live freely in the nature (Article 1, Paragraph 2). The protection of game animals is realized through a permanent ban of hunting, ban of hunting in a certain period (closed season), reduction of the hunting season or reduction of the number of hunting days, protection of the hunting areas, suppression of illegal hunting,

decreasing of the number of unprotected game animals, rescuing from natural disasters, additional feeding and other measures (Article 12). According to the Law, a special regulation on closed season and reduction of the hunting season, or the number of hunting days is issued. In order to conserve and improve game animals and their protection, it is forbidden to destroy, catch and take over young animals, as well as to damage and destroy nests, fledged young and eggs of protected game animals (Article 16); it is forbidden to poison game animals (Article 17); it is forbidden to move around the forest for persons with guns, hunting dogs and other hunting tools, as well as to move out of the roads of general purpose, without the permission of the hunting ground user.

1.2.b. What are the main penalties in case of non respect of this legislation and regulations?

According to the Law on nature protection a legal person shall be fined for violations in the amount ranging from one hundred to three hundred times the minimal wage in Montenegro if it:

- disturbs, captures, hurts wild animals, reduces the size of population of a wild species, destroys or damages its habitat or changes its living conditions without a justified reason (Article 82 paragraph 2);
- fails to apply measures, methods and technical devices which are least interfering with wild species or habitats of their populations (Article 83);
- captures, holds or kills strictly protected animals, damages or destroys their development forms, nests or litters, breeding sites and resting places, disturbs them at the time of reproduction, catering for the young and hibernation, damages or takes eggs from the nature (Article 85);
- uses wild protected species contrary to stipulated conditions (Article 87);
- uses prohibited means for capturing and killing wild animals or without the approval from the EPA (Article 88);

Also, according Law on hunting proscribe penalty of 2.500-12.500 euros for hunting out of season and hunting of protected species.

1.3. Did your country implement any legislation or regulations to prevent a major threat (oil spills, chemical pollution of the sea,...) for the protection and management of bird species and habitat ?

Montenegro implement IMO Conventions. Now , we are preparing Law on prevention of pollutions from ships.

1.4. Does your country have any legislation forbidding the introduction of alien predatory species ?

Yes, According to the Law on nature protection, Article 93 It is prohibited to introduce allochthonous species into the territory of Montenegro and into the ecosystems they do not inhabit naturally.

1.5. Did your country work out inventories of important habitat for the species covered by the Protocol ?

No.



## **2. Questions on the management of human activities**

### 2.1. Do you have any such things as programmes or initiatives concerning ecotourism ?

Yes. Ministry of Tourism and Environment prepared Master plan for development of tourism which will be adopted till the end of 2008. A number of donors and NGOs are involved in providing technical assistance in national parks, including training national park personnel, building and cleaning footpaths, bird watching, platforms for birds, compiling brochures, map and guides.

### 2.2. Did your country assess the environmental impact on bird species covered by the Protocol by activities which could endanger the habitat or protected areas important to those species?

Montenegro starts implementation of new Law on environment impact assessment on January 2008.

## **3. Questions on the means of study and monitoring of wild bird species**

### 3.1. How did your country identify research priorities?

Since 1991, National park "Skadar lake" in Montenegro annually monitor the number of winter census of bird species (IVC) in Skadar lake, Ramsar site. Also, every month in a last 4 year on Skadar lake ornithologist monitor nesting and migratory species.

NGO Centre for Protection and Research of Birds of Montenegro identified 13 Important Bird Areas under Birdlife International standards (IBA) in 2007 or 10.60% of total territory of Montenegro.

The Programme for Biodiversity Monitoring in Montenegro conducted by the Institute for the Protection of Nature. In fact, this Programme is an attempt to produce data on biodiversity missing so far, but it is still in the starting phase.

### 3.2. What activities supervising wild birds and habitat did your country undertake ?

Because of lack of ornitologist, research are separate on wetland and waterbirds, and also we undertake wintering census (IWC) under wetlands International and monitoring nesting birds. But only on few important wetland location is monitor, because of lack of financial resources.

### 3.3. Did your country organise any exchange of data with other countries or appropriate organisations ?

Yes. Institute for nature protection and other institutions and NGOs cooperate and exchange data and experience with countries in the region and international organizations such as (IWC). Also, Montenegro signed a number of international and bilateral agreements and convention in the field of nature protection such as Ramsar convention.

