

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

**Wednesday, 20<sup>th</sup> March 2019, WBRU, MESDC, Sta Venera  
1630 - 1830**

### **Minutes**

#### **Participants:**

Dr Joseph Grech – Chairman  
Mr Richard Lia – Secretary  
Ms Maria Attard – Representative of the Environment and Resources Authority  
Mr Nicholas Barbara – BirdLife (Malta)  
Mr Marco Falzon – Member nominated by Government  
Mr Lino Farrugia – FKNK  
Mr Horace Micallef – Member nominated by Government  
Mr Joe Perici Calascione – FKNK  
Mr Mark Sultana – BirdLife (Malta)  
Mr Mark Gauci – Avifauna Expert  
Mr Joseph Tabone – Member nominated by Government  
Mr Frank Vassallo – Hunting and live-capturing expert

#### **1. Approval of the agenda**

- 1.1 The Secretary asked the Committee members whether the agenda should be considered approved. With reference to agenda item 6, Mark Sultana asked, considering yesterday's press release by FKNK, whether a vote on Turtle-dove hunting in spring is being considered at this meeting since not all the relevant information has been discussed beforehand by the Committee adding that it is unfair for any member to be expected to vote, since the Committee only has at its disposal FKNK's brief. Mark Sultana added that a vote cannot be added less than 24hrs before the meeting and that there was ample time for FKNK's Report (Annex A) to be sent in advance. Mark Sultana added that it should thus be confirmed that the Turtle-dove will not be discussed during this meeting.
- 1.2 The Secretary stated that the Committee should first verify whether FKNK's proposal will be discussed during this meeting noting that agenda item 6 refers to the potential recommendation of a spring hunting season, without specifically mentioning Quail or Turtle-dove. Nicholas Barbara remarked that this in effect means two legal amendments, one in relation to the framework law and the other in relation to the moratorium. Mark Sultana stated that the framework law would need to be amended. The Secretary pointed out that the framework regulations still refer to the Turtle-dove. Mark Sultana and Nicholas Barbara stated that notwithstanding, the moratorium is still in force.
- 1.3 The Chairman suggested proceeding with approving the agenda and to focus on the rest of the items since the Committee knew that FKNK would be discussing this issue under agenda item 6.
- 1.4 The agenda was approved.

#### **2. Matters arising and matters to report**

- 2.1 Referring to the questionnaire that was included with the application for a spring hunting special licence, Mark Sultana requested whether there was any feedback on the number of

Song-thrushes and Golden Plovers kept by hunters. The Secretary stated that the survey was based on the total number of applications submitted, which amounted to 7,647 applicants, and stated that the total number of live Golden Plovers in possession of hunters was 4,234 and the total number of live Song-thrushes in possession of hunters was 12,544. Lino Farrugia asked how many hunters returned a nil reply. The Secretary explained that a total of 6,553 hunters reported not having any live Golden Plovers whereas 5,503 hunters reported not having any live Song-thrushes in their possession. Lino Farrugia noted that this means that if there are 2,000 hunters who declared having Song-thrushes then they each have six Song-thrushes, whereas the others have four Golden Plovers each, with the majority not having any Song-thrushes or Golden Plovers.

### **3. Approval of the minutes of the meeting held on 13/02/2019**

- 3.1 The Secretary informed the Committee that Mark Sultana and Lino Farrugia submitted minor amendments to the previously-circulated draft minutes and that both agreed that KSU's proposal on spring hunting should be included as an annex to the minutes. The request was approved by the Committee and the minutes of the previous meeting were approved as amended.

### **4. Launch of the 2019 call for projects co-financed through the conservation of wild birds fund**

- 4.1 The Secretary informed the Committee that the second call for projects for co-financing through the conservation of wild birds fund was launched on 12 March and that applications from NGOs registered with the Commissioner for Voluntary Organisations will be received until 12 June. The Secretary informed members that the 2019 guidelines and the application form are available online and gave an overview of the Fund, stating that the Fund provides financial assistance towards projects related to the conservation of wild birds, both directly and indirectly, with 80% of the project's costs financed from the Fund, capped at €100,000 and up to €20,000 per project. The Chairman asked whether the Fund limits submissions to five projects at €20,000 per project and the Secretary clarified that all eligible projects will be considered by the Conservation of Wild Birds Fund Committee even if the cost is much lower than the €20,000 threshold, but pointed out that the total contribution from the Fund cannot in any case exceed the allocated amount of €100,000 and €20,000 per project. The Chairman asked whether there can be, for example, ten projects with each project benefiting up to €10,000. The Secretary confirmed that this is indeed correct.

### **5. Game reporting data: 2018 autumn hunting season**

- 5.1 The Secretary presented the game reporting data pertaining to the previous autumn hunting season, listing the totals per species that were reported caught, noting that the highest reported species was the Song-thrush at 3,665 individuals, whereas no reports for Pintail, Garganey, Bean Goose and Coot were made.
- 5.2 The Secretary made reference to the number of Quail hunted in autumn, namely 714, in relation to the proportionality principle enshrined in the spring hunting framework regulations. Lino Farrugia remarked that he does not think that that part of the law is still relevant given that in autumn there is a quota of 7,000 Turtle-doves. The Secretary explained that it is still relevant insofar as hunting of Quail is concerned given that there are no quotas for this species in autumn, adding that Annex 1 of the spring hunting framework regulations specifies that no spring hunting season shall open if the amount of Quail hunted during the previous autumn season exceeds 20,000 and that the full spring hunting quota would be

considered if the amount of Quail hunted during the previous autumn season does not exceed 10,000 individuals. Lino Farrugia maintained that the law is irrelevant for Turtle-dove since there is a quota of 7,000 and hence the figure of 21,000 can never be reached.

- 5.3 Referring to Annex 1 of the spring hunting framework regulations, the Chairman explained that the way the law is drafted is still relevant, since it specifies that the Minister cannot open a spring hunting season if during the previous autumn season the amount of Turtle-doves caught reaches 21,000, adding that the introduction of an autumn quota of 7,000 Turtle-doves rendered such threshold *non sequitur* since the 21,000 threshold cannot in any event be reached.
- 5.4 Nicholas Barbara asked whether there are any data pertaining to the total number of hunters that reported a catch in autumn. The Secretary stated that according to the game reporting data for the period September 2018 to January 2019 only 518 individual hunters reported a catch on any given day during the autumn hunting season. On a per month basis, the total number of individual hunters reporting a catch was 94 in September, 287 in October, 268 in November, 51 in December and 66 in January. The Secretary explained that the monthly totals do not add up to 518 given that in any given month a hunter listed under one particular month may also be listed under another.

**6. Consideration of the potential application of a derogation for spring hunting including dates of the season and any other relevant criteria**

- 6.1 The Secretary noted that a total of 7,647 hunters submitted an application for a spring hunting licence. Mark Sultana asked for last year's total and the Secretary provided the total for 2018 (6,754 licences), 2017 (6,653 licences) and 2016 (9,252 licences), noting that these figures are published in Malta's report on the outcome of the 2018 spring hunting season, which is available on WBRU's website.
- 6.2 The Secretary made reference to the previously-circulated brief prepared by FKNK on the Turtle-dove and invited FKNK to make a presentation. However, Joe Perici Calascione suggested splitting agenda item 6, so that Quail is discussed first followed by Lino Farrugia's presentation of the brief, adding that the Secretary has already presented the data compiled by the European Bird Census Council for 2016. The Chairman agreed, pointed out that in order to simplify procedures, the Committee can discuss the issue of Quail first.
- 6.3 Lino Farrugia showed a copy of FKNK's Report on Turtle-dove and stated that FKNK's brief that was circulated in advance is based on FKNK's Report, adding that if the Chairman agrees FKNK can also make a presentation on the Report. Mark Sultana pointed out that as he had mentioned earlier regarding the first item on the agenda, if FKNK's Report had to be circulated in advance BirdLife Malta would have been in a position to provide its feedback, but since the Report was only forwarded to Government and the Nationalist Party, as stated in the press release, neither BirdLife nor any member of the Committee is privy to its contents. Lino Farrugia remarked that Ornis Committee has a copy of the brief. However, Mark Sultana reiterated that if a vote is to be taken on Turtle-dove, he would like to see the Report first.
- 6.4 Lino Farrugia made reference to the previous Committee meeting whereby FKNK had stated, when asked by BirdLife Malta, that they will consider submitting the Report to Ornis Committee. Mark Sultana again reiterated that if the Report was circulated in advance, he would have been in a position to do his work properly, adding that in this particular case he cannot do his work because the brief was prepared by Lino Farrugia not by Mark Sultana and hence the contents of the Report that was submitted to the Government—who will ultimately make a final decision—remain unknown to the rest of the Committee.

- 6.5 Lino Farrugia explained that FKNK's decision was to circulate the brief and as stated in the press release the Report has already been submitted to the Government and to the Nationalist Party. Lino Farrugia further explained that the contents of the brief can be discussed in detail. Mark Gauci stated that the latest data that the Committee has is that presented by the Wild Birds Regulation Unit during the last meeting on the conservation status of the species, adding that if FKNK has data that shows otherwise, it has to be evaluated.
- 6.6 Lino Farrugia added that each paper or report that is prepared will be challenged by another paper or report and that no one is perfect, further adding that FKNK prepared the Report but could have simply presented a one-page proposal requesting opening of the season on specific dates without carrying out any research whereas the Report is based on two years' worth of research and studies. Lino Farrugia further stated that there are two pieces of work through which FKNK feels confident to propose a season for Turtle-dove this spring, without prejudice to a season for Quail. Lino Farrugia further added that FKNK did not carry out studies on Quail but carried out research on the moratorium that was proposed by FKNK two years ago, which moratorium was immediately implemented by the Government. Following compilation of the Report, the research and studies carried out in compiling the Report and the outcome of the Report, FKNK felt confident that it can be presented to Government and the Nationalist Party to recommend, on the basis of the Report, the opening of a season for Turtle-dove already in 2019 from the 15 to the 30 April.
- 6.7 Mark Gauci maintained that, whilst he is not denying the process that may have been involved in compiling the Report, if it had to be made available, the Committee would have discussed its contents during a follow-up meeting. Lino Farrugia remarked that he is willing to explain the brief and send a soft copy of the Report to the Chairman and the Secretary for onward forwarding to the rest of the Committee members and to meet in two or three days' time to discuss the Turtle-dove so that each Committee member would have had time to read the Report and deliberate on Quail during this meeting, as suggested earlier by Joe Perici Calascione earlier. Lino Farrugia added that the conclusion of the Report is that FKNK are encouraging Government to approach the European Commission so that a long-term solution is found on the issue of Turtle-dove hunting in spring.
- 6.8 Lino Farrugia further added that as all members of the Committee knows, when applying a derogation, the Government does not need to seek pre-authorisation from the Commission since the outcome of the derogation should be reported to the Commission a year and a ten months after the derogation has been applied, yet in the exceptional case of Malta we are expected to report to the Commission the outcome of the derogation within six weeks. The Secretary clarified that in the case of live-capturing, Malta is expected to submit a full report to the European Commission within three months from closure of the season and in the case of spring hunting a full report is expected to be submitted within thirty days from closure of the season.
- 6.9 Lino Farrugia further remarked that as FKNK had stated in yesterday's press release, the Government should immediately initiate discussions with the European Commission, not to seek authorisation but to initiate discussions on the basis of FKNK's Report and on the basis of what Government believes. Lino Farrugia concluded by stating that through the FKNK Report, the FKNK has provided the Government with the tools and that it is now up to Government. Nicholas Barbara sought clarification as to whether FKNK are requesting to consider a derogation for Turtle-dove. Both Lino Farrugia and Joe Perici Calascione replied that a derogation for Turtle-dove is being requested but because the Committee Members needed time to evaluate the Report, and because the FKNK has urged Government to immediately lift the Moratorium and open discussions with the EU Commission for a long term solution to be reached on the matter, the FKNK proposal regarding the Turtle-dove season vote can be left for the next Ornis Meeting which should be held shortly.

- 6.10 The Chairman summarised FKNK's position, namely that FKNK prepared a report on spring hunting of Turtle-dove, whereby FKNK are stating that the impact of hunting of Turtle-dove in Malta is insignificant on its population and that FKNK, on the basis of its Report, feel that a spring hunting season for Turtle-dove, under certain regulations, should be opened and, that a copy of the Report will be circulated to all members to be discussed during a follow-up meeting that should be held as soon as possible.
- 6.11 Joe Perici Calascione remarked that FKNK are proposing the last three weeks of April for Quail and the last two weeks of April for Turtle-dove in line with the framework regulations, on half-days basis with quotas as explained earlier by Lino Farrugia, adding that FKNK could have approached the issue on Turtle-dove the other way round by requesting BirdLife Malta to draw a report on how the 2,000 or so Turtle-doves harvested in Malta is adversely affecting the EU population. Joe Perici Calascione stated that since BirdLife Malta objects to spring hunting because of their return migration to their nesting grounds, this Report specifically addresses this issue, further stating that invariably Turtle-doves hunted in autumn would still have returned to breed in spring, yet it seems that only the very limited take in Malta is being frowned upon.
- 6.12 Lino Farrugia briefly touched upon the contents of the Report, stating that after taking into account the cultural aspect, the 2009 ECJ judgment and the referendum result, two studies were undertaken, one spanning ten years focusing on Malta's reference population of the Turtle-dove on the basis of BirdLife Malta's ring recoveries. Lino Farrugia further explained that FKNK analysed the population of the Turtle-dove on a year-to-year basis, using best available data, including foreign experts and a focus group composed of countries with breeding populations of Turtle-dove, who forwarded data to FKNK. Lino Farrugia noted that as part of this study, FKNK took into consideration the breeding population of the Turtle-dove from 2005 to 2014 and noted that the breeding population remained constant irrespective whether there was a spring hunting season or not, adding that when in 2007, according to the *Carnet de Chasse* data, nearly 50,000 Turtle-doves were caught in spring the breeding population remained constant, and that even when there were no open seasons in 2008 and 2009, the Turtle-dove population also remained constant. Lino Farrugia explained the methodology used in FKNK's Report regarding average fledglings, which is 1.31 per pair based on an average of the data prepared by five researchers, and explained that if a quota of 3,500 individuals in spring had to be established, the presumed take, assuming all individuals would breed, would be  $3,500 + (3,500 \times 1.31 \text{ fledglings}) = 5,793$  individuals. Lino Farrugia further explained that the current national bag limit of 7,000 Turtle-doves in autumn should be reduced to 1,000 individuals in September and the quota of 3,500 individuals assigned as a national bag limit in April.
- 6.13 Lino Farrugia maintained that this clearly is a reduction of the overall bag limit from 7,000 to 4,500 (3,500 in spring and 1,000 in autumn), further adding that on the basis of this study and research the effect of spring hunting is not negative, it is nil and that on this basis, FKNK's proposal is to open a spring hunting season from 15<sup>th</sup> to 30<sup>th</sup> April, until 1pm, with a quota of 3,500 Turtle-doves. The Secretary informed members that the spring hunting season of 2018, 2017 and 2016 was until midday. Lino Farrugia remarked that previous to that the season was open until 2pm but also stated that limiting it to midday would not be objectionable. Mark Sultana questioned whether FKNK's study shows whether there were any errors in uplisting the Turtle-dove to Vulnerable. Lino Farrugia replied that FKNK are not stating that it is not Vulnerable adding that IUCN is composed to a large extent by BirdLife activists. Whilst not denying the importance of IUCN, Lino Farrugia remarked that it is not part of the European Commission. Joe Perici Calascione added that it is not legally binding. Lino Farrugia reiterated that although he is not challenging IUCN's data, the European Commission has nothing to do with IUCN and that after the judgment of the Court of Justice of the European Union and the referendum, IUCN uplisted the Turtle-dove to Vulnerable.

