

## **Meeting of the Malta Ornis Committee**

**5<sup>th</sup> October 2016, WBRU, 1630 - 1930**

### **Minutes**

#### **Attending members:**

Prof Mark Anthony Falzon – Chairman  
Mr Sergei Golovkin - Secretary  
Mr Nicholas Barbara - Birdlife (Malta)  
Mr Lino Farrugia – FKNK  
Mr Joe Perici Calascione – FKNK  
Mr Frank Vassallo– Hunting and Trapping Expert  
Mr Marco Falzon – Member nominated by Government  
Mr George Coleiro - Member nominated by Government  
Mr Mark Gauci – Avifauna Expert  
Mr Stephen Saliba – MEPA

**Excused:** Mr Mark Sultana – Birdlife (Malta), Dr Josef Masini Vento

**Other contributors present:** Inspector Colin Sheldon, ALE

#### **(1) Adoption of the agenda**

1.1 The agenda was adopted with minor changes to the order.

#### **(2) Approval of the minutes**

2.1 Minutes of the meeting held on 9<sup>th</sup> June 2016 were approved.

#### **(3) Matters arising and matters to report**

3.1 On behalf of the Committee, the Chairman expressed appreciation for the service of Gwido Baldacchino and Emeline Fenech who have been replaced by new members George Coleiro and Josef Masini Vento. He welcomed the new members.

#### **(4) Updates on enforcement**

4.1 The Chairman invited Inspector Colin Sheldon (ALE) to inform the Committee regarding enforcement.

4.2 Inspector Sheldon explained that the ALE are conducting patrols and surveillance of the countryside as well as spot-checks on individual hunters. During the first three weeks of September these patrols were carried out by core ALE staff, however since the last week of September the enforcement complement was further augmented with seconded officers from other police units as well as with personnel from the AFM. Over the coming days the AFM will be further beefing up its contingent detailed to assist the ALE on hunting patrols, including by dispatching officers to Gozo. Unfortunately a number of incidents of illegal shooting of protected birds were detected, particularly during the second and third weeks of September. These incidents are being investigated, however despite the fact that in a number of cases video footage was provided, so far the evidence gathered in

relation to these cases is still insufficient to enable prosecution of suspects in court. On one occasion a poaching incident was filmed by CABs, which released footage to the media prior to notifying the police. Upon investigation it resulted that the filmed location did not correspond to the actual location of the incident as reported. On other occasions suspects were identified and questioned and a search was conducted on their premises however these procedures have so far not yielded enough material evidence to enable prosecution. However at this stage investigations are still ongoing. Inspector Sheldon furthermore noted that this year was characterised by unusually high intensity of migration of birds of prey, which also peaked earlier than usual.

4.3 Sergei Golovkin further added to Inspector Colin Sheldon's intervention by stating that according to enforcement records, patrols at the beginning of September started with the core complement of 6-8 officers deployed during each shift in Malta. This effort was gradually augmented to between 20 and 30 officers on the beat during each shift towards the end of September. Unfortunately policing effort in Gozo initially lagged behind, with structured patrols and spot-checks commencing around 15<sup>th</sup> September. At present 4 officers are deployed in Gozo during each shift, and this will be augmented by a further 4-officer patrol from the AFM by 10<sup>th</sup> October.

4.4 Echoing Inspector Sheldon's account of the intensity of migration, Sergei Golovkin said that migration of protected birds of prey was much more intense than migration of huntable species in September, which was also confirmed by the results of the monitoring study of Turtle Dove and Quail migration, as well as reports of birds bagged by hunters. He circulated a summary of the catches of these two species as reported through telephone game reporting system, as well as results of independent migration study monitoring. The two trends were correlated in a graph which showed that despite low numbers sighted by observers and reported by hunters, there was a very good correlation between the two trends with no major discrepancies at all. He also highlighted that such rapid analysis of results was made possible through the introduction of the telephonic reporting system which enabled instant retrieval of data and its processing.

4.5 Sergei Golovkin also stated that he has been contacted by the Secretariat of UNEP's CMS Convention to provide a reaction to reports of spike in illegal incidents, particularly in the light of the recently reported letter from UN Patron of the Oceans Mr Lewis Pugh. He explained that he provided extensive account of the situation to UNEP and this was subsequently circulated to the members of the Mediterranean Task Force on the eradication of illegal killing of birds. Whilst the relative spike in the number of incidents registered during September is regretted, it should still be seen within the overall context of considerable progress made over the past three years, whilst at the same time clearly highlighting that the fight against wildlife crime is not yet over and more remains to be done.

4.6 Mark Gauci echoed the concerns expressed during earlier meetings by Mark Sultana, who was of the opinion that the moment the authorities weaken their enforcement presence in the field and "remove their feet from the gas pedal", illegalities tend to recur. This seems to have happened this September.

4.7 George Coleiro mentioned importance of education in bringing about a sustained change. Threats and deterrents tend to work in the short term but a long term change is only possible through change in culture, achieved through education.