#### **4. Questions on education and information measures**

4.1. Does your country offer any specific training for the staff in the field of the monitoring, the protection and management of protected areas that are important to the birds ?

No. Such of this program is done by Center for Protection and Research of Birds of Montenegro in the wetland areas.

4.2. What did your country attempt to raise the public awareness of endangered birds and habitat towards the main protagonists (hunters, fishermen, decision-makers, public, ...)?

Institutions and NGOs organized some workshops and publications regarding endangered species.

#### **5. General issues**

5.1. Does your country work out specific Action Plans for some endangered species and habitat ?

In a framework of SAP/BIO National Report we prepared Action Plan for Dalmatian Pelicans/ *Pelecanus crispus* and Action Plan for *Posidonia oceanica*.

5.2. How does your country assess the working-out of these plans ?

We collected information from other countries regarding state of population of birds for AP for Dalmatian Pelicans/ *Pelecanus crispus* and we agreed about possible cooperation with countries in the region.

5.3. Did your country ratify the AEWA Agreement ?

No, but we ratified Convention on migratory birds.

#### *II.2. LYBIE*

#### **1. Questions on the protection of bird species and habitat**

1.1. Has your country implemented a policy insuring bird species (and habitat), covered by the Protocol, protection and management ?

The national biodiversity strategy of Libya (draft) and the National Action Plan for conservation of marine birds has dealt with this aspect in specific manner.

1.2.a. Did your country implement any legislation or regulations to forbid or regulate:

- the taking of birds ? Law No.15/2003 on Environment Protection and Improvement, chapter on protection of wildlife.
- birds trade ? There is a draft legislation on implementation of CITES in Libya, which include articles on bird trade.
- birds hunting ? Law no. 8 for 1968 on Hunting (bending revision).

1.2.b. What are the main penalties in case of non respect of this legislation and regulations ?

Penalties stated in Law 8 of 1968 are payment of fines, although those are out of date by now.

1.3. Did your country implement any legislation or regulations to prevent a major threat (oil spills, chemical pollution of the sea, ...) for the protection and management of bird species and habitat ?

Yes, many parts of Law 15/2003 is dealing with prevention and management of oil spills, and its effects on birds and marine environment and wildlife.

1.4. Does your country have any legislation forbidding the introduction of alien predatory species ?

No.

1.5. Did your country work out inventories of important habitat for the species covered by the Protocol ?

Yes, Libya is the most active party in conducting national inventories of natural areas, with the help of the RACSPA centre, for birds, Libya was the first country to carry out wintering water bird census after the adoption of marine birds AP. Since 2005 January census provided many important information and discoveries for birds in Libya. In summer, the *Sterna bengalensis* census, and ringing was a successful model of collaboration between the centre, EGA and the oil industry of Libya (see the reports with Lobna!). The next step is to invest this data in establishment of new protected areas.

## **2. Questions on the management of human activities**

2.1. Do you have any such things as programmes or initiatives concerning ecotourism ?

Yes, EGA in collaboration with UNDP started in 2007 a national project on protected areas, which include activities on ecotourism. With participation of the Libyan board for tourism, and the Libyan Agriculture Authority. The project should be finalised in 2009.

2.2. Did your country assess the environmental impact on bird species covered by the Protocol by activities which could endanger the habitat or protected areas important to those species ?

YES, most EIA's include part on birds, and where appropriate, details on birds of the protocol were taken into consideration.

## **3. Questions on the means of study and monitoring of wild bird species**

3.1. How did your country identify research priorities?

Annual program set by Nature Conservation Dept of EGA

3.2. What activities supervising wild birds and habitat did your country undertake ?

- Winter census in January-February.

- Summer census of *Sterna bengalensis*.
- Training initiative (just finished the first ever Southern Mediterranean training session in Benghazi and Hisha National Park, with support of the RACSPA and Cons. DeLittoral)
- Publishing awareness materials and preparing media campaigns.

3.3. Did your country organise any exchange of data with other countries or appropriate organisations ?

Yes for limited extent, with wetlands international and RACSPA.

**4. Questions on education and information measures**

4.1. Does your country offer any specific training for the staff in the field of the monitoring, the protection and management of protected areas that are important to the birds ?

Yes, every season there are some postgraduates or trainees participating into the winter and summer census. This could be an approach of practical training in the field, as ornithology is not taught in Libyan universities yet.