- 6.14 The Chairman stated that what FKNK are stating is that Malta is so insignificant that whatever happens in the rest of the world we are not affecting it. At this point Mark Sultana stated that with the same reasoning Malta should not adhere to climate change Directives or single-use plastics since if we are so small we would not do any impact. Mark Sultana added that this is wrong and the value of doing what is right irrespective of size or impact is crucial. Mark Gauci pointed out that there is also a moral obligation to do what is right. Regarding FKNK's study, Lino Farrugia remarked that the Report also includes case-law of the Court of Justice of the European Union, in particular *Case 342-05 Commission v Finland*. In its judgment regarding hunting of wolf, a strictly protected species under the Habitats Directive, Lino Farrugia pointed out that the Court of Justice of the European Union had declared that *the grant of such derogations remains possible by way of exception were it is duly established that they are not such as to worsen the unfavourable conservation status of those populations or to prevent their restoration at a favourable conservation status*, adding that this judgment could be applied to the Turtle-dove. Lino Farrugia also made reference to a 2004 declaration of the European Commission whereby it was stated that *it is, of course, generally not advisable to subject such species or populations to hunting, even if hunting is not the cause of or contributing to their unfavourable conservation status. However, allowing hunting of a species can provide a strong incentive to manage habitats and address other factors contributing to population decline, therefore contributing to the objective of restoring populations to favourable conservation status*, adding that hunters are stewards of the countryside even if seen in the context of a hunter looking after his area to attract Turtle-doves. Lino Farrugia also referred to the FKNK project launched in 2017 regarding the release of captive-bred Turtle-doves, which could easily compensate for any amount of harvested Turtle-doves on Malta.
- 6.15 Nicholas Barbara remarked that FACE is also part of IUCN. Lino Farrugia replied that IUCN is supposedly a separate entity from the European Commission and that despite being a very serious body, in his opinion, IUCN is BirdLife. Nicholas Barbara remarked that Lino Farrugia is contradicting himself. At this point both Lino Farrugia and Joe Perici Calascione made reference to an individual, also identified in FKNK's Report, who is a BirdLife International employee who since September 2014 had occupied the position of Global Species Officer (Red List & Mapping) responsible to evaluate the status of the world's birds for the IUCN Red List. Lino Farrugia remarked that between February 2013 and January 2014, she was assigned with BirdLife Malta with responsibilities, besides other, to contribute to the authoring of BirdLife Malta's report to the European Commission on the 2013 derogation on the EU Birds Directive that allowed spring hunting in Malta. Mark Sultana added that it is absurd that FKNK believe that IUCN is not credible and opted to change Turtle-dove status due to what they interpret as a 'biased' person working there. FKNK representatives stated that, as already pointed out, they are not saying that IUCN is not credible.
- 6.16 The Chairman stated that in relation to FKNK's Report, it will be circulated to the Committee members so that each member can take note of its contents. Regarding FKNK's proposals, the Chairman pointed out that the members can proceed according to what is stated in FKNK's brief, and made reference to FKNK's recommendation to Government to initiate talks with the European Commission, as stated in FKNK's brief. Lino Farrugia stated that FKNK is encouraging Government to initiate discussions with the European Commission, not to seek permission from the European Commission, but for a long-term solution, since FKNK did not prepare the Report for a short-term purpose, that is, to hunt Turtle-dove this spring and unable to do so in subsequent years.
- 6.17 Mark Sultana requested to clarify the issue of whether FKNK is requesting Government to initiate discussions with the European Commission and at the same time requesting the Ornis Committee to recommend to Government the opening of a spring hunting season for Turtle-dove. Joe Perici Calascione stated that on the basis of FKNK's Report and facts known to all Committee members, the impact of hunting on Turtle-dove in Malta both at European and

global levels, is insignificant. Nicholas Barbara stated that BirdLife Malta disagrees with such statement, especially if such statement is based on a brief.

- 6.18 Joe Perici Calascione maintained that according to BirdLife Malta, the millions of Turtle-doves hunted in Autumn in other countries has the same effect of the 2,000 Turtle-doves hunted in Malta, further adding that on the basis of FKNK's Report and the fact that there is sufficient information, a very limited spring hunting season for Turtle-dove should be opened and that Government does not need to seek permission from the European Commission to apply derogation. Joe Perici Calascione further added that on the basis of the European Commission's Guide on Sustainable Hunting and its interpretation of 'small numbers', the extremely small amount of Turtle-doves caught in Malta renders such 'small numbers' insignificant. Joe Perici Calascione also remarked that when taking into account the 2009 judgment of the Court of Justice of the European Union, vis-à-vis the millions of Turtle-doves hunted in other European countries, which judgment states that in Malta autumn hunting is not a satisfactory solution to spring hunting, FKNK are seeking a long-term solution, so that whilst other Member States can continue to hunt Turtle-dove in autumn we are left without alternative. Lino Farrugia added that otherwise Malta would end up not having the satisfactory solution as pronounced by the ECJ in its 2009 verdict.
- 6.19 Joe Perici Calascione added that for FKNK, it would be more feasible in the long-term and that there is a clear disproportionate dimension to this issue, noting that we should go back to more technical input and science so that this issue becomes a non-issue. Joe Perici Calascione concluded by stating that spring hunting for Turtle-dove will provide FKNK with the required impetus to be stronger in its fight against illegalities, since whereas in the past FKNK cautioned hunters to be diligent if they did not want to lose hunting of Turtle-dove in spring, hunting of this species was subsequently lost anyway.
- 6.20 At this point the Chairman requested the Committee to deliberate on a potential spring hunting season for Quail. Lino Farrugia stated that with regards to Quail, FKNK are proposing the last three weeks of April, in line with the legal framework, further noting that notwithstanding that the law states three weeks starting in March or April, FKNK is not proposing March or any spill-over into May. Regarding bag limits, Lino Farrugia informed the Committee that FKNK are proposing removal of the individual daily bag limit and individual seasonal bag limit, retaining a national quota of 5,000 Quail from 10<sup>th</sup> to 30<sup>th</sup> April, and from 15<sup>th</sup> to 30<sup>th</sup> for Turtle-dove. Lino Farrugia stated the rationale behind removal of the individual bag limits is that when a hunter is constrained with a limit of two birds, the likelihood that he will not report faithfully is much higher, adding that a hunter should not be afraid of returning home with four birds if there is a national quota that controls the total uptake. The Secretary clarified that during last year's spring hunting season, the individual daily bag limit is five (5) birds and individual seasonal bag limit of ten (10) birds. Joe Perici Calascione remarked that account should be had to the fact that when the individual bag limit for Song-thrushes was removed, more reports were submitted through the game reporting system.
- 6.21 Mark Gauci stated that according to FKNK, hunters with an individual daily bag limit of five do not report their catch, let alone when considering there will be 7,600 hunters with a national bag limit of 5,000 Quail. The Chairman remarked that in reality a hunter would not know what the other hunter has reported. Mark Gauci further added that in reality there can be days without any sightings but when they do migrate there can be quite a peak and thus it would be quite impossible to imagine a scenario where some hunters caught five and the others did not catch anything. Lino Farrugia referred to Finland's case, stating that notwithstanding a national bag limit of six (6) wolves, a total of 6,000 individuals applied for a licence, adding that once the limit of six wolves was reached the season closed. The Chairman stated that the only risk we would be running is that if during a particular day the national bag limit reaches the 4,900 mark and the following day thousands of Quail migrate

and 200 are caught, meaning that the quota of 5,000 would be exceeded by 100 birds. Lino Farrugia stated that in that case, when the quota is close to 5,000, the season should close. The Secretary clarified that the national quota will be monitored in real-time and all hunters will be immediately informed via a text message (SMS) when the quota has been reached and that the season has closed with immediate effect.

- 6.22 Mark Gauci stated that what he cannot understand is the fact that according to FKKNK the individual bag limit of five birds is constraining the hunter who would not be reporting his sixth or subsequent catch for fear of reaching his individual seasonal bag limit, adding that, in his opinion, with a national quota of 5,000 Quail, hunters would still not report their catch. Mark Gauci questioned whether a hunter would ever report catching 20 Quail, for example. The Chairman reiterated that a hunter would not know what the other hunter reported. Lino Farrugia stated that the individual daily bag limit of five and individual seasonal bag limit of ten Quail preclude hunters from reporting faithfully since if on a particular day they reported five and the following day they caught another five, the latter five birds will not be reported as it means they would not be able to go out hunting for the rest of the season, adding that a hunter without an individual limit would report all birds without any fear of being apprehended.
- 6.23 Mark Sultana maintained that this is a symptom of the current state of play since if a hunter is afraid of being apprehended he would not hunt beyond his individual bag limits. Nicholas Barbara stated that ever since there was a shift from the *Carnet de Chasse* to the game reporting system the issue of reporting went downhill. The Secretary stated that in the main, the majority of *Carnet de Chasse* returns were either blank, or with a note specifying that the hunter did not go out hunting throughout the entire season or, worse, with profanities addressed at the authorities, not to mention reporting of for example Turtle-doves in January, when it is clear that this species does not migrate in winter. Lino Farrugia lamented that the *Carnet de Chasse* data was used against the hunting community, referring to the total number of Turtle-doves that were reported via the *Carnet de Chasse* in 2007, leading to a substantial reduction in the national bag limit. Mark Gauci replied that *Carnet de Chasse* data is at the end of the day data, and is used in a similar fashion when ringing data is used.
- 6.24 With reference to non-reporting and the game reporting data presented earlier, Mark Sultana stated that a rabbit hunting season could might as well no longer open considering that only 16 rabbits were reported caught in 2018, adding that such season is only opened to allow individuals to carry a gun to hunt birds illegally.
- 6.25 Chairman requested members to vote on a potential season for Quail and whether the Committee should recommend to Government a season for this species, from 10<sup>th</sup> April to 30<sup>th</sup> April until 1pm. The Secretary clarified that during the 2016, 2017 and 2018 seasons, spring hunting was until noon. Lino Farrugia requested that the season should be until 1pm since on Sundays hunting stops at 1pm. The Secretary further clarified that in the past spring hunting seasons, hunting was until noon during weekdays, Saturdays, Sundays and Public Holidays. Lino Farrugia remarked that previous to those years spring hunting was until 2pm. The Secretary stated that should FKKNK propose the spring hunting season until 1pm rather than noon, such proposal will be decided through a vote. Lino Farrugia stated that considering that during the past years hunting in spring was until noon, FKKNK are proposing the 2019 season until noon. The Chairman took note and proceeded with rewording the motion to read until noon and removal of the individual bag limit. Lino Farrugia clarified that removal should refer to both individual daily and individual seasonal bag limits.
- 6.26 Nicholas Barbara questioned why the dates of the season are being proposed from 10<sup>th</sup> April to 30<sup>th</sup> April. Mark Gauci stated that it is because it is linked with the Turtle-dove. Lino Farrugia stated that it is linked with the Turtle-dove and based on the fact that during spring 2017 and 2018, no Quail was observed on migration during the period from March until end-

April. Nicholas Barbara pointed out that what Lino Farrugia is stating does not tally with WBRU's report on the migration pattern of Quail, which is based on Ecoserv's study. The Chairman asked whether BirdLife Malta has a counter-proposal to FKNK's proposal. Nicholas Barbara clarified that BirdLife Malta is not submitting a counter-proposal on the season but at least members should vote on scientific data collected by WBRU. Lino Farrugia added that the proposal pertains to FKNK not WBRU, and further questioned BirdLife Malta present reference to the Ecoserv Studies when they have always publicly 'rubbished' these Studies, never accepting to be part of any Study notwithstanding having always been invited to participate by Ecoserv. Mark Sultana declared that BLM never took part in these studies but neither did it ever rubbish them. Lino Farrugia stated that the term 'rubbished' was as published in BirdLife Malta's press release when the first study by Ecoserv was initiated.

- 6.27 Mark Sultana stated that the proposal is FKNK's and that BirdLife Malta will not be submitting a counter-proposal, adding that BirdLife Malta is providing information showing migration peaks, including ERA's recommendation that the season should not extend beyond mid-April in view of the peak migration of Turtle-dove, also because of a quota of 5,000 Quail. Mark Sultana stated that if you look at the peaks of Quail migration, the second, third, fourth and fifth highest peaks were all during the first three weeks of April, adding that after 15<sup>th</sup> April the largest peak migration of Quail coincided with the peak migration of Turtle-dove. Mark Sultana also noted that since there is no vote on Turtle-dove during this meeting, the season for Quail should not open after 15<sup>th</sup> April, adding that this information is being presented to all independent members who will be voting on the spring hunting season for Quail and hoped that ERA maintains last year's position regarding the dates of the season, so that the proposal is not approved. Nicholas Barbara added that last year the season was opened during Turtle-dove migration and it was disastrous, stating that the peaks shown in Ecoserv's studies tally with those periods when Turtle-dove migration was observed by BirdLife Malta. Nicholas Barbara further lamented that the Committee risks proceeding to a vote without even taking into account the migration patterns.
- 6.28 Chairman stated that the Committee has a proposal on which a vote will be taken, adding that he gave BirdLife Malta the opportunity to submit a counter-proposal. Nicholas Barbara questioned whether the recommendation is to open a season for Quail or for Turtle-dove. The Chairman replied that the vote is for Quail, at which point Nicholas Barbara questioned whether it is in the interest of Quail hunting or Turtle-dove hunting. The Chairman reiterated that a vote will be taken and if BirdLife Malta wants to propose a counter-proposal the Committee should have a counter-proposal. Mark Sultana made reference to the chart showing peak migration of Quail and Turtle-dove, presented earlier, and informed members that this chart was handed over to BirdLife Malta by a consultant who works at the Ministry, who had stated that the dates for the 2018 season are being proposed towards the end of April because of the large peak migration of Quail after 15<sup>th</sup> April. Mark Sultana reiterated that in reality, with a national bag limit of 5,000 Quail, there is no need to have that large peak and that BirdLife Malta will insist on this issue, given that last year it was a smokescreen for Turtle-dove. Mark Sultana added that he is providing all the relevant information to the voting members and that BirdLife Malta does not need to submit a counter-proposal.
- 6.29 Chairman stated that the position of each member of the Committee should be understood, in that like him, they don't hunt, trap nor are they bird ringers. Nicholas Barbara replied that the Chairman shall have the duty to ensure that the data is discussed. The Chairman summarised BirdLife Malta's objection on the proposed dates of the season for Quail because, especially towards the end of April, they coincide with Turtle-dove migration, adding that he fully understood the data. Mark Gauci stated that it is not only because of that but also because historically the scientific data show that Quail migrates before 15<sup>th</sup> April, adding that it is true that there was a particular year when Quail did not migrate before 18<sup>th</sup> April. Lino Farrugia asked BirdLife Malta whether they would vote in favour of a spring hunting season if the dates were to be shifted to start from the beginning of April. Mark Sultana stated that BirdLife

Malta will be voting against, reiterating that for those who are considering voting with FKNK, to at least be aware of all pertinent information. The Chairman stated that whilst it is important for FKNK to have made its position clear on what FKNK believes to be the truth, it is equally important for BirdLife Malta to make its position clear. Mark Sultana concluded by stating that members should vote against the proposal for the reasons already explained earlier and that at most, FKNK could submit a different proposal when the Committee discusses the Turtle-dove next week. Lino Farrugia objected stating that a vote on Quail should be taken during this sitting.

- 6.30 The Chairman requested all independent members to seek any further clarification on any queries they may have before they vote, both in terms of the information presented by FKNK and that presented by BirdLife Malta. The Secretary added that an informed decision should be taken and that should there be any voting member who requires further information or clarification, the time to do so is now, before a vote is taken. Nicholas Barbara pointed out that in addition to the information presented earlier by BirdLife Malta, last year the peak migration of Turtle-dove was on the 19<sup>th</sup> April and on that date there was widespread hunting of Turtle-dove because there was an open season for Quail. Joe Perici Calascione asked how many individuals were apprehended and referred to Court. Nicholas Barbara indicated a nil figure. Mark Sultana made reference to the individual who was filmed shooting at a Turtle-dove at Mizieħ and that to date has not yet been referred to Court. FKNK asked whether this individual was identified to which BirdLife Malta replied that he was not only identified but that he will be taken to Court, the only question is when.
- 6.31 Regarding migration studies, Joe Perici Calascione stated that Ecoserv carries out its studies from fixed points yet FKNK has members distributed around Malta and Gozo, adding that the trend shows that whereas the Quail used to migrate from the last weeks of March, it is gradually being observed from 15<sup>th</sup> April onwards. Mark Sultana stated that to the contrary, all birds are migrating earlier. Nicholas Barbara made reference to Ecoserv’s extrapolated data for Quail for April 2018, as follows:

<b>Date</b>	<b>Quail (Estimated Daily Influx)</b>
1 April 2018	1,713
2 April 2018	774
3 April 2018	826
4 April 2018	1,585
5 April 2018	1,208
6 April 2018	1,642
7 April 2018	792
8 April 2018	1,208
9 April 2018	1,651
10 April 2018	7,799
11 April 2018	403
12 April 2018	2,702
13 April 2018	5,546
14 April 2018	0
15 April 2018	7,204
16 April 2018	3,962

17 April 2018	805
18 April 2018	1,642
19 April 2018	792
20 April 2018	1,547
21 April 2018	2,702

6.32 Nicholas Barbara maintained that Ecoserv's study shows that the peak migration of Quail during spring 2018 was on the 10<sup>th</sup>, 13<sup>th</sup> and 15<sup>th</sup> April.