4.8 Joe Perici Calascione said that whilst the FKNK has done everything possible to condemn illegalities and to help the authorities, including by announcing suspension of membership to anyone accused of killing a protected bird, as well as by announcing rewards for information leading to conviction of perpetrators, it should be noted that many *bona fide* hunters are reluctant to report abuse out of fear that the season may be closed. Therefore pressure being put by BLM upon the government is not only "unfair" and "undemocratic", but is also counterproductive since it discourages proper enforcement by hunters themselves.

4.9 Lino Farrugia added that the vast majority of hunters are extremely frustrated and disappointed over the ever increasing regulations and restrictions that progressively crept upon and eroded their pastime. Hunters feel they are discriminated upon when compared to their EU counterparts, and that the pressure being put on Malta is “grossly unfair”. He referred specifically to IUCN statement in April, as well as to statements from European Commission with regards to spring hunting of the turtle dove. Maltese hunters are “fed up” and frustrated over turtle dove shooting moratorium, which “does not make logical sense” because Malta “can never make any difference” to turtle dove populations in Europe. This frustration sometimes manifests itself in rebellion against the rules, including in illegal killing of protected birds. FKNK does not condone but condemns such illegal behaviour, however the authorities must also understand the sentiment expressed by many hunters. The FKNK will “never accept” any “undemocratic collective punishment” of closing the season as advocated by Birdlife.

4.10 Marco Falzon said that the effort of the authorities should always be focused on preventing illegalities and on prosecuting and penalising those who breach the law, and not on depriving those who abide by the law of their pastime. It seems that overall the situation has improved greatly compared to the past years, and the current spike in the incidents should be seen as a temporary setback to be overcome quickly and not as an indication that the reforms were not working.

4.11 Chairman asked Inspector Sheldon whether he has any suggestions for improving enforcement in future. Inspector Sheldon mentioned the possibility of stipulating minimum enforcement deployment requirements during autumn in the law, similar to legal requirements already in place during derogations. This may help the police to secure appropriate resources to ensure high levels of policing during the entire period of peak migration of protected birds. He also mentioned a specific suggestion concerning one particular location in Qawra. The island connected by semi-submerged isthmus to Ta' Fra Ben peninsular in Qawra is used for hunting of waterfowl by at least two hunters who constructed hides in the area. However the police are receiving many complaints from nearby residents and users of the area regarding shooting and alleged illegal use of bird callers. The area is frequented by hundreds of bathers during summer months and is practically surrounded by tourism-related developments, including national aquarium and a blue flag beach nearby. Hunting in these areas poses safety hazard to other users and causes nuisance. The police are of the opinion that this area should be declared as no hunting zone.

4.12 Chairman noted that due to Malta's population density, conflicts amongst users of different areas are commonplace. Hunting is a legitimate activity even if it may be perceived as causing nuisance to other land users. Therefore the issue of nuisance, on its own, is not a sufficient basis for prohibiting an activity. On the other hand the activity in that specific area is also a safety concern, which must be the overriding consideration. Therefore if the proposal to declare the area as a no-hunting zone is given the go-ahead, it should also clearly be stated that this decision does not create a general precedent, but is taken on its own merits.

4.13 Nicholas Barbara made reference to a number of illegalities that were reported to have occurred in this area in the past, as well as to court cases that resulted from such incidents. In Birdlife Malta's opinion, the area should be declared as a no hunting zone.

4.14 Chairman asked regarding WBRU's opinion on this proposal. Sergei Golovkin replied that WBRU would support Inspector's request, and the best manner in which this can be upheld is by amending Schedule VII of the Conservation of Wild Birds Regulations to include the area in the list of “protected beaches”. He also agreed with the suggestion that this should not be construed as a general precedent; however in this specific case due to low scale of hunting in the area and a significant apparent conflict with other uses, re-designation of the area may be merited. He also questioned whether this re-designation should be considered on its own or as part of a potentially wider exercise to review other existing no hunting zones. He furthermore mentioned that in his opinion, re-designation of the area would favour the image of the hunting community, since a visible conflict that exists between hunting and other users in this area first and foremost tarnishes the reputation of the hunting community. He added that this is not a “moral judgement”, but simply a

statement of the fact that local residents and tourists using the beach a few metres apart from the hunting area are greatly inconvenienced and possibly endangered by the hunting activity there.

4.15 Lino Farrugia reacted to the above suggestions by stating that the hunting community suffered a lot from gradual and progressive imposition of various restrictions. This proposal implies further removal of already scarce hunting areas. Many areas of countryside have become spoilt due to development and the FKNK always opposed urban sprawl and campaigned in favour of conservation and preservation of the countryside. However instead of being rewarded for its efforts, the FKNK and its members are being “punished” with such proposals. The FKNK furthermore objects to a decision being taken on this proposal at the present sitting, since the item was not on the agenda. The FKNK will require further time to assess the situation and prepare its reaction.

4.16 Reflecting on Lino Farrugia’s intervention the Chairman proposed that this item should be scheduled for consideration at the next Ornis sitting. The Committee agreed.

