

Meeting of the Malta Ornis Committee

2nd November 2016, WBRU, 1630 - 1930

Minutes

Attending members:

Prof Mark Anthony Falzon – Chairman
Mr Sergei Golovkin - Secretary
Mr Mark Sultana – 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
Dr Josef Masini Vento
Mr Mark Gauci – Avifauna Expert

Excused: Mr Nicholas Barbara - Birdlife (Malta), Mr Stephen Saliba – ERA

(1) Adoption of the agenda

1.1 The agenda was adopted.

(2) Approval of the minutes

2.1 Minutes of the meeting held on 5th October 2016 were approved, subject to clarification to section 5.3 and inclusion of reference to FKNK's objection to the proposal on the grounds that regulation of pigeons does not fall within the remit of the Ornis Committee.

(3) Matters arising and matters to report

3.1 Sergei Golovkin made reference to the large flock of short-toed and booted eagles numbering over 60 specimens that roosted in various locations around Siggiewi, Dingli and Rabat overnight between 01/11 and 02/11. The authorities conducted an intensive surveillance operation involving four patrols from the ALE, one patrol from the Armed Forces and a separate patrol by Inspectors from the Specialist Enforcement Branch of the Wild Birds Regulation Unit. Although most birds were observed to have continued on their southward migration in the early hours this morning after roosting overnight, four separate incidents involving suspected illegal targeting of protected birds were reported. In two cases, the incidents of illegal shooting were filmed by NGO volunteers. A suspect has been apprehended and taken to custody.

(4) Culling of feral pigeons

4.1 The Chairman invited Sergei Golovkin to inform the Committee regarding the proposed draft legal notice that was circulated to Committee members in advance of the meeting.

4.2 Sergei Golovkin referred to the outcome of discussion on this item that took place during previous Committee meeting, whereby the majority of Ornis members directed WBRU to prepare a draft for further discussion. The draft outline of the proposed legal notice has subsequently been prepared and circulated for initial comments. The draft mirrors similar legislation in place for the control of birds in the interest of air safety, and stipulates basic parameters that would be taken into consideration in the authorisation process for the control of feral pigeons in the interest of public health. He invited the members to send their comments to this draft, which will then be revised accordingly and proposed for further consideration to the Ministry. If the Ministry approves the proposal in principle, the draft will be subject to standard public consultation procedure prior to further finalisation.

4.3 Joseph Perici Calascione questioned the need for such legislation, reiterating FKNK's position that control of pigeons should not be within the remit of the Ornis Committee since feral pigeons are "not wild birds but pests". He also made reference to new animal welfare legislation and urged WBRU to ensure that its initiative is consistent with other legislation and regulations. Moreover, since in this case the overriding concern is public health, such initiatives should fall within the competence of the relevant health authorities, and not within the competence of Ornis which has no expertise on the matter.

4.4 Lino Farrugia furthermore asked whether the local councils, the health authorities, and the persons engaged in such pigeon control exercises have been consulted. Sergei Golovkin replied that no such consultation was yet carried out because at this stage this is only a preliminary proposal for initial feedback from the Committee. If the Committee decides to take this further, and provided that the Ministry approves the proposal in principle, it will be subjected to public consultation and separate discussion with key stakeholders, which is a standard practice.

4.5 Lino Farrugia objected to further discussion on this item, stating that this proposal is not necessary.

4.6 Chairman said that whilst FKNK's position has been noted, the majority of the members previously expressed the view that this item should be discussed further and therefore such views should be respected.

4.7 Mark Sultana asked whether the draft proposal lists all the relevant conditions for subsequent authorisations for pigeon control, or whether such conditions will form part of the permits that will eventually be issued by WBRU. Sergei Golovkin replied that the proposed legislation lists the key parameters that should guide permitting decisions, however this does not preclude further conditions over and above these parameters to be included in permits depending on specific circumstances of each request. It is envisaged that requests for permits would need to be endorsed by the relevant local council and by the health department. Mark Sultana said that Birdlife Malta will review the proposal further and may advise its comments in due course.

5. Hunting at Ta Fra Ben, Qawra

5.1 The Chairman made reference to outcome of last meeting's discussion on this item, whereby the FKNK requested necessary time to evaluate the issue and to make its submissions. He recalled that the discussion concerned a proposal made by ALE Inspector to designate the area as hunting-free zone on the grounds of public safety and on account of multiple complaints about the activity which are received from residents in the area. He reiterated that since the proposal involves legitimate

activity, it must be discussed thoroughly and special care must be taken to ensure that the situation at Ta Fra Ben is discussed on its own merits and not construed as a potential precedent that can be applied interchangeably to other situations. He therefore invited the FKNK to make its submission to the Committee.