6.33 The Chairman, after inviting the Secretary to read the motion, asked members to vote. Five members voted in favour whereas BirdLife Malta and ERA voted against. There were no abstentions. FKNK's proposal was approved and will be recommended to the Minister accordingly.

**7. Any other business**

7.1 The Committee agreed to reconvene on 26<sup>th</sup> March. The meeting was adjourned at 1815 hrs.

**Annex A: FKNK's Report on Traditional Turtle-dove Hunting in  
Spring on the Maltese Islands - Lifting of the Moratorium  
(February 2019)**

**Traditional Turtle Dove Hunting  
in Spring on the Maltese Islands  
Lifting of the Moratorium  
A FKNK Report  
February 2019**



## **Author Declaration and Comment**

I have been charged with preparing this Report about the 'Traditional Turtle Dove Hunting in Spring on the Maltese Islands - Lifting of the Moratorium', by the Council of the Federation for Hunting and Conservation – Malta (FKNK). With this organisation I have held various official posts over the last 35 years, at present, in the role of Chief Executive Officer.

Being a keen and passionate hunter and trapper of the turtle dove myself, I have endeavoured to be unbiased in the preparation of this Report and so stuck to presenting only facts of subject matters. Moreover, I welcome the FKNK Council's decision to later seek other professional opinion/s about this Report by commissioning consultant/s involved in modelling and population biology.

In the meantime, I hope that this Report is used as a permanent base for application of derogation to permit traditional sustainable turtle dove spring hunting on Malta, not just for the immediate term but more so for the future long-term. This is also the sentiment of the FKNK Council.

Lino Farrugia  
February, 2019

## Abstract

With the exception of the wild rabbit (*Oryctolagus cuniculus*), which is only found in a few areas, the Maltese islands are and have always been devoid of any resident huntable species. Thus, the traditions of sustainable hunting (shooting by the use of smooth-barrelled shotguns) and live-bird capturing (colloquially known as trapping), have always been in pursuit of migratory huntable bird species.

Malta's chief huntable species is the European Turtle Dove (*Streptopelia turtur*). As a result of the geographical situation of the Maltese archipelago and migratory patterns and major presence of the turtle dove over the islands, the Maltese hunters and trappers have always traditionally harvested the species in spring (April – May). Very few birds, with several days on end when no birds can be met, are sporadically present during the autumn migration (August – September).

An outright ban on the traditional socio-cultural practice of turtle dove hunting in spring in Malta, would practically spell the abolition of traditional hunting for the thousands of Maltese hunters who have passionately and sustainably harvested the turtle dove in spring since time immemorial, which custom constitutes their recreational way-of-life.

Hence, the Introduction chapter of this Report will elaborate further the foregoing, whilst the next chapter will deal with the Background, History and Literature Review.

The FKNK was well informed, especially through its FACE (European Federation for Hunting and Conservation) membership since 1987, that Malta's EU Membership in 2004, would impose serious restrictions, possibly bans, on Malta's socio-cultural traditions of hunting and trapping. These, principally due to the eventual integration of the EU Nature legislation into Maltese law, in particular of what is known as the 'Birds' Directive.

Prior to Malta's EU Membership in 2004, the FKNK had warned the Maltese hunters and trappers with the EU Membership dangers, however, the FKNK was no match for the political powers and sources, both local and European, that, on the other hand, were declaring otherwise. The facts of the situation at present, which are evident to all, confirm the FKNK warnings.

Notwithstanding that on Malta's EU Membership, BirdLife Malta publicly declared that it was in acceptance of spring hunting in Malta, in 2006, the society instigated the EU Commission to file proceedings against Malta in the European Court of Justice (ECJ) to abolish spring hunting. On 10 September 2009, through the ECJ verdict, Malta established the principle that hunting of the turtle dove in autumn does not constitute a satisfactory alternative solution to the species hunting in spring. The FKNK Report, 'Hunting in Malta in Spring and Autumn - A Comparative Study', was instrumentally used by Malta's Defence team in the Court proceedings and significant in the ECJ verdict to establish the 'satisfactory solution' theory.

In 2014 - 2015, BirdLife Malta, in alliance with several other organisations, lawfully forced the Malta Government to call the first ever direct Abrogative Referendum in a further effort to abolish spring hunting from the Maltese islands. On 11 April 2015,

the FKNK secured the historic victory result of the Referendum vote. In May 2015 the EU Commission withdrew the infringement proceedings it had pending against Malta since the ECJ verdict of 2009.

In the run-up to the Referendum vote, the FKNK filed the largest petition (104,293 signatures) ever presented to the Malta Parliament, calling for adequate, just and fair amendments to the Referenda Act. This Petition is still pending consideration by the Malta Parliament at present.

In 2016 the IUCN (International Union for the Conservation of Nature) up-listed the European conservation status of the turtle dove from the 'Least Concern' taxon to 'Vulnerable' on its Red List of Threatened Species. On 26 April 2016, the IUCN exceptionally urged the European Commission (EC) to request the Maltese authorities to protect the European Turtle Dove, and the EC threatened new European Court proceedings against Malta's application of derogation to permit hunting of the turtle dove in spring.

In May 2016, the FKNK proposed a Voluntary Moratorium on the spring hunting of the turtle dove to the Malta Government, on the clear and documented understanding that the Moratorium shall stay in place "until the sustainability of Malta's tradition can be objectively and scientifically ascertained." On 27 May 2016, the Government officially declared that the Moratorium would be imposed from the spring of 2017, and in fact the turtle dove was not hunted in the spring of 2017 and 2018.

The third chapter of this Report will explain the Methodology used in the research and studies carried out that support the aim and objectives of the ultimate proposal of the FKNK for lifting of the Moratorium.

Put simply, through facts and figures, the first exercise will demonstrate that over the years Malta's taking of any number of turtle doves in spring has had a nil effect on the breeding numbers of the reference populations, that is, those breeding populations that reach their breeding grounds in the reference population countries after their spring migration over the Maltese islands.

The next study is carried out to establish the average number of turtle dove fledglings. Through, and as a result of this exercise, a module for sustainable national turtle dove harvests for both spring and autumn seasons is proposed, based on, and not in excess of the already permitted annual Malta take of 7000 birds.

Secondary data is used for both these studies and similar data is used in the rest of this Report which is reached from the academic literature that has been reviewed through the use of books and journals cited, together with the internet sources and websites that have been accessed.

Thus, the findings and results from the studies, which constitute the rationale for their undertaking, are analysed and discussed in chapter four of this Report, while the Conclusion chapter states the FKNK recommendations and suggestions for lifting of the Moratorium.

<b>CONTENTS</b>	v
<b>Author Declaration and Comment</b>	ii
<b>Abstract</b>	iii
<b>Chapter One</b>	1
<b>1.0 Introduction</b>	1
<b>1.1 The Traditional Socio-Cultural Passion</b>	1
<b>1.2 Malta's chief game-bird - the Turtle Dove (<i>Streptopelia turtur</i>)</b>	1
<b>1.3 No Other Satisfactory Alternative Solution to the Turtle Dove Spring Hunt</b>	2
<b>Chapter 2</b>	5
<b>2.0 Background, History and Literature Review</b>	5
<b>2.1 Malta a EU Member State</b>	5
<b>2.2 ECJ Case - The Commission vs the Republic of Malta</b>	6
<b>2.3 Illegalities</b>	7
<b>2.4 The FKNK Petition</b>	8
<b>2.5 The Abrogative Referendum</b>	8
<b>2.6 IUCN Classification</b>	10
<b>2.7 EU Commission Related Communication</b>	13
<b>2.8 The Moratorium</b>	15
<b>2.9 FKNK Works for the Reinstatement of the Turtle Dove Spring Hunt</b>	17
<b>2.9.1 Caruana-Galizia and Fenech Paper</b>	17
<b>2.9.2 FKNK Project: Turtle Doves (<i>Streptopelia turtur</i>) Captive-breeding and Release into the Wild</b>	19
<b>2.9.3 This Report</b>	21
<b>Chapter Three</b>	22
<b>3.0 Methodology</b>	22

<b>3.1 Approach</b>	22
<b>3.2 Report Methodology</b>	22
<b>3.2.1 Qualitative Method</b>	22
<b>Chapter Four</b>	23
<b>4.0 Exercises</b>	23
<b>4.1 Report Exercise One</b>	23
<b>4.1.1 Workings</b>	27
<b>4.1.2 Best Available Data Cited</b>	27
<b>4.1.2.1 Italy</b>	27
<b>4.1.2.2 Czech Republic</b>	28
<b>4.1.2.3 Hungary</b>	28
<b>4.1.2.4 Germany</b>	29
<b>4.1.2.5 Poland</b>	29
<b>4.1.2.6 France</b>	30
<b>4.1.2.7 Croatia and Austria</b>	30
<b>4.1.3 Findings, Results and Discussion</b>	30
<b>4.2 Report Exercise Two</b>	31
<b>4.2.1 Findings and Discussion</b>	32
<b>Chapter Five</b>	33
<b>5.0 Conclusion and Proposal</b>	33
<b>5.1 Considerations</b>	33
<b>5.2 FKNK Proposal</b>	37
<b>5.3 Final Important Note</b>	38
<b>Bibliography</b>	viii

<b>Annexes</b>	xv
<b>Annex I Illogical and Conflicting Numbers of Hunted Turtle Doves (<i>Streptopelia turtur</i>) on the Maltese Islands</b>	xv
<b>Annex II THE FKNK RELEASES OVER 700 TURTLE DOVES INTO THE WILD</b>	xxi
<b>Annex III UNESCO Universal Declaration on Cultural Diversity</b>	xxiii

## **Chapter One**

### 1.0 Introduction

#### 1.1 The Traditional Socio-Cultural Passion

The traditional socio-cultural practices, rather passions, of sustainable hunting (using only smooth-barrelled shotguns) and live-bird capturing (locally known as trapping – using of manually-operated traditional clap-nets to live-capture migratory bird species, which are kept alive in captivity for eventual use as live-decoys, call-birds, for the enjoyment of their song, and a few for captive-breeding purposes) of migratory game-bird species (Zammit & Farrugia, 2012a and b:3), therefore legally huntable, constitute the unique and specific condition situation (FACE, 1987) on the Maltese islands. The situation that at present prevails on the islands, is mostly due as a direct consequence of Malta's EU Membership since 2004. This, besides the consequence of man's better understanding and consciousness of animal species conservation.

As a direct result of the Maltese archipelago geographical situation and predominant dry climate the islands do not hold and have never held any resident game-species (Zammit & Farrugia, 2012a and b:3) except for a few wild rabbits *Oryctolagus cuniculus* - *Fenek Selvaġġ* in Maltese. These, then again, cannot be found over all the islands and can only be met with in a few specific areas. Hence, only migratory game-bird species are taken, and have always been taken by the Maltese hunters and trappers.

#### 1.2 Malta's chief game-bird - the Turtle Dove (*Streptopelia turtur*):

"The turtle dove (gamiema in Maltese) is the darling of Maltese hunters and trappers. For these 'aficionados' spring is not spring without it." (Zammit & Farrugia, 2012a and b:25).

Galea (2006) stated that the Maltese hunting community is not simply composed of the numerous hunters and trappers, but also embraces their families and friends, including non-hunters.

"According to the MRAE (Ministry for Rural Affairs and the Environment) report of 2005, banning spring hunting would also negatively affect Maltese traditional spring cuisine, and the custom of eating game at this time of the year." (Farrugia & Perici Calascione, 2013:4).

### 1.3 No Other Satisfactory Alternative Solution to the Turtle Dove Spring Hunt

Due to the migratory pattern and available numbers of the turtle dove over the Maltese islands, the traditional hunting period has always been in April and May, since very few, if any, birds can be met, just on the islands Western zones, during the bird's autumn (August - September) migration (Farrugia, 2008). This principle fact, was firmly established in the European Court of Justice (ECJ) ruling of 10 September 2009, that is, that the possibility to hunt the turtle dove during its autumn migration over Malta is not a satisfactory alternative solution to the bird's spring migration hunt (Case C-76/08, para. 63).

It must further be emphasized, that the abolishment of Malta's chief game-bird (the turtle dove) hunting in spring, would simply leave the Maltese hunters no other satisfactory alternate game-bird to hunt. Whereas, all the other EU Member States, where the species is also hunted, are blessed with alternative/s.

The turtle dove spring hunting and trapping open season prior to Malta's EU membership consisted of 60 full days and 153 full days in the autumn/winter open season, and no bag limits were imposed in either season. The 2016 respective spring season (when last, derogation was applied to permit only shooting, and not trapping, of the turtle dove in spring) consisted of a total of 7 full days (from 60) and an individual daily bag limit of two birds and an individual seasonal bag limit of four birds. These limits had to be shared between the two permissible huntable species, that is, the turtle dove and the quail (*Coturnix coturnix*). The turtle dove national bag limit was set at 5000 birds (according to BirdLife International, this figure constitutes between 0.08% to 0.04% from the turtle dove European population, and between 0.03% to 0.007% of the bird's global population). The 5,000 small number formed part of several other restrictions and innumerable strict controls, real-time bag

reporting and independent scientific studies (Ecoserv, 2016) that were also in place in the spring of 2016.

The 2016 autumn turtle dove hunting open season was also severely reduced to just 30 days (from 153), most of which also with lessened hours and a national bag limit of 7,000 birds imposed. Again, these small numbers form part of numerous other restraints and countless strict controls, real-time bag reporting and the independent scientific studies (Ecoserv, 2016).

Since BirdLife International (2015) estimate the turtle dove European population to stand between 6,310,000 and 11,900,000 individuals, and its global population to add-up to between 19,300,000 and 71,400,000 individuals, the FKNK finds the International Union for the Conservation of Nature (IUCN) statement that these substantial amounts are in danger of extinction, to say the least dubious, also in deliberation that the species is an inexhaustible breeder in captivity (FKNK, 2016). The FKNK further stated that with the knowledge of these official figures, how can it ever manage to reasonably 'convince' the Maltese hunters and trappers, that their <5000 insignificant harvest can ever dent, in any slight manner, the turtle dove population in the wild (FKNK, 2016).

Moreover, the FKNK has found it much more difficult to explain and justify, the gross numbers of turtle doves that are taken, both legally and illegally, on an annual basis, in EU Member States (estimated legal harvest can add-up to 3,000,000 - European Commission (2007:19)), while others calculate as much as 4,000,000 Boutin (2001) and the uncalculated millions (Browne and Aebischer, 2005) taken in non-EU countries (FKNK, 2016). When faced with such facts, the FKNK suspicions increased, in particular that maybe the Commission is acting discriminately with Malta with the intention of using the Malta spring hunt abolition to send a clear message to the other EU Member States (Dimas, 2008) and (FKNK, 2016). Thus the FKNK has questioned that, if this is not the intention, why then did the quail (IUCN - least concern taxon classification) get 'caught-up' in the Commission's pilot letter against Malta? (FKNK, 2016).

"For hunters, spring hunting represents what traditional recreational hunting is all about, and if this was to be banned, this would practically mean the end of Maltese hunting. (MRAE, 2005).

The socio-cultural traditional custom of hunting and trapping the turtle dove in spring constitutes the Maltese hunters and trappers recreational way-of-life.