4.2. What did your country attempt to raise the public awareness of endangered birds and habitat towards the main protagonists (hunters, fishermen, decision-makers, public, ...) ?

TV, Radio, Press are widely used to make public aware about birds and other forms of endangered wildlife. NGO's still in primitive starts, but growing.

**5. General issues**

5.1. Does your country work out specific Action Plans for some endangered species and habitat?

In future there may be an AP on breeding population of *Sterna bengalensis*, but also on some other breeding species.

5.2. How does your country assess the working-out of these plans ?

5.3. Did your country ratify the AEWA Agreement ?

YES, Libya is an active member in AEWA, and lately worked as representative to North Africa in AEWA TC.

*II.3. LIBAN*

**1. Questions on the protection of bird species and habitat**

1.1. Has your country implemented a policy insuring bird species (and habitat), covered by the Protocol, protection and management?

YES: Only bird species but not habitats (Hunting Law: Law no 580 dated 25/2/2004, Article 4, and Paragraph B). This law is not implemented yet since it requires the issuance of its implementation decrees, knowing that hunting is prohibited since 1998 till date.

1.2.a. Did your country implement any legislation or regulations to forbid or regulate :

- the taking of birds ?

YES: Law No : 580, dated 25/2/2004 forbids the taking of birds except for scientific researchers who are allowed to capture birds for research reasons on the condition to release them back to the wild alive and unharmed and based on a special license.

- birds trade ?

YES: Law No 580, dated 25/2/2004 dealing with the trade of hunted birds.

- birds hunting ?

YES: Law No 580, 25/2/2004 that regulates hunting practices including defining hunting season and its locations and bird species permitted for hunting.

1.2.b. What are the main penalties in case of non respect of this legislation and regulations ?

One to two months jail and/or 666 US dollars and cancellation of the hunting License for 1 to three years (Articles 13, 15 and 16 of the Law no. 580).

1.3. Did your country implement any legislation or regulations to prevent a major threat (oil spills, chemical pollution of the sea, ...) for the protection and management of bird species and habitat ?

NO: However a contingency plan for marine pollution is underway to be developed as a result of the Oil spill incident in Lebanon resulting from 2006 conflict.

1.4. Does your country have any legislation forbidding the introduction of alien predatory species ?

NO. However the introduction of alien predatory species is forbidden in Nature Reserves.

1.5. Did your country work out inventories of important habitat for the species covered by the Protocol ?

Four habitats: 1) Palm Islands Nature Reserve (SPA, Ramsar Site, IBA), Tyre Coast Nature Reserve (Ramsar Site, ), Damour and Naqoura.

**2. Questions on the management of human activities**

2.1. Do you have any such things as programmes or initiatives concerning ecotourism ?

Yes: At Palm Islands Nature Reserve (SPA, Ramsar Site, IBA), Tyre Coast Nature Reserve (Ramsar Site, ).

2.2. Did your country assess the environmental impact on bird species covered by the Protocol by activities which could endanger the habitat or protected areas important to those species ?

NO

**3. Questions on the means of study and monitoring of wild bird species**

3.1. How did your country identify research priorities ?

Following the oil spill incident in 2006, the priority was given to researches on the impact of the spill on bird species, in 2007 the priority was given to the impact of Climate change and helping birds to adapt to climate change.

3.2. What activities supervising wild birds and habitat did your country undertake ?

Patrolling and bird watching within Nature Reserves.

3.3. Did your country organise any exchange of data with other countries or appropriate organisations ?

Exchange of data is conducted within the framework of AIWA Agreement and related international and regional meetings.

In addition, data is exchanged through the rare publications in scientific journals or through "BirdTalkLebanon" [birdtalklebanon@yahoo.com](mailto:birdtalklebanon@yahoo.com) <[birdtalklebanon@yahoo.com](mailto:birdtalklebanon@yahoo.com)>.

**4. Questions on education and information measures**

4.1. Does your country offer any specific training for the staff in the field of the monitoring, the protection and management of protected areas that are important to the birds ?

A training manual was prepared to assist rangers at Palm Islands Nature Reserve on bird monitoring.

Training on protection and management of protected areas is an ongoing activity most often facilitated by the Ministry of Environment through various projects.

4.2. What did your country attempt to raise the public awareness of endangered birds and habitat towards the main protagonists (hunters, fishermen, decision-makers, public, ...) ?