5.2 Joseph Perici Calascione reiterated FKNK's position, namely that the Committee should not be recommending to Government to legislate "for wrong reasons", on account of a perceived issue regarding enforcement. He said that the FKNK and its members "have been on the receiving end of a slanderous campaign for over 30 years" and despite this, have unreservedly acted in the best interest of wildlife and the conservation of birds. He urged the Committee not to use any alleged illegalities as the benchmark on which to gauge legislation, since this would invariably result in "trying to kill an ant with a sledgehammer". The fact that in the past some hunting illegalities may have been reported in this area does not imply that the area should be designated as hunting-free, which is not a solution to enforcement issues. He cast doubts on the claims that hunting in this area poses any risk to public safety, since the area is used for hunting of ducks at the time when swimming season is over and when the area is not frequented by other users. The FKNK has always maintained a stance that hunting contributes to conservation and in fact the organisation was vociferous in opposing proposed development in green areas where hunting is practiced. The issue of rural land is the most vital element for hunters and for others and the FKNK and others already face a "dreadful situation" with this limited resource fading slowly. FKNK defends the interests of its legal members and there was nothing illegal in what the handful of hunters were doing for decades to date in the area of Fra Ben. These persons have nowhere else to go and have been there "for ever". Curtailing their practice in the area will only create ripple effects on other areas and so on - there is always a domino effect in such cases. If there are allegations of illegal activities in the area, that is another issue and of all places, that particular spot does not have any outlets for anyone carrying out an illegal activity to run. He expressed confidence that if such allegations are verified and confirmed, the police, with its experience and resources, including technological, "can surely monitor and apprehend any alleged perpetrator red-handed".

5.3 Lino Farrugia amplified the above concerns further by stating that the FKNK and its members have over the years suffered a steady reduction in the already limited hunting areas, following designation of bird sanctuaries and other hunting-free zones. Sometimes this designation happened "by stealth" with no consultation with stakeholders. He referred in particular to conservation orders issued by the ERA for Ghadira s-Safra which was designated hunting-free without consultation with FKNK. "To add insult to injury", some areas such as Salini were "given" to Birdlife Malta. The FKNK will not accept any further erosion of hunting land since hunters and trappers always bore the brunt of such decisions and suffered from "being on the receiving end of the stick".

5.4 George Coleiro said that in his opinion, safety is always paramount and an overriding concern. He recently visited the area and found it to be quite "unsafe" for all users, including for bathers. Therefore when considering the issue of hunting in this area safety of all concerned should not be ignored.

5.5 Sergei Golovkin said that the area is being used all year round by diving schools and that divers surfacing in proximity to decoy ducks used by hunters may be particularly at risk from being accidentally shot.

5.6 Josef Masini Vento said that the issue of perceived or real conflict between the different users of land is inevitable in Malta due to land scarcity and high population density. Therefore the situation at Ta Fra Ben can easily be juxtaposed onto any other land area where hunting is practiced. Simply banning hunting from somewhere is not the solution as by the same yardstick hunting or other activities may well be banned from everywhere. If there is a problem with a particular activity in any area, the solution must be management of the factors that lead to that problem, and not necessarily in the abolition of an activity.

5.7 Marco Falzon echoed the position expressed above and said that the issue appears to be caused by poor accessibility of the site to enforcement officers. It is this issue that may need to be addressed, and not hunting.

5.8 Mark Sultana said that Birdlife Malta already made its position clear during the last Ornis sitting. Birdlife Malta is concerned that the site has a “long history” of illegal targeting of protected birds. The site is particularly important because it is situated on the main approach towards the areas that are protected, namely Salini and Kennedy Grove. Moreover, as highlighted by ALE Inspector, there are public safety issues since the site lies in close proximity to other legitimate users, including bathers using a Blue Flag beach, divers and tourists.

5.9 Chairman said that although he would have preferred to reach a consensus, given the diversity of the views expressed in relation to this proposal, this is not likely to be achieved. Given the Committee’s brief to make recommendations to government, the Committee is expected to produce direction on this item. He therefore asked whether any Committee member would wish to propose a vote. If no member wishes to subject this to a vote, then the Committee may simply inform the government of its discussion and the opinions expressed by its members. On the other hand, if a vote is taken this would provide majority recommendation.

5.10 Mark Sultana said that Birdlife Malta has previously expressed its position on this issue and would therefore wish that its position is duly registered through a formal vote.

5.11 Lino Farrugia objected to the proposal to hold a vote, stating that this proposal should not be discussed further since clearly there is no agreement and the government can thus be informed that the Committee did not agree on a recommendation. He furthermore expressed his disapproval of this proposal “being pushed forward by the Chairman and supported by WBRU”.