## **5. Culling of feral pigeons**

5.1 The Chairman invited Sergei Golovkin to introduce this agenda item.

5.2 Sergei Golovkin made reference to culling of feral pigeons (*Columba livia domestica*) which is carried out from time to time by various local councils in the interest of public health. Since the species *Columba livia* is listed in the Birds Directive, the legal protection afforded by the Directive to the species also applies to the feral strain of the domesticated pigeons, from a legal point of view such culling exercises should be subject to Article 9 derogation and associated procedures. The practice to date appears to have not been compliant with these legal requirements. Therefore it is suggested that the Ornis Committee provides appropriate guidance to the local councils to ensure that such requests are brought in line with the law. This can be effected in at least two ways: either by instructing local councils to submit requests for pigeon control / culling exercises to Ornis for consideration on a case-by case basis, or by enacting some form of framework regulations which would provide the overall parameters for authorisations for such exercises. The latter legislation can be similar in scope to the framework regulations that authorise bird control within the perimeter of the Malta international airport in the interests of air safety. In line with such legislations, special permits can be issued by WBRU in each specific case without the need to resort to notices of derogations going through Ornis on each occasion.

5.3 The Chairman said that the proposal for legislation seems preferable as it is more practical and less bureaucratic. He invited members to express their views. As a result of brief deliberation on this point the majority of the members expressed a view that WBRU should develop a proposal for such legislation for further discussion at the Committee. FKNK objected to this proposal on the grounds that regulation of pigeons does not fall within the remit of the Ornis Committee.

## **6. Release of captive bred game**

6.1 Sergei Golovkin explained that WBRU received request for guidance from FKNK, concerning the release of captive bred game for the purpose of training of gun dogs outside the hunting season, and for the purpose of harvesting such birds during or outside the season. The FKNK asked for guidance and clarification of applicable legal provisions in this regard.

6.2 WBRU examined the legal situation and noted that whilst captive bred birds fall outside the scope of the Conservation of Wild Birds Regulations, the law nonetheless regulates the activity of hunting, as well as the species that can be hunted. There appears to be one specific provision which is indirectly related to this request, namely Regulation 20 (b) which prohibits anyone to “*promote, permit, assist or take part in any event whatsoever in the course of which captive birds are liberated*”

*for the purpose of being shot at on their release.*” It is understood that the intention of the legislator in this case was to outlaw the past practice of “*sparar bil-kaxxa*” which was deemed to be incompatible with the principles of animal welfare. However this provision appears to prohibit the practice of harvesting such released game immediately upon their release, but does not regulate situations where captive bred game are released and harvested after some time following such release. Therefore there appears to be nothing in the present regulations that would prohibit releasing captive bred game belonging to huntable species during or before legal hunting season, for the purpose of harvesting such game some time after such release during the legal season. Hunters carrying out such practice do not need any permit or authorisation from WBRU. However this is without prejudice to other legislation that may also apply, such as regulations pertaining to invasive alien species, regulations related to permitting for activities within Natura 2000 sites and other applicable laws for which the Environment and Resources Authority (ERA) is responsible. Therefore even though hunters do not need a WBRU permit for such an activity during hunting seasons, they should nonetheless seek clearance from ERA.

6.3 Nicholas Barbara said that Birdlife Malta has always opposed release of captive bred game into the wild because such activities carry the risk of weakening genetic pool of wild species through potential inter-breeding. Moreover there is the risk of introducing alien strains that would go counter to EU conservation and management efforts. For example, if captive bred Japanese quails are accidentally introduced into the wild, this would go counter to the objectives of EU management plan for this species.

6.4 Stephen Saliba confirmed that the ERA is responsible for issuing nature permits and authorisations for activities that involve release or introduction of any species into the wild. He will discuss this issue further internally and will revert back with the proposed way forward.

6.5 With reference to the proposed release and harvesting of captive bred game outside of the hunting seasons, Sergei Golovkin said that such an activity would necessitate a derogation from the provisions of regulation 18, within the meaning of regulations 9 and 10(6) (c) and provisos thereof. Such derogations can only be granted on a case by case basis following procedure stipulated in the above regulations, including consideration by Ornis, publication of the notice of the derogation by the Minister, and issuance of special license for the activity by WBRU.

6.6 Joe Perici Calascione said that the practice of release of captive bred game for the purpose of its harvesting is a well established practice all over Europe. The practice also has conservation benefits arising as a result of hunters efforts at habitat and game management, as well as due to relieving pressure from wild species. The FKNK therefore does not see why this practice should face obstacles.

6.7 Lino Farrugia said that for the time being the FKNK is focused on the practice of release and harvest during the hunting season. It appears from the position of WBRU that no WBRU permit is required for this activity, but some form of permit may be required from ERA. He appealed to the authorities to be practical and not to come up with unnecessary bureaucratic requirements. He also downplayed the concerns of potential introduction of alien strains or weakening of genetic pool of wild populations, since the chances of such inter-breeding occurring in Malta are virtually non-existent. The FKNK will be raising the issue of release and harvest outside the season separately in due course.

## **7. Any other business**

7.1 The Committee did not discuss any other business.

7.2 The meeting was adjourned at 1930 hrs.

7.3 The next meeting shall be scheduled for Wednesday 2<sup>nd</sup> November.