These activities are executed through conduction of workshops and production of posters and leaflets.

**5. General issues**

5.1. Does your country work out specific Action Plans for some endangered species and habitat ?

No

5.2. How does your country assess the working-out of these plans ?

5.3. Did your country ratify the AEWA Agreement ?

YES: in 13/6/2002

*II.4. TURQUIE*

**1. Questions on the protection of bird species and habitat**

1.1. Has your country implemented a policy insuring bird species (and habitat), covered by the Protocol, protection and management ?

-Yes, It has..Turkey has over 135 of international importance wetlands, 12 of Ramsar sites and over 80 wildlife protection areas.

-Regulations under Ramsar Convention and Terrestrial Hunting Law (Law no: 4915)

1.2.a. Did your country implement any legislation or regulations to forbid or regulate :

- the taking of birds ?- -Regulation on keeping, breeding, trade of game and wild animals, and keeping, producing, & trade of their derivatives under Terrestrial Hunting Law (Law no: 4915)

-Decisions of Central Hunting Commission

- birds trade ? CITES and Regulation on keeping, breeding, trade of game and wild animals, and keeping, producing, & trade of their derivatives under Terrestrial Hunting Law (No: 4915)

- birds hunting ? -Decisions of Central Hunting Commission

1.2.b. What are the main penalties in case of non respect of this legislation and regulations ?

-Terrestrial Hunting Law (No: 4915)

1.3. Did your country implement any legislation or regulations to prevent a major threat (oil spills, chemical pollution of the sea, ...) for the protection and management of bird species and habitat ?

-Regulations on Wetland under Environment Law (No: 2872)

1.4. Does your country have any legislation forbidding the introduction of alien predatory species ?

-Regulation on keeping, breeding, trade of game and wild animals, and keeping, producing, & trade of their derivatives under Terrestrial Hunting Law (No: 4915)

1.5. Did your country work out inventories of important habitat for the species covered by the Protocol ?

-12 of Ramsar areas are important habitat areas for bird species and there are records of birds. Also some NGOs has work on some habitats and did inventory for some habitats (as Important Bird Areas)

**2. Questions on the management of human activities**

2.1. Do you have any such things as programmes or initiatives concerning ecotourism ?

-Especially NGOs carry out

2.2. Did your country assess the environmental impact on bird species covered by the Protocol by activities which could endanger the habitat or protected areas important to those species ?

-Yes it did. Environmental Impact Assessment is asked for during building up of wind energy stations, electricity transmission line projects.

**3. Questions on the means of study and monitoring of wild bird species**

3.1. How did your country identify research priorities ?

-Turkey gives an importance research priorities primarily on Ramsar sites to make management plans .

3.2. What activities supervising wild birds and habitat did your country undertake ?

-Government guards control activities on bird habitat also birds. And now Turkey set up new data base on biodiversity (National Noah's Ark Biodiversity Database) (fauna and flora including birds)

3.3. Did your country organise any exchange of data with other countries or appropriate organisations ?

Some NGOs is organising any exchange data with other countries or organisations.

**4. Questions on education and information measures**

4.1. Does your country offer any specific training for the staff in the field of the monitoring, the protection and management of protected areas that are important to the birds ?

-Yes, it does under National Noah's Ark Biodiversity Database. And also some staffs are educated to eradicate Bird flu disease.

4.2. What did your country attempt to raise the public awareness of endangered birds and habitat towards the main protagonists (hunters, fishermen, decision-makers, public, ...) ?

- Ministry of Environment and Forestry, NGOs attempt to increase public awareness for Hunters, decision makers etc. Wildlife department organises hunting courses in all provinces of Turkey to raise conscious hunting. Some programmes are prepared and published on TV, radios, also leaflets, brochures are prepared by Government also NGOs.

**5. General issues**

5.1. Does your country work out specific Action Plans for some endangered species and habitat ?

-Turkey has some management plans on some Ramsar sites and Wildlife Protection Areas and activities are going on.

5.2. How does your country assess the working-out of these plans ?

-Every year plans are evaluated with central government and local government..

5.3. Did your country ratify the AEWA Agreement ?

-Turkey is not member of AEWA.

*II.5. BOSNIE HERZEGOVINE*

**1. Questions on the protection of bird species and habitat**

1.1. Has your country implemented a policy insuring bird species (and habitat), covered by the Protocol, protection and management ?