## **Chapter 2**

### **2.0 Background, History and Literature Review**

#### **2.1 Malta a EU Member State**

In the years which preceded Malta's membership of the EU, the FKNK, with several years of experience with regards relative EU matters, mostly thanks to its 1987 membership with the European Federation for Hunting and Conservation (FACE), did its very best, with its limited available resources, to explain to the Maltese hunters and trappers what EU membership would mean for their traditional socio-cultural passions, their way-of-life (FKNK, 2016). However, during the entire EU membership campaign, the highest Maltese authorities, not least of which the then Malta Prime Minister and the Malta/EU Information Centre (MIC), through both verbal and official documented mediums (two letters signed by the Prime Minister and bearing his office official seal, addressed to every hunter and trapper were sent by conventional mail to each respective individual hunter and trapper household - this was tantamount to legitimate expectancy; MIC Information Brochures and Facts Sheet sent to every Maltese house; one out of 77 special arrangements Malta made with the EU; and other), promised and guaranteed that the practices of hunting and trapping would still be possible, and unhindered, with Malta a EU Member State (FKNK, 2016). The FKNK resources, therefore, were toothless, when compared to the might of the highest Maltese and EU authorities.

The authorities' statements were rendered even more credible, because, besides coming from the country's supreme authorities, the EU, which was certainly fully aware of what was being said and done by all interested parties in Malta, was totally tacit, never confirming nor denying anything (FKNK, 2016). The FKNK also suspected that there may have been in place some kind of underhand arrangement until EU membership would have been secured (FKNK, 2016). Notwithstanding all, and that now, the FKNK warnings with regards Malta's EU Membership have been factually verified, the FKNK has always done its best to work in harmony with the EU Nature Directives, and still does (FKNK, 2016).

## 2.2 ECJ Case - The Commission vs The Republic of Malta

In October of 2003, when Malta's EU Membership had already been secured, at a Press Conference given by BirdLife Malta, Dr. Antoine Vella (BirdLife Malta President at the time), declared BirdLife Malta's willingness to accept hunting in spring, so long as, this would be restricted to the taking of just the turtle dove and the quail. However, Dr. Natalino Fenech, then a staunch BirdLife Malta supporter and activist who was thus well versed with BirdLife Malta's motives, had informed the author of this Report, that once Malta would officially become a member of the EU, come May, 1, 2004, BirdLife Malta would scrap its 2003 declaration and pressurise the EU Commission to take Malta to the ECJ to abolish spring hunting, and that will spell the end of spring hunting in Malta for good (pers. comm.). In fact, in 2008, the ECJ commenced the hearing of Case C-76/08, The Commission vs The Republic of Malta, concerning the issue of spring hunting on Malta.

"On 10 September 2009, the highest EU Institution, the Court of Justice of the European Union delivered its judgement in the case concerning the issue of spring hunting on Malta, viz The Commission vs Malta (Case C-76/08)..." (Zammit & Farrugia, 2012a and b:27).

wherein it also stated:

"..63 Having regard to those very specific circumstances, hunting for quails and turtle doves during the autumn hunting season cannot be regarded as constituting, in Malta, another satisfactory solution, so that the condition that there be no other satisfactory solution, laid down in article 9 (1) of the Directive, should, in principle, be considered met." (Zammit & Farrugia, 2012a and b:27).

Farrugia's (2008) report, "Hunting in Malta in Spring and Autumn - A Comparative Study", carried out on behalf of the FKNK in collaboration with several other FKNK officials and members, was influentially used by Malta's defence team during the ECJ hearings, and proved momentous in the ECJ's ruling to confirm the 'satisfactory solution' concept. In fact, in para. 61 of the verdict one reads:

"Moreover, it is not disputed by the Commission that, during that period, only a restricted part of the territory of that Member State is visited by the two bird species in question and that they migrate mainly at the end of August and during September." (Judgment of the Court, 2009).

This paved the way for Malta to apply correct derogations to permit hunting in spring for the turtle dove for years 2010, 2011, 2012, 2013, 2014, 2015 and 2016 (FKNK, 2016). It is finally noteworthy to explain that the Maltese hunters were not permitted to hunt in the spring of 2008 and 2009 as both a respective direct (interim measures imposed by the Court) and indirect (Malta Government imposition) consequence of the ECJ proceedings at the time. Whereas, in 2010 the FKNK successfully directed the Maltese hunters to boycott the spring hunting season, because the FKNK believed that Government's proposed respective open season was an insult and undemocratic (FKNK, 2016).

### 2.3 Illegalities

Since Malta's EU Membership, Maltese hunters and trappers, and the FKNK, were often told that the only remaining 'obstacle' that was preventing the traditional passions from being practiced 'peacefully' and in full adherence with the EU's Nature Directives was that hunting related illegal activities were rampant with inexistent relative enforcement, and that if these were to be seriously curtailed, Maltese hunters and trappers would be able to tranquilly enjoy their hunting and trapping way of life on the same level as do their EU citizens' counterparts (Mr. Lino Mintoff, 2006, then Permanent Secretary MRAE in a pers. comm.). Thus, the Maltese Governments have tried counterproductive measures in attempts to curtail the illegalities, namely, illegal collective punishment by the prior closure of an open hunting season - on three different occasions (FKNK, 2016). Today, though, thanks to the strong political will of the present Maltese Government, the Wild Birds Regulation Unit (WBRU) within the Agriculture and Fisheries Parliamentary Secretariat, the Malta Police specialised enforcement unit, the ALE, the Maltese hunters and trappers understanding, and the FKNK cooperation, including 70 hunting marshals which are deployed by the FKNK to assist the authorities in surveillance, Malta, can boast of having some of the best disciplined and law abiding hunters and trappers, and the

least number of hunting related infringements, in the EU (WBRU, 2016). It must be added, that the islands' size and other logistics have also been major enforcement issues' contributors towards this success (FKNK, 2016). Notwithstanding all this, the Commission still seems unconvinced and therefore, the FKNK believes that the Commission may be 'bullying' its smallest Member State and possibly applying two weights, two measures, when one considers that Malta applies just two derogations, whereas thousands of derogations are applied annually by other bigger Member States (FKNK, 2016).

#### 2.4 The FKNK Petition

In the run-up to the Abrogative Referendum (2.5 hereunder), the FKNK collected a Petition asking for fair, adequate and just amendments to the Referenda Act by means of which Act the Government was forced to call said Abrogative Referendum at the time. On 2 June 2014, the FKNK presented the largest ever petition (104,293 physical signatures of Maltese adult citizens) to the Maltese Parliament. This Petition is still pending the Maltese Parliament consideration at present, also by the recently formed Parliament Petitions Committee.

#### 2.5 The Abrogative Referendum

Without being disrespectful or insolent towards the reader and his/her intelligence, the author wants to highlight the seriousness of the peoples power and government's helplessness who is legally forced to call an Abrogative Referendum and eventually legislate in accordance with the referendum's outcome. According to Campbell and Verissino (2014) the Abrogative Referendum was an initiative of a local Green Party leader who approached BirdLife Malta with the idea to petition government to call the Referendum.

The author of this Report begs to differ. Prior to the General Elections of 2013, the two leaders of the main political Parties were called to a live TV debate during which they were put questions that had been proposed by the general public prior to the debate. To a question to the tone of "would you organise a referendum for or against spring hunting", the then leader of the Nationalist Party in government at the time, the

Prime Minister, replied, "Yes, if the need arises, yes". In the author's mind this set-off the collection of signatures for the petition that was necessary to force government to hold the Abrogative Referendum. What did upset the author was the fact that that question was proposed in writing prior to the debate by a young, rather over-zealous hunter. This person did inform the author that he had already sent the question, to which the author replied that then, there was nothing else one could do about it.

(pers. comm.)

The Abrogative Referendum to abolish spring hunting was not held as a 'stand-alone', but in conjunction with the elections of over half of the Maltese islands Local Council Elections, and the anti spring hunting lobby at the Referendum vote of 11 April 2015 enjoyed the support of:

- the local Green Political Party, *Alternativa Demokratika*;

- "...12 ENGOs of varying sizes (from less than 10 to about 2,700 members),..." (Campbell & Verissimo, 2014:206), most prominent amongst which BirdLife Malta that:

"...has installed its 'core' politically-experienced supporters in influential positions in local media." (Campbell & Verissimo, 2014:215),

and who are:

"...quick to mobilise their international connections, raising money and attracting foreign media coverage." (Campbell & Verissimo, 2014:215);

- "and agendas (from animal welfare, to marine conservation, to the protection of historical heritage)..". (Campbell & Verissimo, 2014:206);

- "... the 'Coalition for Animal Rights' (CAR), another coalition of 12–14 animal welfare NGOs.." (Campbell & Verissimo, 2014:207);

- the Catholic Church newly appointed Malta Archbishop (FKNK, 2016);

- the 3 local newspapers that are published in the English language (FKNK, 2016);

and

- a local renowned retired Judge (who was Judge of the European Court of Human Rights from 1 November 1998 until 31 October 2004), supported by 6 local lawyers (FKNK, 2016).

All these besides the financial and other support of several entities and personalities hailing from the UK, lead by the Royal Society for the Protection of Birds (RSPB), the legendary band Queen guitarist, Brian May, to BBC's Packham (Campbell &

Verissimo, 2014) and Oddie, another anti-hunting personality hailing from the UK (FKNK, 2016). The FKNK has said that whilst it admires the UK's population courage in its Brexit move, it expects that UK MEPs and the rest of the country's anti-hunting entities should now back-off their attacks on Malta (FKNK, 2016). The worst and strongest attacks on Maltese traditional hunting and trapping passions actually emerge mostly from the UK (FKNK, 2016). These attacks, may be a result of the 'neo-colonialism' factor – Malta was a British Colony for nearly 200 years (Farrugia & Perici Calascione, 2013 and Farrugia, 2012). Moreover, the highest turtle dove population and breeding pairs' decline - 91% (Operation Turtle Dove, n.d. and Baillie, Crick, Balmer, Beaven, Downie, Freeman, Leech, Marchant, Noble, Raven, Simkin, Thewlis, & Wernham, 2002), has been reported to be in the British Isles (where the species has always been protected and thus any decline can never be attributed to shooting (FKNK, 2016). Nor can Maltese shooting of the bird have any bearing on said decline, simple because it has time and time again been scientifically proven that 'British' turtle doves never migrate over the Maltese islands, which islands migration routes are in a north-east to south-west direction and vice-versa, and the British Isles are geographically situated to the north of the Maltese islands (Browne & Aebischer, 2005). In fact, none of the ringed turtle doves in other European countries that have been recovered in Malta are from the UK (Raine, 2007).

Notwithstanding all this opposition, and that over 75% of eligible voters took to the polls (3% more than those who had voted in the recent Consultative Referendum regarding Divorce), the FKNK triumphed in the first ever locally held democratic abrogative referendum (Sansone, 2015). In May 2015, the Commission lifted the infringements procedures that it still had pending against Malta with regards to spring hunting, since the ECJ Case verdict of 2009 (FKNK, 2016).

The FKNK historic Referendum victory should have thus sealed the Malta spring hunting issue for good.

## 2.6 IUCN Classification

In 2016, the IUCN Red List of Threatened Species up-listed the turtle dove to Vulnerable in Europe, and listed the species continued decline in areas of occupancy

and occurrence and number of locations as "unknown", with "No" extreme fluctuations in the same areas and locations (BirdLife International, 2015). Moreover, in an unprecedented move, the IUCN addressed the EU Commission and issued a respective press release (erroneously attaching a photo of another dove species and not that of a turtle dove), in which it urged the Commission to request Malta to protect the turtle dove, in other words, 'hinting' that Malta should not apply derogation for hunting of the turtle dove in spring (FKNK, 2016). The FKNK asked when did the IUCN feel the need to meddle with the Commission affairs? And how can such a scientific body state that the turtle dove may become extinct – a highly prolific captive-breeding bird (FKNK, 2016).

It is an undeniable and documented fact, that the majority of the IUCN scientists responsible for bird species classification are BirdLife activists. One such activist was a Ms. Hannah Wheatley, a BirdLife International employee who since September 2014 had occupied the position of Global Species Officer (Red List & Mapping) responsible to evaluate the status of the world's birds for the IUCN Red List. Between February 2013 and January 2014, Ms. Wheatley was assigned with BirdLife Malta with responsibilities, besides other, to contribute to the authoring of BirdLife Malta's report to the European Commission on the 2013 derogation on the EU "Birds" Directive that allowed spring hunting in Malta! (<https://mt.linkedin.com/in/hannahwheatley>).

The IUCN List further details the Species' major threat/s as:

"Transformation of agricultural land, including destruction of hedges, is thought to be an important factor in the decline of this species as well as the loss of semi-natural habitats. Changes in agricultural practices have several impacts on the species, as they can both reduce food supply and nesting habitat availability and it is likely that the decline in food is the main limiting factor rather than decline in nest site availability (Lutz 2006). Widespread use of chemical herbicides appears to also be a very serious factor, with a consequent decline or elimination of many food plants. Hunting is also significant during migration and in its wintering range; with an annual toll in France computed at c. 40,000 birds (Baptista *et al.* 2015). The species is also vulnerable to infection by the protozoan parasite *Trichomonas gallinae*, which

causes mortality (Stockdale *et al.* (2014). Severe drought in the Sahel zone is thought to be a possible factor in the decline as well as competition with Eurasian Collared-dove *Streptopelia decaocto* (Lutz 2006). A loss of suitable autumn stopping sites (field crops and trees around oases) may also have contributed to its decline as well as a change in tree composition, increased disturbance and an increase in the number of Common Myna *Acridotheres tristis* in cities where European Turtle-dove nested in Central Asia (R. Kashkarov *in litt.* 2015)." (BirdLife International, 2015).

The FKNK noted that here hunting on migration refers to autumn hunting of the species, and 'large' numbers taken are cited as an example for France where it is possible to hunt the species only during autumn and such numbers may be reached (FKNK, 2016). Furthermore, the "wintering range" of the species is highlighted as significant with regards hunting, and turtle doves do not winter on the Maltese islands, and ironically enough the collared dove is a protected species in Malta (FKNK, 2016).

The IUCN List proposed Conservation and Research actions being:

"Breeding and staging habitats should be managed to ensure favourable conditions for the species (Lutz 2006), including: ensuring the conservation and re-creation of hedges with hawthorn (*Crataegus*) which is a favoured tree for breeding and a reduction in the use of agricultural herbicides (Tucker & Heath, 1994). Restrictions on hunting to avoid affecting late breeding birds and birds during spring migration should be introduced and enforced. Annual national bag statistics where hunting takes place must be collected in order to develop a level of hunting which is sustainable. Research and population monitoring should be continued (Lutz 2006), particularly in its non-European range where little information is currently available." (BirdLife International, 2015).

The FKNK noted that hunting during spring migration should be "restricted", therefore not banned (FKNK, 2016). Also, official national bag statistics have been available in public domain in Malta since 2000. From a sustainable hunting use perspective, there are clear cases when the hunting of a declining species is important for the

conservation of that species and such cases were cited recently by IUCN's SULI Specialist Group in their 'Trophy Hunting' Briefing Paper (2016). Furthermore, and from a legal angle, how the hunting of a species can affect its status, can be seen in Case 342/05 Commission v. Finland. The question was whether the Finnish government could apply derogations for the hunting of wolves from populations that were listed as strictly protected under the EU Habitats Directive. The European Court of Justice concluded that:

“the grant of such derogations remains possible by way of exception where it is duly established that they are not such as to worsen the unfavourable conservation status of those populations or to prevent their restoration at a favourable conservation status” (See paragraph 29).

In a similar context, under CITES, the criterion for assessing if non-commercial trade can be allowed for strictly protected Appendix I species is whether it is “not detrimental to the survival of the species involved”. In summary, the FKNK fully supports hunting restrictions when evidence suggests they are necessary for the recovery of the species, but in the case of Malta, the FKNK strongly argues that this is not the case, and that a ban must be discussed in relation to the detriments that may arise from stopping turtle dove hunting (in effect, hunting) on Malta, including a high probability of increased illegal bird killing (FKNK, 2016).

## 2.7 EU Commission Related Communication

"It is, of course, generally not advisable to subject such species or populations to hunting, even if hunting is not the cause of or contributing to their unfavourable conservation status. However, allowing hunting of a species can provide a strong incentive to manage habitats and address other factors contributing to population decline, therefore contributing to the objective of restoring populations to favourable conservation status." (European Commission, 2004, pp. 23:24).

Here the FKNK noted that the allowance of hunting is considered an "incentive" (FKNK, 2016). According to Browne and Aebischer (2004) a ban on hunting will not mean an increase in the population. With reference to the turtle dove, the authors further explain that the bird's decline was mostly due to the prevailing conditions in its

breeding locations. Hence, improvements in the breeding areas can support population recovery more effectively than a ban on hunting (Browne and Aebisher, 2004). Turtle doves do not breed in the wild on the Maltese islands.

