

Meeting of the Malta Ornis Committee

17 June 2015, Hexagon House, MEPA, 1500 - 1730

Minutes

Attending members:

Prof Mark Anthony Falzon – Chairman
Mr Sergei Golovkin - Secretary
Mr Nicholas Barbara – Birdlife (Malta)
Mr Lino Farrugia – FKNK
Mr Gwido Baldacchino - Member nominated by Government
Mr Marco Falzon – Member nominated by Government
Ms Emeline Fenech – Member nominated by Government
Mr Frank Vassallo– Hunting and Trapping Expert
Mr Mark Gauci – Avifauna Expert
Mr Stephen Saliba – MEPA

Excused: Mr. Geoffrey Saliba - Birdlife (Malta); Mr Joe Perici Calascione – FKNK

1. Adoption of the agenda

1.1 The agenda was adopted.

2. Adoption of the minutes of the meeting held on 27 May 2015

2.1 Minutes were adopted subject to corrections proposed by Chairman.

3. Matters arising and matters to report

3.1 Nicholas Barbara asked whether the recent developments concerning finch trapping infringement procedure and changes in the conservation status of Turtle Dove would affect Ornis recommendations made so far in respect of finch trapping and spring hunting derogations.

3.2 Chairman responded that the Committee was aware of the potential escalation of the finch trapping infringement case, however it was previously agreed that the Committee's consideration was limited to scientific and technical aspects. The Committee has no remit in legal issues that appear to be a matter of dispute between the government and the Commission. As regards conservation status of Turtle Dove, since the latest assessment was published in June, that is after this year's spring hunting derogation, this development can only affect decisions that may be taken on next year's derogation. The Committee normally begins to debate spring hunting early in the year, to ensure that all latest scientific updates are fully taken into consideration.

4. Birdlife (Malta)'s submission to Bern Convention

4.1 Nicholas Barbara made reference to the letter dated 7th May 2015, in which the Secretariat of the of the Bern Convention stated: *"During the discussions, the Bureau further noted the limits of a complicated and specific legal regime of derogations, and stressed that some of the requests of the NGO may deserve a more detailed evaluation from the authorities, for instance the case of the 3 p.m.*

curfew, which could probably be re-considered.”. Therefore Birdlife (Malta) wishes to discuss this request at the Committee.

4.2 Chairman asked to clarify origins of this correspondence from the Bern Convention.

4.3 Nicholas Barbara explained that a complaint was initiated in 2012 by a private citizen, and the Secretariat of the Convention subsequently requested the Maltese government and Birdlife (Malta) to provide reports on the situation with regards to the implementation of the Convention. There subsequently were a series of reports submitted by both the government and the NGO, with the latest submissions lodged in March 2015. The present letter from the Secretariat refers to the submissions made in March.

4.4 Sergei Golovkin clarified further that the original complaint lodged by a citizen did not concern the issue of the “curfew” or “carnet de chasse”, but was a general allegation that illegal killing of protected birds was going on unchecked on Malta. Subsequently, this has evolved into a “complaint on-stand-by” procedure, with the Convention Secretariat seeking up-to-date information on the various aspects of implementation of the Convention by Malta. It is in this context that a series of reports by the government and by Birdlife (Malta) were submitted, the latter raising additional issues that were unrelated to the scope of the original “complaint”.

4.5 Nicholas Barbara continued to explain the issues listed in Birdlife (Malta)’s submission. These included concerns related to last autumn hunting season, and in particular – concerns over bag verification and the veracity of Carnet de Chasse reports; concerns related to the removal of the 3 pm “curfew”; concerns related to trapping derogations as well as concerns related to tackling of wildlife crime.

4.6 Referring to Birdlife (Malta)’s concerns related to previous autumn bag reporting, Sergei Golovkin pointed out that this issue was discussed in depth during two Ornis meetings in March 2015. Detailed technical reports were presented and the matter was discussed from various angles. Since the Committee has previously reached its conclusions on this issue, there appears to be little further scope for discussion on this issue at this juncture.

4.7 Chairman noted that the issue of Carnet de Chasse veracity is one of the perennial Ornis discussion topics. Carnet de Chasse figures may not be perfect but they seem to be the best available data that we have.