5.12 Chairman reiterated that the proposal has been made by Inspector of ALE at the previous sitting and not by WBRU. He reminded the Committee that the FKNK requested time to assess the proposal and to make its submissions, and hence the present meeting allows such possibility. He recalled that in line with Ornis procedures, it is Chair’s duty to ensure a free and fair discussion on the item. It is furthermore the prerogative of any Ornis member to propose a vote and indeed the FKNK itself has made such proposals on past occasions. Whilst registering FKNK’s objection, he does see it valid on this occasion, since, in the absence of consensus the Committee is bound to uphold legitimate request from a member.

5.14 At this point, both FKNK representatives left the meeting in protest. They were shortly joined by Frank Vassallo.

5.15 The Chairman and remaining members expressed disappointment at this walkout which was not justified. Chairman reiterated that the Committee was having a cordial discussion to which all members including the FKNK representatives were contributing. Birdlife Malta had every right to call a vote and there was no justification whatsoever for the walk-out. Since the services of the Ornis Committee are paid for by taxpayers, the Committee has obligation to conduct our business fairly and in the spirit of free discussion and not be subjected to undue pressure from dissenting members.

5.16 The Committee proceeded to vote on the proposal of whether to recommend to government that the area at Ta Fra Ben, Qawra, should be designated as hunting-free. Birdlife Malta voted in favour of this proposal, whilst three Government-appointed members voted against. Chairman abstained.

6. Information regarding 2016 autumn live-capturing derogations

6.1 Sergei Golovkin referred to the request by Birdlife Malta to table information pertaining to 2016 autumn live-capturing derogations.

6.2 Further to Committee's recommendation earlier this year to apply derogations for autumn live-capturing of seven finch species as well as of Golden Plover and Song Thrush, WBRU effected necessary advance administrative preparations. Applications for special licenses were accepted between 11th and 30th July, subject to stipulated eligibility requirements and subject to payment of €55 fee for each type of special license as well as €0.5 fee per ring ordered. Registration of new sites was not allowed, i.e. applicants could only enclose with their applications site plans that were previously registered. Applications for new general trapping licenses were not accepted, and hence no such examinations were conducted.

6.3 A reduction in the number of applicants for both license categories was noted in comparison with previous year. A total of 3,132 persons applied for finch live-capturing license only, whilst 278 persons applied for Golden Plover and Song Thrush live-capturing license only. 719 persons applied for both license categories, bringing the total number of applicants to 4,129. These persons submitted 6,351 registered site plans with their applications, of which 4,889 site plans were submitted by persons who applied for finch live-capturing license only, 342 site plans submitted by persons who applied for Golden Plover and Song Thrush license only, and 1,120 site plans submitted by persons who applied for both licenses.

6.4 Following vetting of applications, 3,128 applicants were found to be eligible for finch live-capturing license only (-4), 278 for Golden Plover and Song Thrush license only, and 718 (-1) were eligible for both licenses. The reason for the discrepancy between the number of applications received and the eventual number of licenses issued was that in this interim period two persons have died, whilst 3 applicants were found to be ineligible due to court sentences that resulted in suspension of general licenses.

6.5 On 14th October 2016, Government published the following legal notices pertaining to live-capturing season:

LN 319/2016: Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-Capturing Season for Finches) (Amendment) Regulations, 2016 and LN 320/2016: Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-Capturing Season for Song Thrush and Golden Plover) (Amendment) Regulations, 2016 contained minor amendments to the respective Framework Regulations to delete reference to Carnet de Chasse which was phased out and replaced entirely with a five-year licensing system coupled with real time telephonic game reporting requirement.

LN 321/2016: Conservation of Wild Birds (Declaration on a Derogation for an Autumn 2016 Live-capturing Season for Song Thrush and Golden Plover) Regulations, 2016 and LN 322/2016: Conservation of Wild Birds (Declaration on a Derogation for an Autumn 2016 Live-capturing Season for Finches) Regulations, 2016 declared derogations subject to the same parameters as in previous year.

6.6 Therefore by the start of the season on 20th October, all special licenses and the respective quantities of special single use rings were distributed to licensees. A specimen special license was distributed to the Committee.

6.7 The following types and quantities of single use rings were distributed:

Species	Internal diameter	Marking	Quantity
Chaffinch, Goldfinch, Linnet, Serin and Siskin	2.7mm	White, R16U	28,022
Greenfinch	3.0mm	Green, R16U	5,671
Hawfinch	4.0mm	Metal, R16U	4,617
Golden Plover	5.0mm	Red, R16U	6,493
Song Thrush	4.5mm	Yellow, R16U	4,539

6.8 A sample of single used rings was provided for examination to the Committee.

6.9 In accordance with the law, any unused rings must be returned to WBRU at the end of the season and this requirement is stated as a condition of license. Trappers will be informed of the exact timing and method of collection in due course at the end of the season, as was the case in previous years.

6.10 The Committee took note of the above information.

7. Any other business

7.1 The Committee did not discuss any other business.

7.2 The meeting was adjourned at 1930 hrs.