"Where a species is declining, hunting cannot by definition be sustainable unless it forms part of a properly running management plan that also involves habitat conservation and other measures that will slow and ultimately reverse the decline." (European Commission, 2004, pp. 24).

Having taken note that Hunting can be sustainable if it forms part of a proper management plan for the species, through its FACE membership the FKNK closely follows the EU Expert Group on the Birds and Habitats Directive (NADEG) proceedings with regards the Turtle Dove Management Plan 2018 - 2028 (FKNK, 2016). Two things have to be pointed out here: that the **ten-year** plan is spearheaded by BirdLife International and that EU Species Action Plans such as this, are not of a binding nature and as such these are drafted and implemented at the discretion of each EU Member State.

With regards any effect on population dynamics, the 'Birds' Directive Commission Guidance Document reads:

"3.5.34 In order to determine an exact figure for the threshold, two approaches are possible: - the figure must be much lower, by at least an order of size, than those figures characteristic of the taking of birds under Article 7. A figure of 1% meets this condition.

- the taking must have a negligible effect on the population dynamics of the species concerned. A figure of 1% or less meets this condition as the parameters of population dynamics are seldom known to within less than one percentage point and bird taking amounting to less than 1% can be ignored from a mathematical point of view in model studies." (European Commission, 2004, pp. 23:24).

The FKNK (2016) took note that: "...bird taking amounting to less than 1% can be ignored from a mathematical point of view...". The total taking of the turtle dove in spring and autumn on Malta is already much less than the 1%, and the small national bag limits and short open seasons, definitely render the taking totally insignificant (FKNK, 2016).

## 2.8 The Moratorium

*Source: FKNK, 2016:12-14*

In the light and consideration of all the above, and even though in the FKNK's opinion, if any restrictions were necessary on the turtle dove spring hunt, these had already been enacted in 2015;

and in accordance with the European EU Environment Commissioner's Moratorium proposal to the Maltese authorities;

and on the clear and documented understanding that the Moratorium would be lifted when "the sustainability of Malta's tradition can be objectively and scientifically ascertained";

in May 2016, the FKNK, with full responsibility and also knowledgeable of the extremely high risk its decision carried<sup>1</sup>, proposed a Voluntary Moratorium (immediately taken-up by the Maltese Government) on the hunting of the turtle dove in spring.

In its announcement of the Moratorium proposal, the FKNK made it crystal clear that a moratorium is not indefinite. Adding that the Moratorium's suspension of the turtle dove spring hunt will NEVER contribute to the stabilization, let alone, increase the turtle dove population.

During the Moratorium's period the FKNK set-out to prove, yet again, that Malta's spring harvest of the turtle dove will NEVER, either way, EVER, have ANY effect on the European population of the turtle dove, and that the traditional socio-cultural passion of Maltese hunters' turtle dove spring hunting is sustainable and possible, whatever the bird's population size may be at any time. Moreover, the main causes cited by the IUCN for the species decline are totally inexistent on the Maltese islands.

The turtle dove's European population stabilization or any increase is only possible through concrete efforts of the other European countries, especially of those where

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<sup>1</sup> The FKNK Moratorium proposal has brought about the contempt of a handsome number of FKNK members, some of which have turned away from the FKNK as a consequence.

the species breeds on a regular basis. This is precisely why the FKNK will nonetheless closely follow NADEG's proceedings.

However, the FKNK fears, that due to these countries lack in the bird's interest and even because of the likelihood of economic implications, for example, it is very difficult to image that any country would change its agricultural policy for the sake of the turtle dove's conservation, the other countries will not do much towards the conservation status of the turtle dove (not even were the bird's hunting to be completely banned, since several other game-species are huntable contemporarily). Anything that may be seen as is being done, such as the UK's 'Operation Turtle Dove', may only be in place to boost that country's public image, when in fact the project is nothing more than a cosmetic fund raiser based on emotions (see 'Donate' in Operation Turtle Dove, n.d.).

The FKNK took the Moratorium proposal decision responsibly, even though it is fully aware that:

- A three-year 'moratorium' on spring hunting had already occurred in the spring of 2008, when the ECJ prevented Malta from applying derogation, and in the spring of 2009 when the Maltese Government refused to apply derogation. In both instances spring hunting was not permitted as a precautionary measure because of the pending ECJ Case at the time. Furthermore, in the spring of 2010, the FKNK successfully directed its members to boycott the insult of a discriminatory season that the Government wanted to 'grant' to the Maltese hunters, notwithstanding the previous September historic European Court of Justice verdict. At the time, the Carnet de Chasse records (Carnet de Chasse, 2004) showed an average harvest of over 30,000 turtle doves each spring (in 60 full days of hunting). Therefore, and since not even then did the IUCN record a stable or increasing turtle dove population, what positive movement in population can anyone expect now, that Malta would not harvest a maximum of 5000 turtle doves during the Moratorium!
- In recent years, and with the direct aid of FKNK members and local authorities cooperation, today, illegalities are practically inexistent on Malta. In fact, Malta most probably has the best behaviour record in Europe, if not in the world. Illegalities, used to be cited by BirdLife & Co., as the main reason why a hunting season should be closed (in fact in 2007, 2014 and 2015, Maltese Governments,

illegally imposed collective punishments by closing the respective hunting season, because of reported illegalities at the time). However, now, BirdLife can no longer use the illegalities issue and Maltese hunters should be rewarded for such achievements and not punished!

- The Commission is using two weights/two measures in dealing with its Member States since about 5000 derogations are applied each year by the different Member States (the UK alone applies close to 2000), and Malta is being 'bullied' not to apply an average of two derogations to permit traditional hunting and trapping practices, also in spite of the Maltese Government's strict compliance with the derogations' conditions so that these are applied in a correct manner.
- The heavily BirdLife influenced IUCN will NEVER down-list the turtle dove's conservation status.

Despite all the above, the FKNK immediately embarked on various works to leave no stone unturned to have the Moratorium lifted in the shortest time possible and see the reinstatement of the socio-cultural tradition of turtle dove spring hunting on the Maltese islands. It was also important for the FKNK to declare, that the FKNK HAS and WILL NEVER expect, that any other country, EU Member or otherwise, be made to ban turtle dove hunting. This having been said, the FKNK is sure that a ban on the spring hunting of turtle dove on Malta would not prevent any decline of the species, nor would its effect be detectable. Furthermore, the FKNK has already proved, that the hunting of a limited number of turtle doves is clearly linked to conservation benefits for that and other wild bird species as a direct result of hunting-associated conservation measures (primarily leading to a significant reduction in the illegal killing of birds).

## 2.9 FKNK Works for the Reinstatement of the Turtle Dove Spring Hunt

### 2.9.1 Caruana-Galizia and Fenech Paper

In 2016, Caruana-Galizia, Paul and Fenech, Natalino published a Paper in BirdLife International Journal entitled "The importance of spring hunting in Malta on European Turtle-Dove *Streptopelia turtur* and Common Quail *Coturnix coturnix* populations", wherein the calculations, estimates and assumptions are debatable, incorrect and

grossly inflated. The most glaring inflation being that every spring the Maltese hunters take an average of 500,000 turtle doves! (pers. comm.).

The FKNK responded (pers. comm.) to this by saying that this claim has now been included on the species data sheet by the IUCN, which inclusion has apparently also instigated the IUCN to up-list 'hunting' as a 'major concern' on the relative data sheet. When, in 2015, the IUCN up-listed the conservation status of the turtle dove in the wild in Europe to 'vulnerable', Caruana-Galizia and Fenech's claim did not form part of the data sheet, and 'hunting' was not listed as a 'major concern' and 'unrestricted hunting' (note 'unrestricted') was only listed as a concern following several other more important concerns.

The FKNK knows that Caruana-Galizia and Fenech's

"...calculations, estimates and assumptions are debatable, incorrect and grossly inflated." (Farrugia, 2017).

Furthermore, the FKNK believes that this claim is unsubstantiated, misleading and potentially jeopardises credibility of the datasheet for this species, besides not being backed by any scientific evidence. For instance, the numbers reported by Caruana-Galizia and Fenech imply that more turtle doves are shot annually in Malta than the total number of turtle doves scientifically confirmed to have migrated over Malta over the past 5 years, and more than the total number of turtle doves reported hunted in official statistics over a 14-year period (Ecoserv Ltd. reports 2012 - 2016; WBRU Bag records 2002 - 2016; Farrugia, 2017).

Fenech is well known within local spheres for his anti spring-hunting beliefs and moreover for his tactics of toying about with figures through personal opinions, estimates, assumptions and guesstimates. He uses figures as a drunk uses a lamppost, more for support than for illumination. Whereas, Caruana-Galizia's involvement locally with regards the hunting scene is unknown; he apparently spends very little time on the Maltese islands; and, possibly, Fenech may have used his co-author's double-barrelled surname as he uses the lamppost! Both the Maltese Government and the FKNK have written to the IUCN strongly suggesting that the reference to Caruana-Galizia and Fenech paper is corrected by being deleted from the relative data sheet (end pers. comm.).

In 2017, the FKNK published a Paper in response to the Caruana-Galizia and Fenech writing (Farrugia, 2017) entitled: "Illogical and Conflicting Numbers of Hunted Turtle Doves (*Streptopelia turtur*) on the Maltese Islands" (Annex I).

As a consequence of the FKNK and Malta Government protests to the IUCN, coupled with the publication of Farrugia's Paper as explained above, but also as a result of the direct intervention of the EU Environment Commissioner, in late 2017 the IUCN withdrew the Caruana-Galizia and Fenech cite from the IUCN turtle dove Red List data sheet. FACE had also registered its disagreement with the IUCN with regards the whole issue.

#### 2.9.2 FKNK Project: Turtle Doves (*Streptopelia turtur*) Captive-breeding and Release into the Wild

Soon following the announcement of the Moratorium, the FKNK finally embarked on its above captioned Project. Due to several spokes-in-the-wheels from a few sources, and notwithstanding having been revamped in eight versions, this Project had been shelved for a good number of years (pers. comm.).

The main objective of the Project has organised a pool of locals who captive-breed turtle doves on a relatively large scale, who then sell the birds' stock offspring to the FKNK for eventual release into the wild. The species is known to reproduce at a steady rate in captivity and large numbers in offspring can thus be obtained. This Project will also serve as a means to perform ex-situ conservation of these birds by releasing captive bred specimen into the wild.

The breeders have been informed with regards any hazard to the captive bred birds from vermin and other predators and how this should be addressed through the use of preventive measures. Since captive bred birds suffer from high anxiety levels especially during the breeding period, disturbances from third parties is being kept to a minimum.

An objective of paramount importance is that following the IUCN's reclassification of the Turtle Dove to "vulnerable", this Project will be one of Malta's concrete evidence' contribution towards the species conservation status in the wild. Therefore, also, the

Project, especially the release aspect, will be implemented in strict adherence with the IUCN's relative Guidelines (available at: <https://portals.iucn.org/library/efiles/edocs/2013-009.pdf>). Moreover, it has to be said, that the Notes from a NADEG Workshop held between the 16 and 18 January 2017 in Kecskemet, Hungary also state:

"Allowing turtle-doves to be bred in captivity and used to restock the population was raised as a concern. We should focus on habitat management first and foremost, and this should be kept as a last resort. Actions should be focused on the wild populations, otherwise **reintroduction gives governments an easy way out** (in bold by author). Anything that takes place if the last resort is needed, should follow the IUCN Guidelines."

Since the birds are being bought from different breeders, this ensures genetic diversity. The Project Manager appointed by the FKNK Council, ensures that the fledging that will be released is healthy and acclimatised, and the birds are tagged with special split/close rings and released into the wild. The released birds will augment the wild migrating population. The knowledge that will be acquired from this Project can be employed in future introductions in the wild even of other bird species. Captive-breeding and release practical knowledge will be enhanced that can be employed in future introductions in the local natural environment. A local pool of experts in captive breeding and release will be established at the end of the Project who in turn can see to the continuation of similar Projects of conservation.

"Captive breeding is normally used to provide individuals which can then be released into the wild to either restore a population in part of the species' former range, or to augment an existing population. Release techniques vary considerably, from 'hard releases' involving the simple release of individuals into the wild to 'soft releases' which involve a variety of adaptation and acclimatisation techniques before release or post-release feeding and care." (ConservationEvidence.com Providing evidence to support decisions about nature conservation, n.d.).

Studies describing the overall effects of release projects have been undertaken by Kuyt (1996); Ellis *et al.* (2000); Nesbitt and Carpenter, (1993); Urbanek *et al.* (2010); and Zwank & Wilson (1987).

According to Davies (1998) global research revealed that releases of migratory species, that would have been captive-bred, are only likely to meet with success if the released birds meet-up with wild migrating birds.

"Such experiments/projects, that is, the release of captive-bred individuals into the wild to augment wild populations of similar bird species, have already been undertaken, and one might add with a good degree of success (Jones, *et al.* 1992)."

*Source:* FKNK, 2016:15-19

The situation following the release of 2018 is detailed in the FKNK Press Release of May 2018 (Annex II).

### 2.9.3 This Report

Since the onset of the Moratorium in 2017, the author was entrusted by the FKNK Council with the preparation of this Report. Therefore, the following chapters will detail the methodology used and the exercises undertaken, which results are discussed to finally make the FKNK recommendations and suggestions for lifting of the Moratorium.

## **Chapter Three**

### **3.0 Methodology**

#### **3.1 Approach**

Mixed methods, qualitative and quantitative, are encouraged for a research methodology approach, in preference to a single method, since each method corroborates and complements, as classified by Hammersley (1996), the other (Saunders, Lewis and Thornhill, 2009). However, for this Report the collection of quantitative data, that is data which is surfaced through the analysis of questionnaires' responds (Bryman and Bell, 2011) was not possible.

#### **3.2 Report Methodology**

##### **3.2.1 Qualitative Method**

As a result of the constraint explained in the Approach section above, the secondary qualitative data reached from the academic literature that has been reviewed (Chapter 2) through the use of books and journals cited, together with the internet sources and websites that have been accessed, has been supplemented by the information collected through a Focus group, another widely used research method (Seale, 1998), namely the FACE Birds and Habitats Working Group. The information that was requested from this Group, with regards turtle doves breeding pairs best available data in the different countries over the years, was possible owing to the social and occupational positions held by the author of this Report, both in the Maltese islands and at European level.

By this method the Report arrives at the findings from the exercises undertaken to reach its aims and objectives, FKNK's proposal for lifting of the Moratorium. The following chapters provide all the rationale details in this regard.