4.8 Lino Farrugia recalled that it was the FKNK which has originally promoted the introduction of Carnet de Chasse. The FKNK was instrumental in introducing this tool, and in securing hunters’ acceptance of it. However over the years, hunters’ confidence in Carnet de Chasse was undermined by the protectionist lobby, which used hunters’ reports to undermine hunters’ rights. However despite this problem, by and large Carnet de Chasse provides the best available data on the actual situation. Lino Farrugia furthermore pointed out that many countries do not use Carnet de Chasse at all, and that Malta’s game reporting system is, despite its limitations, amongst the best in Europe. He also pointed out that in the past there were no “hard” legal obligations upon the hunters to report the game caught immediately and before leaving the hunting area. However in 2013 such a legal obligation was introduced, and was rigorously enforced by the police. Persons caught not complying with this obligation were prosecuted and fined. Whilst there still remains the scope for improving the Carnet de Chasse system further, the FKNK is focused on such improvements in a positive way. For example the FKNK is preparing to organise training courses for hunters. Initially these courses will target new license applicants, to help them prepare for their exams; however in future this training may be extended to all FKNK members.

4.9 Chairman commended FKNK’s initiative and said he agrees that the system may be improved further. He also noted that the concerns raised by Birdlife (Malta) apply to all self-reporting systems, such as the system of tax compliance for instance. Whilst the system can be improved, there is no real

alternative to a self-compliance system in this case. He mentioned as an example duck hunting reporting systems in the US, which, although essentially of self-reporting nature, are widely known to have achieved practical results with very high levels of compliance. Similar systems are also known to work well in the case of large game hunting. However admittedly it is more difficult to control the veracity of small game hunting reports and much depends on the prevailing culture of compliance.

4.10 Mark Gauci said that it is important to understand that Birdlife (Malta)'s concerns are legitimate, because some of the Carnet de Chasse data reported "clearly does not correspond to reality". He mentioned as an example the reports of Turtle Doves bagged in January, as well as reports of bagging rare species such as Bean Goose.

4.11 Sergei Golovkin said the government is investing considerable resources to continuously improve the reporting situation. This is being tackled on two fronts. In the first instance, legal obligations to report were strengthened through the 2013 legal reform. Prior to that, no one was booked for not completing the Carnet de Chasse. However the situation today is completely different. Penalties for reporting-related abuse were strengthened, and the intensity of field inspections was increased drastically over the past two years. These efforts are aimed at addressing the veracity of Carnet de Chasse reporting at source. Secondly, the WBRU has introduced measures to improve rates of collection of Carnet de Chasse booklets. These measures led to excellent collection rates of over 99%. Data extraction and verification processes were also improved, with multiple checks being conducted as part of the data extraction process. The WBRU is presently working on a major reform of the licensing process. As part of this reform, it is envisaged that the Carnet de Chasse system may be phased out next year, to be replaced with a telephone game reporting system and a multi-annual licensing system. This system is envisaged to be less costly to operate, more reliable and accurate, and more convenient to hunters.

4.12 Lino Farrugia said that the FKNK has concerns regarding the proposed system which will need to be discussed in greater detail. For example he questioned how the hunters can report multiple species via a telephone. Sergei Golovkin responded by saying that discussions with the hunting organisations are ongoing with regards to the technical details of the proposed system. Tendering process for the development of a telephone system for all hunting seasons is also underway. He is confident that there are technical solutions to hunters' concerns. For example, in the case of multiple huntable species, hunters will be given a card which will contain images of these species, as well as the corresponding names and codes that will be used for telephone reporting.

4.13 Nicholas Barbara continued to explain concerns with regards to the removal of the 3 pm curfew. Birdlife (Malta) consistently argued that the removal of this curfew in 2013 had a detrimental effect on the protection of birds. He referred to statistics pertaining to the number of injured birds received by Birdlife (Malta) over the past few years between 1st September and 31st October and also mentioned that government's decision to suspend autumn hunting season in 2014 actually underscores the effectiveness of the curfew since evidently fewer illegal targeting incidents occurred as a result of the suspension.

4.14 Sergei Golovkin replied that Birdlife (Malta)'s request to reinstate the 3 p.m. hunting "curfew" was discussed in detail during several meetings of the Malta Ornis Committee in July 2013 and in July 2014. The Committee previously concluded that there appeared to be no substantive grounds for re-instatement of the 3 pm "curfew", since 2013 and 2014 autumn enforcement statistics indicate a sharp decline in the number of offences committed during the former "curfew" period, that is, after 3 p.m. between 15 and 30 September, in comparison with previous years when the "curfew" was in place. Indeed only one incident of illegal targeting of protected birds was disclosed during this period in 2013 and in 2014 respectively after 3 p.m. This contrasts sharply with the situation in previous years when multiple incidents of illegal targeting of protected birds were registered during this period. The above positive trend was also confirmed through statistics of recovered protected birds diagnosed by the authorities as suffering from gunshot wounds. The number of such birds received by the authorities during the former "curfew" period between 15 and 30 September declined sharply from 49

birds treated in 2012, to 18 birds treated in 2013, to 12 birds treated in 2014. In light of the above figures, the authorities are confident that a general improvement in field enforcement, coupled with increased penalties for offences and greater awareness are by far more effective measures to prevent and curtail abuse, than any curfew-type restrictions on lawful hunting practices.