Theoreticaly we have signed different protocols etc. but practicaly we are not implemet it.



1.2.a. Did your country implement any legislation or regulations to forbid or regulate :

- the taking of birds ?

no

- birds trade ?

no

- birds hunting ?

We have low but implementation is really bad.

1.2.b. What are the main penalties in case of non respect of this legislation and regulations ?

500-10.000 Euro

1.3. Did your country implement any legislation or regulations to prevent a major threat (oil spills, chemical pollution of the sea, ...) for the protection and management of bird species and habitat ?

you can find in different laws some regulations (e.g law of waters)

1.4. Does your country have any legislation forbidding the introduction of alien predatory species ?

yes

1.5. Did your country work out inventories of important habitat for the species covered by the Protocol ?

yes and no. You have this in laws or strategy but just NGO ornitological society "Naše ptice" practically work on this.

**2. Questions on the management of human activities**

2.1. Do you have any such things as programmes or initiatives concerning ecotourism ?

very rare. Some projects like ecowildlife which include birdwatching

2.2. Did your country assess the environmental impact on bird species covered by the Protocol by activities which could endanger the habitat or protected areas important to those species ?

yes and no. You have this in laws or strategy but practically no.

**3. Questions on the means of study and monitoring of wild bird species**

3.1. How did your country identify research priorities ?

we have strategy for biodiversity and protection of environmental on different levels. This is more theoretical in practice usually work NGO and very small project of institution (Museum of B&H and Museum of Republica Srpska)

3.2. What activities supervising wild birds and habitat did your country undertake ?

Some projects is actualy in this moment (e.g Balkan vulture action plan), collaboration with different organisation and some small projects of institution (e.g Sava river) wich include bird research useful for protection.

3.3. Did your country organise any exchange of data with other countries or appropriate organisations ?

Just NGO Ornithological society "Naše ptice" (Our birds) have collaboration with BirdLife, EURONATUR, BVCF and other bird's organisation and exchange data. Museums exchange some data but it have a little project so data is poor.

**4. Questions on education and information measures**

4.1. Does your country offer any specific training for the staff in the field of the monitoring, the protection and management of protected areas that are important to the birds ?

No. Only NGO Ornithological society "Naše ptice" (Our birds) try make some program for education for monitoring.

4.2. What did your country attempt to raise the public awareness of endangered birds and habitat towards the main protagonists (hunters, fishermen, decision-makers, public, ...) ?

No. Only NGO Ornithological society "Naše ptice" (Our birds) try make actions for public.

**5. General issues**

5.1. Does your country work out specific Action Plans for some endangered species and habitat ?

No

5.2. How does your country assess the working-out of these plans ?

No

5.3. Did your country ratify the AEWA Agreement ?

In progress

*II.6. ESPAGNE*

**1. Questions on the protection of bird species and habitat**

1.1. Has your country implemented a policy insuring bird species (and habitat), covered by the Protocol, protection and management ?

Yes (Ley 42/2007, de 13 de diciembre, del Patrimonio Natural y de la Biodiversidad)

1.2.a. Did your country implement any legislation or regulations to forbid or regulate :

- the taking of birds ?

Yes (Ley 42/2007, de 13 de diciembre, del Patrimonio Natural y de la Biodiversidad)

- birds trade ?

Yes (Ley 42/2007, de 13 de diciembre, del Patrimonio Natural y de la Biodiversidad)

- birds hunting ?

Yes (Ley 42/2007, de 13 de diciembre, del Patrimonio Natural y de la Biodiversidad)

1.2.b. What are the main penalties in case of non respect of this legislation and regulations ?

In addition to jail penalties, the national economy fines can reach an amount of 2.000.000 Euros, amount that can be higher if a regional governments starts court procedures.

(Ley 42/2007, de 13 de diciembre, del Patrimonio Natural y de la Biodiversidad + [Ley 26/2007, de 23 de octubre, de Responsabilidad Medioambiental](#))

1.3. Did your country implement any legislation or regulations to prevent a major threat (oil spills, chemical pollution of the sea, ...) for the protection and management of bird species and habitat ?

Yes, in addition of developing the international regulations coming for the International Maritime Organisation, Spain has developed specific national and regional instruments such as Contingency Plans for marine and coastal areas. Furthermore, nowadays Spain is in the process of developing a new National Law for Maritime Navigation where all of these aspects will be undertaken.