**Chapter Four**

4.0 Exercises

4.1 Report Exercise One

Turtle Dove Breeding Pairs - Italy, Czech Rep., Hungary, Germany, Poland, France, Croatia & Austria 2005 - 2014																								
Country	Ring Recoveries in Malta (n=37)*	2005		2005 ***Malta Spring Harvest	2006		Increase/-Decrease 2006 over 2005		2006 Malta Spring Harvest	2007		Increase/-Decrease 2007 over 2006		2007 Malta Spring Harvest	2008		Increase/-Decrease 2008 over 2007		2008 Malta Spring Harvest	2009		Increase/-Decrease 2009 over 2008		2009 Malta Spring Harvest
		Min	Max		Min	Max	Min	Max		Min	Max	Min	Max		Min	Max	Min	Max		Min	Max	Min	Max	
Italy	51.4%			31,441			0	0	32,779			0	0	47,763			0	0	0			0	0	0
Czech Rep.	24.3%	50,000	100,000		50,000	100,000	0	0		50,000	100,000	0	0		50,000	100,000	0	0		50,000	100,000	0	0	
Hungary	8.1%	64,000	150,000		64,000	150,000	0	0		64,000	150,000	0	0		64,000	150,000	0	0		64,000	150,000	0	0	
Germany	5.4%	25,000	45,000		25,000	45,000	0	0		25,000	45,000	0	0		25,000	45,000	0	0		25,000	45,000	0	0	

Traditional Turtle Dove Hunting in Spring on the Maltese Islands - Lifting of the Moratorium

Country	Ring Recoveries in Malta (n=37)*		Increase/-Decrease 2010 over 2009		2010 Malta Spring Harvest	2011		Increase/-Decrease 2011 over 2010		2011 Malta Spring Harvest	2012		Increase/-Decrease 2012 over 2011		2012 Malta Spring Harvest	2013		Increase/-Decrease 2013 over 2012		2013 Malta Spring Harvest	2014**		Increase/-Decrease 2014 over 2013	
	Min	Max	Min	Max		Min	Max	Min	Max		Min	Max	Min	Max		Min	Max	Min	Max		Min	Max	Min	Max
Totals	100%	149,001	345,000		149,001	345,000	0	0		149,001	345,000	0	0		174,001	394,000	25,000	49,000		570,986	875,007	396,985	481,007	
Austria	2.7%						0	0				0	0				0	0				0	0	
Croatia	2.7%	10,001	50,000		10,001	50,000	0	0		10,001	50,000	0	0		10,001	50,000	0	0		10,001	50,000	0	0	
France	2.7%						0	0				0	0				0	0		396,985	481,007	396,985	481,007	
Poland	2.7%						0	0				0	0		25,000	49,000	25,000	49,000		25,000	49,000	0	0	

Traditional Turtle Dove Hunting in Spring on the Maltese Islands - Lifting of the Moratorium

	Croatia	France	Poland	Germany	Hungary	Czech Rep.	Italy
	2.7%	2.7%	2.7%	5.4%	8.1%	24.3%	51.4%
	10,001		25,000		64,000	50,000	
	50,000		49,000		150,000	100,000	
	0	-396,985	0	-25,000	0	0	0
	0	-481,007	0	-45,000	0	0	0
	10,001		25,000		64,000	50,000	
	50,000		49,000		150,000	100,000	
	0	0	0	0	0	0	0
	0	0	0	0	0	0	0
	10,001		25,000		64,000	50,000	150,000
	50,000		49,000		150,000	100,000	300,000
	0	0	0	0	0	0	150,000
	0	0	0	0	0	0	300,000
	10,001					50,000	
	50,000					100,000	
	0	0	-25,000	0	-64,000	0	-150,000
	0	0	-49,000	0	-150,000	0	-300,000
	50,000	397,000	25,000	25,000	64,000	38,000	150,000
	100,000	481,000	49,000	45,000	150,000	76,000	300,000
	39,999	397,000	25,000	25,000	64,000	-12,000	150,000
	50,000	481,000	49,000	45,000	150,000	-24,000	300,000

Traditional Turtle Dove Hunting in Spring on the Maltese Islands - Lifting of the Moratorium

Austria	2.7 %			0	0			0	0			0	0			12,000	18,000	12,000	18,000		
Totals	100.0 %	149,001	349,000	-421,985	-526,007	149,001	349,000	0	0	299,001	649,000	150,000	300,000	60,001	150,000	-239,000	-499,000	761,000	1,219,000	700,999	1,069,000

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\*\*\*The Malta Spring Harvest official figures are available on the WBRU website.

MANAGEMENT PLAN for TURTLE DOVE (*Streptopelia turtur*) 2007–2009 available at:

[http://ec.europa.eu/environment/nature/conservation/wildbirds/hunting/docs/turtle\\_dove.pdf](http://ec.europa.eu/environment/nature/conservation/wildbirds/hunting/docs/turtle_dove.pdf) and Lukac, G. (compiler) (2007) Fauna Croatica Aves XXXVII LIST OF CROATIAN BIRDS Nat. Croat. 16, (1).

Fisher, I., Ashpole, J., Proud, T. and Marsh, M. (compilers) (2016) Status Report for the European Turtle-dove (*Streptopelia turtur*). Report of Actions A6, 8, 9 and 10 under the framework of Project LIFE EuroSAP (LIFE14 PRE UK 002). RSPB (unpublished report).

BirdLife International 2004, Bricchetti & Fracasso 2006.

International Single Species Action Plan for the Conservation of the European Turtle-dove *Streptopelia turtur* (2018 to 2028).

**NOTE: Blank Cells indicate No Available Data which is thus the Best Available Data.**

#### 4.1.1 Workings

In the Table above, the best available data of the population of turtle doves breeding pairs (minimum and maximum) is plotted according to the Reference Turtle Dove Population Countries as per BirdLife Malta bird-ringing recovery records (Raine, 2007). These BirdLife Malta indicated countries and relative breeding numbers have always been used to extract Malta's national bag limit that would be permitted for the turtle dove spring harvest. In actual fact, similar BirdLife Malta information and respective figures have also always been used by the Maltese authorities to come-up with the national bag limit harvest of all bird species, which take necessitate application of derogation.

The decade sample used is for years 2005 to 2014, for which latter year the WBRU drafted an official report in 2016. The official Malta turtle doves take (WBRU Website) in spring for each of the sampled years was then plotted accordingly. Any increase/-decrease in breeding numbers between a year and the preceding year, in concurrence with the best available data of minimum and maximum breeding pairs correspondingly plotted, is seen in the green shaded columns.

#### 4.1.2 Best Available Data Cited

The best available data cited is referenced at the bottom of the Table. Furthermore, the author obtained the following other data information from personal communications with the respective countries' representatives of the Focus group, the FACE Birds and Habitats Working Group:

##### 4.1.2.1 Italy

Italy is the most representative reference population country, with more than half of the total ring recoveries. On 8 September 2018 the Italian representative wrote:

"I write you the most recent data on Turtle dove breeding population estimates in two Italian region, for which something new is available. The two regions are Lombardia and Toscana. ...

The new estimate are very good for Lombardia and for 2016 (last year of survey published) the estimate is of 22.091 breeding pairs. The numbers fluctuate but Authors consider reliable and estimate of 20.000 pairs in last years. No decline is recorded from 1992 to 2016. Reference: Bani L., Luppi M., Orioli V., 2016. Monitoraggio dell'Avifauna Nidificante in Lombardia. Università degli Studi di Milano Bicocca Dipartimento di Scienze dell'Ambiente e della Terra.

As regarding Toscana the new estimate is as high as the one used in AP for the whole country (!) and is 294.444 pairs (190.956 - 451.289). The paper is a revue of the previous estimate that were much lower (5000-30.000), and the conclusions of Authors are that the difference is surprising.

Reference: Puglisi L., Meschini E., Sposimo P., 2013. IL MONITORAGGIO DEGLI UCCELLI COMUNI IN TOSCANA. Riv. ital. Orn., Milano, 82 (1-2): 70-74, 30-IX-2013."

The author of this Report, is further informed that the Italian representative got in touch with one author of the paper and he answered that they are revising all data to obtain a reliable estimate. They also agreed that the current estimate for whole Italy (150.000-300.000 pairs) is too low and considered reliable an estimate of not less than 500,000 pairs for Italy.

#### 4.1.2.2 Czech Republic

On 22 August 2018, the Czech Republic representative wrote:

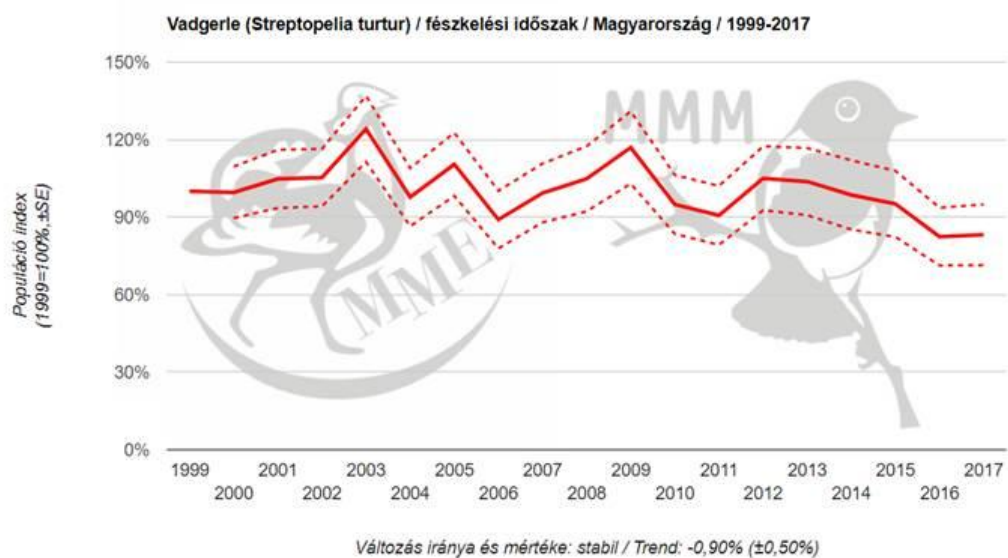
"There are no exact data available in the Czech Republic in consecutive years. The population size is around 60,000 - 120,000 pairs, depend on season."

#### 4.1.2.3 Hungary

On 11 August 2018, the Hungarian representative wrote:

"We contacted the Monitoring Centre of Birdlife Hungary, and they informed us that the estimation of bird species, which nest in Hungary often, isn't made

annually. This is why they unfortunately have no information for 2013 and 2015. But they have a line diagram on their website representing the population index in nesting period, perhaps it also can help. As you can see, the population is stable.



#### 4.1.2.4 Germany

On 30 July 2018 the German representative wrote (*free translation from German*):

"Unfortunately Germany has no more up-to-date figures than those of 2014 (source). For the period 2005-2009 approximately 25,000 - 45,000 breeding pairs are given.

Source:

Gedeon, K., C. Grüneberg, A. Mitschke, C. Sudfeldt, W. Eikhorst, S. Fischer, M. Flade, S. Frick, I. Geiersberger, B. Koop, M. Kramer, T. Kruger, N Roth, T. Ryslavy, S. Stübing, SR Sudmann, R. Steffens, F. Vökler & K. Witt (2014): Atlas of German breeding species. Atlas of German Breeding Birds. Foundation Vogelmonitoring Germany and umbrella association of German Avifaunists, Münster."

#### 4.1.2.5 Poland

On 11 September 2018 the Polish representative wrote:

"Since turtle dove is not a huntable species in Poland we don't have solid data on its population.

Latest data I've been able to dig into was from 2012, just like you said. I could not find anything up-to-date."

#### 4.1.2.6 France

On 20 August 2018 the French representative wrote:

"In France we don't have annual estimate of the size of the population. We follow rather the evolution in time of an index of abundance.

That said, in 2009, was carried out a study by the ONCFS to estimate the size of the breeding population of turtle dove in France. The result was 436 899 breeding pairs (IC 95%: 396 985: 481 007)."

#### 4.1.2.7 Croatia and Austria

Unfortunately, both the Croatian and the Austrian representatives have not supplied any documented information to date of this Report.

#### 4.1.3 Findings, Results and Discussion

The Findings result in no negative movement in turtle dove breeding pairs between one year and the next in all the reference population countries, with the obvious exceptions being where the best available data is available for a year which is followed by a year when no data is available. In fact in year 2014, regarding which year the WBRU published its official report in 2016, only positive movements are recorded (albeit and again allowance has to be made for those countries with no data for 2013), with the only exception being Czech Republic. However, it should be noted that the figures for the Czech Republic quoted in the WBRU 2016 report, are much lower when compared to the information supplied by the FACE Birds and

Habitats Working Group Czech Republic representative in 4.1.2.2. Furthermore, the Czech Republic negative movement is amply compensated by the other seven countries position movement.

The above findings and results further confirm that, over the years, the Malta turtle dove spring harvest has had a nil affect on the breeding population size in the reference population countries. This nil effect is noted irrespective of the number of turtle doves taken in the prior spring on Malta. No negative effect is realised whether the turtle dove spring take in the Maltese islands amounts to as much as 47,763 (2007) or 0 (2008 and 2009).

#### 4.2 Report Exercise Two

From the secondary data reached from the academic literature review through the use of books and journals cited, together with the internet sources and websites that have been accessed, the following Table has been drawn-up in estimation of the average number of fledglings per turtle dove breeding pair:

<b>TABLE 2: Turtle Dove Clutches, Brood Size &amp; Fledglings Per Breeding Pair</b>										
Reference*	Average Clutches or Broods per Pair			Average Clutches or Broods Size			Average Fledglings per Pair			% Success/ Brood Size
	Min.	Max.	Avg.	Min.	Max.	Avg.	Min.	Max.	Avg.	
Fisher, I., Ashpole, J., Scallan, D., Proud, T. and Carboneras, C. (compilers) (2018)	1.75	2.55	2.15	2.00	2.00	2.00	0.80	1.35	1.08	54
Hanane, S. (2016)	1.00**	1.00**	1.00**	1.88	1.97	1.93	0.91	1.21	1.06	55
Hahn, S., Bauer, S. and Liechti, F. (2009)	2.50	2.50	2.50	1.90	1.90	1.90	1.81	1.81	1.81	95
Browne, S.J. and Aebischer, N. (2004 & 2005)	1.80	2.40	2.10	1.00	3.00	2.00	1.10	1.50	1.30	65
Browne, S.J. (2002)	1.50	1.70	1.60	1.74	1.97	1.86	1.10	1.50	1.30	70

<b>Overall Averages</b>	<b>1.51</b>	<b>1.83</b>	<b>1.67</b>	<b>1.70</b>	<b>2.17</b>	<b>1.94</b>	<b>1.14</b>	<b>1.47</b>	<b>1.31</b>	<b>68</b>
<p>* These documents refer to studies and research works that were carried out on and between 1998 and 2016 and conducted in various countries from the UK to Morocco.</p> <p>** This Paper only indicated that a total of 317 Clutches were monitored and not the average number of clutches per pair. However, and by working backwards, it appears that the Author attributed an average of one clutch per pair.</p>										

#### 4.2.1 Findings and Discussion

The national bag limit for the autumn harvest of the turtle dove in Malta has been set at 7,000 birds as explained earlier in this Report. For the sake of this exercise it is being assumed that this 7,000 figure is Malta's annual national bag limit harvest.

Therefore, further assuming that:

- all the turtles doves that migrate over the Maltese islands in spring are made up of an equal number of males and females, therefore pairs;
- each such pair is successful in its offspring of fledglings, with no allowance being made for non-breeders.

By taking the overall average of fledglings per turtle dove pair in above table of 1.31:

- if say, 3,500 birds (1,750 pairs) were to be taken in spring on Malta.

This would result:

- in a total 'take' of 5,793 birds (3,500 taken in spring + 2,293 fledglings), and with the 7,000 birds bag limit mentioned above this would leave an average 1,000 figure of birds that can compose the autumn national bag limit.
- in actual terms Malta's annual national bag limit would be 4,500 (3,500 + 1,000), a reduction of 2,500 birds per annum.

## **Chapter Five**

### **5.0 Conclusion and Proposal**

#### **5.1 Considerations**

In consideration:

- that Article 2 of the 'Birds' Directive places "cultural" requirements on the same level as "ecological" requirements, and acknowledging the EU Commission's significant investment in promoting Europe's cultural heritage (e.g. the European Year of Cultural Heritage 2018), should not therefore the Commission recognise the cultural importance of regional and traditional hunting practices in the Mediterranean countries in line with the Directive such as Malta's socio-cultural tradition of turtle dove spring hunting;
- of UNESCO's Universal Declaration on Cultural Diversity of 2001 (annex III) and that the European Union was party to the UNESCO Convention on the Protection and the Promotion of the Diversity of Cultural Expressions, whereby in Paris, 20 October 2005, among other it was clearly highlighted that: “Conscious that cultural diversity forms a common heritage of humanity and should be cherished and preserved for the benefit of all,  
Recalling that cultural diversity, flourishing within a framework of democracy, tolerance, social justice and mutual respect between peoples and cultures, is indispensable for peace and security at the local, national and international levels,  
Recognizing the need to take measures to protect the diversity of cultural expressions, including their contents, especially in situations where cultural expressions may be threatened by the possibility of extinction or serious impairment,  
Taking into account the importance of the vitality of cultures, including for persons belonging to minorities and indigenous peoples, as manifested in their freedom to create, disseminate and distribute their traditional cultural expressions and to have access thereto, so as to benefit them for their own development”

Furthermore, the EU Commission in its communication on a European Agenda for culture in a globalizing world, addressed to the European Parliament, the Council, The European Economic and Social Committee and the Committee of the Regions in Brussels, 10.5.2007, justly acknowledges that:

“Culture lies at the heart of human development and civilisation. Culture is what makes people hope and dream, by stimulating our senses and offering new ways of looking at reality. It is what brings people together, by stirring dialogue and arousing passions, in a way that unites rather than divides. Culture should be regarded as a set of distinctive spiritual and material traits that characterize a society and social group. It embraces literature and arts as well as ways of life, value systems, traditions and beliefs.