4.15 Sergei Golovkin furthermore said that the authorities constantly monitor the situation, and may consider taking further measures, should the need arise. Should the enforcement deteriorate, Government may consider any measure, including possible revision of any parameter of the season. He also suggested that the legal functions of the Ornis Committee may be amended to empower the Committee to recommend to government any changes to the parameters of any bird hunting season at any time on the basis of the criteria that the Committee may adopt. With such an amendment, the Committee will be able to recommend, amongst other, the imposition of any temporary or permanent curfew-type measures or even season suspension, if the Committee feels that such measures are justified.

4.16 Chairman reacted to the latter suggestion by saying that such an amendment may not be necessary and the Committee should not be expected to assume the responsibility of the authorities. Sergei Golovkin clarified that the Committee may be empowered to recommend measures, however their adoption or otherwise is always the prerogative of the Minister. A brief discussion ensued; however the Committee did not reach consensus.

4.17 Nicholas Barbara continued to explain further the concerns raised in BLM's submission to Bern Convention regarding trapping derogations. Whilst these concerns were discussed during previous Ornis sessions, BLM does not believe that these concerns were effectively addressed. BLM thus continues to have reservations with regards to whether these derogations meet the "judicious use", "strict supervision" and "small numbers" requirements, amongst other. BLM has serious doubts that the conservation status of the species concerned would not be jeopardised through these derogations. Moreover, the impact of trapping on habitats should also not be underestimated. In this regard, BLM need to know whether the government would be issuing new licenses this year and would allow registration of new trapping sites.

4.18 Sergei Golovkin replied that the government is considering Ornis recommendations and will decide in due course. The WBRU at this stage is not recommending the issuance of new trapping licenses. Moreover, the current legislation already provides the parameters for registration of sites. In all cases no new sites that did not exist prior to end of December 2012 can be registered.

4.19 Lino Farrugia noted that trapping has been practiced for centuries with no negative impact on protected habitats. Indeed the fact that certain protected habitats like garrigue still exist today is, in all probability, partly due to conservation efforts of hunters and trappers.

4.20 Nicholas Barbara went to explain further that BLM expressed additional concerns with regards to the apparent lack of progress to establish a Wildlife Crime Unit, as well as concerns over enforcement data reported by the authorities. In BLM's view, the large number of inspections quoted by the authorities does not seem to be realistic. In addition, there remain to be wide discrepancies between the official statistics of wildlife crime disclosed by the authorities and the actual number of illegalities observed by NGOs.

4.21 With reference to the proposed Wildlife Crime Unit, Sergei Golovkin said that the government already has two functional and dedicated structures in place to oversee enforcement and fight wildlife crime. Admittedly these structures are not titled "the Wildlife Crime Unit" however regardless of their "branding" what matters is that there are specialised structures already in place dealing with the issue. This calls into question whether there is an objective need to proliferate any further structures, or to modify the existing structures. The Specialist Enforcement Branch of the WBRU deals exclusively with enforcement of bird conservation legislation and hunting governance issues. This Branch is in the process of being strengthened with the recruitment of additional Inspectors. The ALE also

provides a number of specialised enforcement services. During sensitive seasons the ALE complement is routinely augmented with seconded officers from district police as well as from the AFM. All these officers receive specialised training delivered by the WBRU. Further in-depth training is also being planned for the coming months. It is a fact noted by both the authorities and NGOs that there has been a major improvement in the wildlife crime situation over the past years. It is therefore evident that the current institutional set-up is working. As regards enforcement statistics, it has previously been clarified that the authorities can only report on the disclosed incidents, i.e. cases where sufficient material evidence of an offence has been collected to enable prosecution of the suspect. It is natural that this metric cannot tally with the numbers of alleged illegalities observed by NGO volunteers. Whilst it is obvious that one can never have a situation where every breach of the law is automatically disclosed, leading up to charges, it is also clear that the level of disclosure of infringements correlates with the actual level of wildlife crime. This correlation can be assumed to be particularly strong in the face of objectively verifiable increase in enforcement presence in the field and increased number of spot checks and inspections.

4.22 The meeting was adjourned at 1730 hours.