1.4. Does your country have any legislation forbidding the introduction of alien predatory species ?

Yes (Ley 42/2007, de 13 de diciembre, del Patrimonio Natural y de la Biodiversidad)

1.5. Did your country work out inventories of important habitat for the species covered by the Protocol ?

Yes. SEO/BirdLife, with the support of the Spanish Government, has an Inventory of marine Important Bird Areas (IBA).

**2. Questions on the management of human activities**

2.1. Do you have any such things as programmes or initiatives concerning ecotourism ?

Yes, many initiatives undertaken by the tourism sector including bird ecotourism.

2.2. Did your country assess the environmental impact on bird species covered by the Protocol by activities which could endanger the habitat or protected areas important to those species ?

Yes (Ley 42/2007, de 13 de diciembre, del Patrimonio Natural y de la Biodiversidad + Real Decreto Legislativo 1/2008, de 11 de enero, de evaluación de impacto ambiental de proyectos).

### **3. Questions on the means of study and monitoring of wild bird species**

#### **3.1. How did your country identify research priorities ?**

Since 1998, exists a monitoring scheme which include several projects (each project focusing in different bird groups). The results are very useful to identify both conservation measures and research priorities.

#### **3.2. What activities supervising wild birds and habitat did your country undertake?**

(See question 3.1). Programs on wild birds monitoring, at a national level: SACRE, NOCTUA, PASER and species-specific monitoring programs. All of these programs are funded by the Spanish Ministry of the Environment, and Rural and Marine Affairs, and are carried out by the Spanish Ornithological Society (SEO/BirdLife)

[http://www.seo.org/programa\\_ficha.cfm?idPrograma=3](http://www.seo.org/programa_ficha.cfm?idPrograma=3)

#### **3.3. Did your country organise any exchange of data with other countries or appropriate organisations?**

Yes. Spain share information with the European Union, and hence, with all the EU Members. Also, relevant information regarding birds is submitted to BirdLife International. All information obtained from bird's management programs is online and published.

### **4. Questions on education and information measures**

#### **4.1. Does your country offer any specific training for the staff in the field of the monitoring, the protection and management of protected areas that are important to the birds ?**

Yes, Regional and National Authorities organised training courses for Environmental Rangers.

#### **4.2. What did your country attempt to raise the public awareness of endangered birds and habitat towards the main protagonists (hunters, fishermen, decision-makers, public, ...) ?**

All stakeholders are involved on every decision or initiative. The Advisory Council for the Environment includes NGOs, hunters, fishermen, etc.

### **5. General issues**

#### **5.1. Does your country work out specific Action Plans for some endangered species and habitat ?**

Yes, Spain has specific Management Plans for several bird species, for example Puffinus mauritanicus and Larus audouinii.

#### **5.2. How does your country assess the working-out of these plans ?**

The Management Plans includes monitoring initiatives, based on the different protection categories.

#### **5.3. Did your country ratify the AEWA Agreement ?**

Yes.

## ANNEXE II : Références bibliographiques utiles

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**United Nations Environment Programme**  
**MEDITERRANEAN ACTION PLAN**  
**Regional Activity Centre for Specially Protected Areas**

**« Study Reference »**

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- *Séminaire franco-marocain sur l'avant-projet de loi du Maroc relatif à la protection du littoral* (Ministère français des Affaires Étrangères) (mai 1997) ;
- *Réflexions préalables à l'élaboration d'un cadre institutionnel et juridique pour la protection d'espaces naturels remarquables au Liban* (Ministère français des Affaires Étrangères) (juillet 1997) ;
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- *Réflexions préalables à la mise en place au Sultanat d'Oman d'une nouvelle procédure de délivrance des permis relatifs aux projets susceptibles d'affecter l'environnement* (Ministère français des Affaires Étrangères) (décembre 1998) ;
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- *Assistance technique à la mise en place des premiers éléments d'un cadre juridique concernant la création d'aires protégées marines et côtières en Tunisie* (BRL Ingénierie) (janvier et mai 2001) ;
- *Audit d'organisation du département de l'environnement du Royaume du Maroc (MATUHE), Diagnostic et propositions d'optimisation à attributions et moyens constants*; Ambassade de France à Rabat (SCAC) (mars 2002).
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