The originality and success of the European Union is in its ability to respect Member States’ varied and intertwined history, languages and cultures, while forging common understanding and rules which have guaranteed peace, stability, prosperity and solidarity - and with them, a huge richness of cultural heritage and creativity to which successive enlargements have added more and more.

Through this unity in diversity, respect for cultural and linguistic diversity and promotion of a common cultural heritage lies at the very heart of the European project. This is more than ever indispensable in a globalizing world.“

It also highlights Article 151 of the Treaty of the European Community (TEC) which manifestly addresses distinct cultural and traditional traits.

"The Community shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common heritage to the fore."

Even more directly correlated to the present issue is the following provision, clearly put in place to safeguard cultural practices and distinctions:

"The Community shall take cultural aspects into account in its action under other provisions of this Treaty, in particular in order to respect and to promote the diversity of its cultures."

The Treaty of Lisbon consolidated the Treaty on European Union and the Treaty on the functioning of the European Union. It seeks to redress a greater integration within the European Union. Nonetheless, Article 167 which is set to replace previous Article 151, clearly highlights, that the Union is bound to

respect the national and regional diversity irrespective of its efforts towards a common cultural heritage.

“Title XIII

Culture

Article 167 (EX Art 151 TEC)

1. The Union shall contribute to the flowering of the cultures of the Member States while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore.”

The same article once more stress something of particular relevance to the present issue in that it implies that the Union has to take cultural aspects into account under other provisions of the Treaties, in this case The “Birds” Directive.

“Art 167 (4)

The Union shall take cultural aspects into account under other provisions of the Treaties, in particular in order to respect and to promote the diversity of its cultures.” (Cardona, 2008);

- that banning the traditional socio-cultural passion of turtle dove spring hunting would practically mean the banning of hunting on Malta and destroying the recreational way-of-life for the numerous hunters, their families and friends, leaving no satisfactory solution alternative (pages 1 - 4);
- of Malta's EU Membership negative effect on the traditional socio-cultural passion of turtle dove spring hunting (page 5);
- of the ECJ favourable verdict of 10 September 2009, which confirmed that autumn hunting of the turtle dove on Malta does not offer a satisfactory alternative solution to spring hunting (pages 6 - 7);
- that, today, illegalities are almost inexistent and Malta can boast of having some of the best disciplined and law abiding hunters and trappers, and the least number of hunting related infringements, in the EU, if not the world over (page 7 and 16);
- of FKNK's historic victory in the first ever held Abrogative Referendum vote of 11 April 2015, when Malta's people voted for spring hunting to stay (pages 8 - 10);
- of FKNK's courage and responsibility in proposing a Voluntary Moratorium on the turtle dove spring hunting from 2017, as a consequence of the BirdLife

- heavily influenced IUCN up-listing of the turtle dove's conservation status in the wild, coupled with the respective Court threat from the Commission (pages 10 - 17);
- that from a sustainable hunting use perspective, there are clear cases when the hunting of a declining species is important for the conservation of that species, and that the granting of derogations remains possible by way of exception where it is duly established that they are not such as to worsen the unfavourable conservation status of those populations or to prevent their restoration at a favourable conservation status (page 12);
  - that allowing hunting of a species can provide a strong incentive to manage habitats and address other factors contributing to population decline, therefore contributing to the objective of restoring populations to favourable conservation status (page 13);
  - of FKNK's Project: Turtle Doves (*Streptopelia turtur*) Captive-breeding and Release into the Wild to augment the wild population, since similar projects elsewhere have met with success (pages 19 - 20 and Annex II);
  - that on 16/12/2016 the Commission published the 'Fitness Check' evaluation of the EU Birds and Habitats Directives (the 'Nature Directives') and concluded that, within the framework of broader EU biodiversity policy, they remain highly relevant and are fit for purpose, however added, that full achievement of the objectives of the Nature Directives will depend on substantial improvement in their implementation in close partnership with local authorities and different stakeholders in the Member States to deliver practical results on the ground for nature, people and the economy in the EU (available at: [http://ec.europa.eu/environment/nature/legislation/fitness\\_check/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/fitness_check/index_en.htm) [accessed on 10 February 2019]);
  - that Exercise One Findings:
    - result in no negative movement in turtle dove breeding pairs between one year and the next in all the reference population countries, with the last sampled year of 2014 showing only positive movements,
    - confirm that, over the years, the Malta turtle dove spring harvest has had a nil affect on the breeding population size in the reference population countries,

- show that this nil effect is noted irrespective of the number of turtle doves taken in the prior spring on Malta, since no negative effect is realised whether the turtle dove spring take in the Maltese islands amounts to as much as 47,763 or 0.

(pages 23 - 31);

- that Exercise Two Findings and Discussion supply a workable and sensible module on which Malta can bank to correctly apply derogation to permit turtle dove spring hunting, even from this year's spring of 2019 (pages 31 - 32).

In deliberation of all the above, the author of this Report, safely and with a serene state of mind, feels confident to recommend that the FKNK should make the following proposition to the Maltese Government:

## 5.2 FKNK Proposal

On the basis of the Findings, Results and respective Discussions and relative validation analysis made in this Report, the Maltese Government should lift the turtle dove spring hunting season Moratorium in force at present, immediately.

Additionally, and since this Report has thoroughly demonstrated that Malta's turtle dove spring harvest has had a nil affect impact on the European populations of turtle doves in Malta's reference population countries, the Government can apply derogation to permit turtle doves taking already in the spring of 2019.

In so manner, the Government will also not exceed the already established Malta turtle dove national bag limit of 7,000 birds, because as detailed in Exercise Two, by taking the overall average of fledglings per turtle dove pair found in the table on page 32 (1.31 fledglings), if a spring national bag limit of 3,500 birds (1,750 pairs) is imposed and this limit is reached, this would result in a total 'take' of 5,793 birds (3,500 taken in spring + 2,293 fledglings), and with the 7,000 birds bag limit mentioned above this would leave an average 1,000 figure of birds that can compose the autumn national bag limit for the 2019 autumn season. Besides that, in actual terms the national bag limit would also be reduced from 7,000 to 4,500 (3,500 spring and 1,000 autumn).

### 5.3 Final Important Note

As already stated in the author's declaration and comments at the opening of this Report, this work has been undertaken with the clear objective that it is used for the long-term continuation of Malta's traditional socio-cultural passion of turtle dove hunting in spring. Furthermore, this FKNK proposal is being made without prejudice, irrespective of and in addition to, in part or in whole to the application of derogation to permit the taking of the quail at any time during the period permitted by the respective Framework legislation.

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## Annex I

# Illogical and Conflicting Numbers of Hunted Turtle Doves (*Streptopelia turtur*) on the Maltese Islands

Lino Farrugia, April 2017, Malta



James Aquilina

**Objective:** In Caruana-Galizia, P., & Fenech, N. (2016), the authors address the turtle dove spring hunting issue, wherein, I believe, at times, their calculations, estimates and assumptions are debatable, incorrect and grossly inflated.

Hence, in my contribution I am quoting facts and figures in order to depict the realistic situation of turtle dove spring hunting on the Maltese islands.

Since in Caruana-Galizia and Fenech (2016) it is not always clear whether the authors refer to the turtle dove European or the EU27 population, both reference populations as published by the IUCN (International Union for the Conservation of Nature) are used in my following piece. In fact, some confusion is also evident in the Caruana- Galizia and Fenech (2016) paper when they use lower figures for the EU27 population than those published by the IUCN.

**Background Information:** Hunting on the Maltese islands, especially the traditional socio-cultural spring hunting and live-capturing of the turtle dove (*Streptopelia turtur*), which constitutes the way-of-life passion of Maltese hunters and trappers, has forever been the subject of immense controversy. The debate escalated during Malta's application for EU membership between 2000 and 2004, and the respective membership campaign. With the apparent consent of the EU Commission, the Maltese authorities made official promises and guarantees to the Maltese hunters and trappers that the tradition of turtle dove hunting in spring would still be possible with EU Membership. When membership was secured, even BirdLife Malta had accepted the continuance of spring hunting. On the other hand, during the entire run-up to EU Membership, the Federation for Hunting and Conservation - Malta (FKNK), always warned the hunters and trappers that things would have to change drastically with EU Membership and that, hunting and trapping, in particular spring hunting, would be in serious jeopardy. In 2006 the EU Commission took Malta to the European Court of Justice (ECJ) to abolish spring hunting from Malta. On 10 September 2009, as a result of the ECJ's relative verdict, Malta, which had been directly assisted by the FKNK in its defence of the Case, reaffirmed its EU Membership right to apply derogation from the EU "Birds" Directive to permit spring hunting. On 12 April 2015, the FKNK won the first ever direct national Abrogative Referendum held in Malta, which had been instituted in another attempt to abolish spring hunting. Soon after the Referendum result the EU Commission closed the relative infringements procedures against Malta that it had pending from the ECJ Case.

In May of 2015, the IUCN up-listed the turtle dove's conservation status in Europe to 'vulnerable' and in May 2016 the FKNK called for a voluntary Moratorium on the spring hunting of the turtle dove from 2017. This was done notwithstanding the FKNK's knowledge of the fact that Malta's Moratorium alone cannot definitely be a solution to the problem of the turtle dove decline in Europe, and therefore Europe's decline cannot be addressed exclusively through the mature and responsible resolution of the Maltese hunters and the FKNK. Moreover, Malta's extremely limited and strictly controlled spring hunting of the turtle dove is a deep-rooted cultural and traditional responsible and sustainable practice, which, as a consequence, has also drastically reduced illegal killing of protected birds in Malta. The FKNK however still called for the application of the Moratorium, on the understanding that this would last until the sustainability of Malta's tradition can be ascertained.

The European Commission Directorate General for the Environment, through LIFE14 PRE UK002 Coordinated Efforts for International Species Recovery EuroSAP, has commissioned a Report to review the EU European turtle dove Management Plan.

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### Facts, Figures and Guesstimates:

*The turtle dove (gamiema in Maltese) is the darling of all Maltese hunters and trappers. Spring is not spring without it for these 'aficionados' (Zammit and Farrugia, 2012a and b:25)*

In 1982, Joseph Sultana (founder of the Malta Ornithological Society - MOS, now BirdLife Malta), together with Charles Gauci, estimated that 120,000 - 240,000 turtle doves are shot and trapped (captured alive by means of clap-nets) on an annual basis on the Maltese islands, by citing earlier publications by Sultana and Gauci (1975) and Woldhek (1980) (Sultana and Gauci, 1982). The authors further commented that: *...it is very difficult to estimate properly the numbers taken annually... (Sultana and Gauci, 1982:26).*

Magnin (1986) gathered data for his report during a visit to Malta. He estimated an annual take for turtle doves at 100,000 - 200,000 birds without giving further details as to the methodology of data gathering. He mentioned that the number of licensed bird shooters in 1984/85 was 13,700 and the number of licensed trappers less than 4000, calculating an annual take of 7.3 - 14.6 birds per hunter/trapper.

This figure is very close to what I had calculated in my survey (*Realistic Statistic*) of 1988, that is, an average annual take of 9 turtle doves shot, plus 7 trapped, for a total of 16 (Farrugia, 1988).

This average harvest of the 1980's (over 30 years) take does make sense, since, even as close as 2012, the maximum number of the turtle dove European population given by the International Union for the Conservation of Nature (IUCN) amounted to 21,600,000 birds (IUCN, 2012) - almost double the latest maximum number, 11,900,000, quoted by the same IUCN (IUCN, 2016).

In 1991, Sultana gave a new estimate of 100,000 - 200,000 turtle doves taken annually (Sultana, 1991).

In 1992, in his infamous book 'Fatal flight', Fenech claimed that 3,000,000 birds are taken annually by Maltese hunters (Fenech, 1992). The then Director of the Malta Office of Statistics, who in 2002 was commissioned by the Maltese Government to carry out a Study in order to confirm or otherwise Fenech's figures, exclaimed, that it was in no way possible that 3,000,000 birds are taken by Maltese hunters annually! (pers. comm.). In the same 1992 book, Fenech tried to estimate the annual take of turtle doves in Malta based on the bag records of 10 hunters, and commented that, according to his calculations, 10 turtle doves are taken per shooter per year and up to 30 doves per shooter per year in good years. Furthermore, he added that bag records show that shooters take an average of 15 turtle doves annually (again very close to the 16 quoted in the 1988 survey of Farrugia above) and he finally estimated the annual take at 160,000 - 480,000 turtle doves.

He arrives at these figures through some contradicting calculations, since, and without quoting any official records, on page 81 he presented the number of licensed shooters for the years 1968 - 1987 falling between 5,130 (1968) to 14,972 (1987); yet, on page 83, he remarked that the number of turtle doves taken as above was then multiplied by 16,000, the number of licensed shooters ( $10 \times 16,000 = 160,000$  to  $30 \times 16,000 = 480,000$ ) (Fenech, 1992).

Refreshingly, one is happy to note that in his 2010 book, Fenech has not repeated a number of the 1992 book's misconceptions, and instead he gave a more realistic picture of the hunting and trapping situations, giving various reasons (page 159) why some of the figures he had given in the 1992 publication needed to be revised (Fenech, 2010).

It therefore stands to reason why the late Heribert Kalchreuter, who was commissioned as an independent expert by the Federation of Associations for Hunting and Conservation in the EU (FACE) and under the auspices of ICBP (today BirdLife International) and the Council of Europe to carry out two fact-finding missions on Malta in order to examine the bird hunting situation and its ecological, social, psychological and legal aspects (Kalchreuter, 1992), was somewhat confused with the vast difference in harvested figures that were then made available by, supposedly, Malta's top two 'ornithologists', Sultana and Fenech. In his Report one reads:

*...the only available data on annual bags are the vague figures..., based for the most part on ornithologists' "guesstimates". The lack of hard data does, indeed, make for much speculation - as conspicuously demonstrated by the size of the variation between estimates by SULTANA & GAUCI (1982) and FENECH (1992). Are 2000 Shearwaters shot annually, or is it 10,000? Annex 2 (by Sultana and Gauci) says 2700- 5000 raptors are bagged each year, while FENECH estimates 64,000-96,000! He further assumes that up to 100,000 cuckoos, Bee-eaters and Hoopoes are shot annually, as opposed to SULTANA & GAUCI's 8000!! (Kalchreuter, 1992:8).*

Subsequently, came the late John Hicks, an International Animal Rescue co-founder, who then claimed that 6,000,000 birds were being taken annually on the Maltese Islands!

Consequently, it was sensible for the FKNK officials to claim that the hunting/shooting of wild birds on Malta was definitely sustainable, since, the estimated harvested figures were constantly on the increase, year-in, year-out. The more birds that were being shot each year, must have been producing an even greater quantity of birds every following year for the Maltese hunters to shoot!

Caruana-Galizia and Fenech 2016:29) claimed that:

*Each spring, hunters in Malta kill the equivalent of between 2.4% and 4.4% of Europe's turtle-dove population...*

According to the IUCN's Red List, the European turtle dove population is estimated at 3,150,000 to 5,940,000 pairs, which equates to 6,310,000 to 11,900,000 mature individuals, while the population in the EU27 is estimated at 2,340,000 to 4,050,000 pairs, which equates to 4,670,000 to 8,110,000 mature individuals (IUCN, 2016). Therefore, Caruana-Galizia and Fenech (2016) are claiming that between 151,440 to 523,600 birds are taken each spring from the European population, or between 112,080 to 356,840 birds are taken each spring from the EU27 population.

Yet, that such numbers of turtle doves may even migrate over Malta today are far from being supported by any hard facts, not by BirdLife Malta, nor by Fenech himself. In his book, Fenech (2010) presented records of BirdLife Malta counts from 1990 to 2009. During all those years the number of birds observed amounted from a few hundred to a few thousand. In fact, Fenech (2010) wrote that in the spring of 2008, which was the first without spring shooting, a significant passage with a flock up to 80 birds was observed on 14 April, with some 650 birds seen from *Selmun*; while BirdLife Malta reported over 580 at *Blata l-Bajda*. Fenech (2010) also said that during 2007, when spring shooting was allowed, a good passage was observed on the afternoon of 21 April with over 300 at *il-Kuncizzjoni* and some 200 birds at *Santa Luċija*, Gozo on 27 April. Fenech further said, that despite the ban on spring hunting, 2009 was a very poor year for migration of turtle doves with the highest number over 45 (largest flock 16) at *id-Dahar* on 15 of April. In the same book, Fenech also presented personal harvest records of old-time hunters who took large number of turtle doves during the "good old days". One hunter recollected that he shot an average of 30.6 doves per year over a period of 23 years (Fenech, 2010).

If, therefore, the numbers of taken birds claimed by Caruana-Galizia and Fenech (2016) were to be divided by 9,252, the number of the spring 2016 hunters (WBRU, 2016), the results would yield an overall average take of 30.04 turtle doves per hunter, extremely close to the take of those bygone days. If such is the case, the theory of a constantly dwindling turtle dove population can be thrown out the window.

But then again, in his latest publication, Fenech (2016), very cleverly, and thankfully, has gathered old-time hunters' recollections of the large numbers of turtle doves that used to be taken in the past, when compared to the meagre numbers that are taken today (which numbers, the book title describes as having 'melted') (Fenech, 2016).

Furthermore, during his fact-finding missions, Kalchreuter had calculated the shots to kill ratio at 6/8:1, which calculation was confirmed by BirdLife Malta representatives (Kalchreuter, 1992). With this consideration, an enormous number of cartridges must be fired (6 - 8 shots X 9,252 hunters X 30.04 birds = 1,667,580 - 2,223,441 cartridges) to account for the claims of Caruana-Galizia and Fenech (2016). Such expenditure of ammunition probably did not even occur over Malta during World War II. The 'hard data' sought by Kalchreuter in 1992 is today available by the official records and studies in Table 1:

<b>Spring Bag Statistics for Turtle Dove</b>								
Year	2002	2003	2004	2005	2006	2007	2008	2009
Bag	<b>24,658</b>	<b>35,309</b>	<b>31,274</b>	<b>31,441</b>	<b>32,779</b>	<b>47,763</b>	<b>Closed</b>	<b>Closed</b>
Year	2010	2011	2012	2013	2014	2015	2016	
Bag	<b>10</b>	<b>1,762</b>	<b>805</b>	<b>3,175</b>	<b>4,131</b>	<b>2,014</b>	<b>1,284</b>	

It must be explained that up to 2007 the spring hunting open season for the turtle dove consisted in 60 days, whereas, since 2010 this was drastically reduced to a possible maximum of 21 days (however, 21 days were never opened); and in 2016 the open season consisted of a mere 7 days! Furthermore, also since 2010, several other restrictions and controls have been imposed gradually, such as national and individual bag limits. In 2016, a respective national bag limit of 5000 birds, a daily individual bag limit of two birds and an individual seasonal bag limit of four birds were set. Moreover, these individual bag limits had to be divided between two species, the turtle dove and/or the quail (*Coturnix coturnix*).

Every spring since 2011, the Maltese Government commissioned an independent Company, Ecoserv Ltd., to carry out studies during each turtle dove spring hunting open season, which studies had the specific objectives:

- To survey and scientifically monitor the daily influx of the turtle dove and the quail;
- To estimate the overall presence (influx) of these two species per day and for the whole study period, subject to scientifically justified assumptions (Ecoserv Ltd., 2011 - 2016).

The studies' results of observed (extrapolated figures) turtle doves are in Table 2:

<b>Observed Turtle Doves in Spring Hunting Season</b>						
Year	2011	2012	2013	2014	2015	2016
Number	<b>18,057</b>	<b>57,160</b>	<b>42,521</b>	<b>24,922</b>	<b>25,006</b>	<b>22,349</b>

*Source:* Ecoserv Ltd. 2011 - 2016

Furthermore, it should be noted that, in each of these years, Ecoserv Ltd. invited BirdLife Malta to form part of the observation teams, but BirdLife Malta always refused to participate, while, encouraged by the FKNK, its hunter and trapper members have always formed part of the observation teams. Moreover, Natalino Fenech cooperated as co-author on each of the final reports for Spring 2011, 2012, 2013, 2014, and 2015, that is, except for the Spring of 2016.

Fenech's withdrawal from this cooperation in 2016 coincides with the publication of the co-authored Journal Paper 'The importance of spring hunting in Malta on European Turtle-Dove *Streptopelia turtur* and Common Quail *Coturnix coturnix*' (Caruana-Galizia and Fenech, 2016), and notwithstanding the sound data of shot and observed turtle doves quoted in the tables above, the paper comes-up with the unbelievable figures of both observed and harvested turtle doves in the Maltese islands as already explained.

The impossibility of Caruana-Galizia and Fenech's (2016) claim is again evident when one computes the averages of Caruana-Galizia and Fenech (2016) of taken birds (2.4% to 4.4% = 3.4%); IUCN's European and EU27 populations (6,310,000 to 11,900,000 = 9,105,000 individuals, and 4,670,000 to 8,110,000 = 6,390,000 individuals respectively); and Kalchreuter's kills to shots ratio (6 to 8 = 7), with the number of observed turtle doves over Malta in the Ecoserv Ltd. 2016 study, an over-estimation of nearly 99%, Table 3:

Spring Hunting Season 2016 - Turtle Doves		
	Europe	EU27
3.4% Taken	309,570	217,260
7 Shots = Migrating Birds	2,166,990	1,520,820
% of Entire Population	23.8	
Ecoserv Count (Table 2)	22,349	
% Over-estimation of Migrating Birds	98.97	98.53

Had Caruana-Galizia and Fenech's (2016) turtle doves to fly over Malta, this would be a sight to behold, indeed for the Maltese hunters, but also for tourists, because such a phenomenon would be a major tourist attraction.

**Conclusion:** Habitat loss, changes in agricultural practices, food supply and nesting sites' shortfalls, widespread use of chemical herbicides, fatal disease vulnerability, unrestricted hunting, territory competition by other bird species, and severe drought in the Sahel zone are the main reasons for any reduction in turtle dove numbers (IUCN, 2016). Irrespective of reported magnitude in the turtle dove population in the various countries where all or any of these factors are present - these causes cannot be attributed to the Maltese islands. And if one chooses to blame hunting – the Maltese hunters in particular as being the cause of all 'hunting' evils in Europe - one should just consider that in the United Kingdom, the species' population has declined by 91% between 1995 and 2012 (Harris, Massimino, Newson, Eaton, Balmer, Noble, Musgrove, Gillings, Procter, and Pearce-Higgins, 2015) without the turtle dove ever having been a huntable species.

I trust that the European Commission Directorate General for the Environment is not gullible and would be careful to refer to the 'best available data'. The data of harvested birds is best available through the hunters' bag statistics since this can be physically evidenced, if necessary, through the supply of any harvested birds on the spot. No amount and quality of estimates, assumptions or guesstimates can ever stand-up to the physical evidence.

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## Annex II

### THE FKNK RELEASES OVER 700 TURTLE DOVES INTO THE WILD

On Sunday, 20 May 2018, from the shooting ranges in Żebbuġ, Gozo, the Federation for Hunting and Conservation - Malta (FKNK) released over 700 turtle doves into the wild, which had been bred in captivity by several members of the FKNK.

This was the second year of this FKNK project: Turtle Doves - Captive Breeding and Release, since May of last year, when the FKNK had launched this project by releasing over 400 turtle doves from Buskett. The aim of this project, which is one of several that the FKNK has embarked-on, so that as soon as possible, the traditional turtle dove spring hunting season will again be permissible, is the restocking of the wild population, which is the only tangible contribution that Malta can do towards the conservation of this species in the wild, as well as, so that the released amount can serve as a compensation measure for turtle doves that may be taken from the wild in the Maltese islands. Since the turtle doves were bred in captivity, they were all adequately marked with rings.

The Minister for Gozo, the Hon. Justyne Caruana, and the Parliamentary Secretary for Agriculture and Fisheries, the Hon. Clint Camilleri, were present for the activity of Sunday, and even released a turtle dove each.

The captive breeding of the released turtle doves was undertaken by several members of the FKNK from around Malta and Gozo, over the past year. The officials from the FKNK Council who were in charge of the project, together with veterinarians, monitored the breeding birds at the respective breeding stations, prescribed the appropriate fodder and medicine as necessary, tested for any diseases that could be present, and on Sunday itself, before the release of the turtle doves, the veterinarians again tested samples, in order to ascertain that the turtle doves were in a good state of health and strength and thus able to migrate once released. All this as well, so that the project complies with the guidelines of the IUCN (International Union for Conservation of Nature) in similar projects.

Finally the FKNK wants to thank the organizers and all the volunteers who helped in the success of this event, as well as the turtle doves contributors.

Link to Video of Sunday's Activity: <https://goo.gl/br75ZH>

Lino Farrugia CEO





## Annex III

UNESCO Universal Declaration on Cultural Diversity: UNESCO

### United Nations Educational, Scientific and Cultural Organization

The General Conference,

**Committed** to the full implementation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and other universally recognized legal instruments, such as the two International Covenants of 1966 relating respectively to civil and political rights and to economic, social and cultural rights,

**Recalling** that the Preamble to the Constitution of UNESCO affirms "that the wide diffusion of culture, and the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all the nations must fulfil in a spirit of mutual assistance and concern",

**Further recalling** Article I of the Constitution, which assigns to UNESCO among other purposes that of recommending "such international agreements as may be necessary to promote the free flow of ideas by word and image",

**Referring** to the provisions relating to cultural diversity and the exercise of cultural rights in the international instruments enacted by UNESCO,(1)

**Reaffirming** that culture should be regarded as the set of distinctive spiritual, material, intellectual and emotional features of society or a social group, and that it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs, (2)

**Noting** that culture is at the heart of contemporary debates about identity, social cohesion, and the development of a knowledge-based economy,

**Affirming** that respect for the diversity of cultures, tolerance, dialogue and cooperation, in a climate of mutual trust and understanding are among the best guarantees of international peace and security,

**Aspiring** to greater solidarity on the basis of recognition of cultural diversity, of awareness of the unity of humankind, and of the development of intercultural exchanges,

**Considering** that the process of globalization, facilitated by the rapid development of new information and communication technologies, though representing a challenge for cultural diversity, creates the conditions for renewed dialogue among cultures and civilizations,

**Aware** of the specific mandate which has been entrusted to UNESCO, within the United Nations system, to ensure the preservation and promotion of the fruitful diversity of cultures,

**Proclaims** the following principles and adopts the present Declaration:

#### IDENTITY, DIVERSITY AND PLURALISM

##### Article 1 – Cultural diversity: the common heritage of humanity

Culture takes diverse forms across time and space. This diversity is embodied in the uniqueness and plurality of the identities of the groups and societies making up humankind. As a source of exchange, innovation and creativity, cultural diversity is as necessary for humankind as biodiversity is for nature. In this sense, it is the common heritage of humanity and should be recognized and affirmed for the benefit of present and future generations.

##### Article 2 – From cultural diversity to cultural pluralism

In our increasingly diverse societies, it is essential to ensure harmonious interaction among people and groups with plural, varied and dynamic cultural identities as well as their willingness to live together. Policies for the inclusion and participation of all citizens are guarantees of social cohesion, the vitality of civil society and peace. Thus defined, cultural pluralism gives policy expression to the reality of cultural diversity. Indissociable from a democratic framework, cultural pluralism is conducive to cultural exchange and to the flourishing of creative capacities that sustain public life.

##### Article 3 – Cultural diversity as a factor in development

Cultural diversity widens the range of options open to everyone; it is one of the roots of development, understood not simply in terms of economic growth, but also as a means to achieve a more satisfactory intellectual, emotional, moral and spiritual existence.

#### CULTURAL DIVERSITY AND HUMAN RIGHTS

##### Article 4 – Human rights as guarantees of cultural diversity

The defence of cultural diversity is an ethical imperative, inseparable from respect for human dignity. It implies a

commitment to human rights and fundamental freedoms, in particular the rights of persons belonging to minorities and those of indigenous peoples. No one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope.

#### **Article 5 – Cultural rights as an enabling environment for cultural diversity**

Cultural rights are an integral part of human rights, which are universal, indivisible and interdependent. The flourishing of creative diversity requires the full implementation of cultural rights as defined in Article 27 of the Universal Declaration of Human Rights and in Articles 13 and 15 of the International Covenant on Economic, Social and Cultural Rights. All persons have therefore the right to express themselves and to create and disseminate their work in the language of their choice, and particularly in their mother tongue; all persons are entitled to quality education and training that fully respect their cultural identity; and all persons have the right to participate in the cultural life of their choice and conduct their own cultural practices, subject to respect for human rights and fundamental freedoms.

#### **Article 6 – Towards access for all to cultural diversity**

While ensuring the free flow of ideas by word and image care should be exercised so that all cultures can express themselves and make themselves known. Freedom of expression, media pluralism, multilingualism, equal access to art and to scientific and technological knowledge, including in digital form, and the possibility for all cultures to have access to the means of expression and dissemination are the guarantees of cultural diversity.

### **CULTURAL DIVERSITY AND CREATIVITY**

#### **Article 7 – Cultural heritage as the wellspring of creativity**

Creation draws on the roots of cultural tradition, but flourishes in contact with other cultures. For this reason, heritage in all its forms must be preserved, enhanced and handed on to future generations as a record of human experience and aspirations, so as to foster creativity in all its diversity and to inspire genuine dialogue among cultures.

#### **Article 8 – Cultural goods and services: commodities of a unique kind**

In the face of present-day economic and technological change, opening up vast prospects for creation and innovation, particular attention must be paid to the diversity of the supply of creative work, to due recognition of the rights of authors and artists and to the specificity of cultural goods and services which, as vectors of identity, values and meaning, must not be treated as mere commodities or consumer goods.

#### **Article 9 – Cultural policies as catalysts of creativity**

While ensuring the free circulation of ideas and works, cultural policies must create conditions conducive to the production and dissemination of diversified cultural goods and services through cultural industries that have the means to assert themselves at the local and global level. It is for each State, with due regard to its international obligations, to define its cultural policy and to implement it through the means it considers fit, whether by operational support or appropriate regulations.

### **CULTURAL DIVERSITY AND INTERNATIONAL SOLIDARITY**

#### **Article 10 – Strengthening capacities for creation and dissemination worldwide**

In the face of current imbalances in flows and exchanges of cultural goods at the global level, it is necessary to reinforce international cooperation and solidarity aimed at enabling all countries, especially developing countries and countries in transition, to establish cultural industries that are viable and competitive at national and international level.

#### **Article 11 – Building partnerships between the public sector, the private sector and civil society**

Market forces alone cannot guarantee the preservation and promotion of cultural diversity, which is the key to sustainable human development. From this perspective, the pre-eminence of public policy, in partnership with the private sector and civil society, must be reaffirmed.

#### **Article 12 – The role of UNESCO**

UNESCO, by virtue of its mandate and functions, has the responsibility to:

- (a) promote the incorporation of the principles set out in the present Declaration into the development strategies drawn up within the various intergovernmental bodies;
- (b) serve as a reference point and a forum where States, international governmental and nongovernmental organizations, civil society and the private sector may join together in elaborating concepts, objectives and policies in favour of cultural diversity;
- (c) pursue its activities in standard-setting, awareness raising and capacity-building in the areas related to the present Declaration within its fields of competence;

(d) facilitate the implementation of the Action Plan, the main lines of which are appended to the present Declaration.

(1) Including, in particular, the Florence Agreement of 1950 and its Nairobi Protocol of 1976, the Universal Copyright Convention of 1952, the Declaration of the Principles of International Cultural Cooperation of 1966, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970, the Convention for the Protection of the World Cultural and Natural Heritage of 1972, the Declaration on Race and Racial Prejudice of 1978, the Recommendation concerning the Status of the Artist of 1980, and the Recommendation on the Safeguarding of Traditional Culture and Folklore of 1989.

(2) This definition is in line with the conclusions of the World Conference on Cultural Policies (MONDIACULT, Mexico City, 1982), of the World Commission on Culture and Development Our Creative Diversity, (1995), and of the Intergovernmental Conference on Cultural Policies for Development (Stockholm, 1998)

## **Annex II Main lines of an action plan for the implementation of the UNESCO Universal Declaration on Cultural Diversity**

The Member States commit themselves to taking appropriate steps to disseminate widely the "UNESCO Universal Declaration on Cultural Diversity" and to encourage its effective application, in particular by cooperating with a view to achieving the following objectives:

1. Deepening the international debate on questions relating to cultural diversity, particularly in respect of its links with development and its impact on policy-making, at both national and international level; taking forward notably consideration of the advisability of an international legal instrument on cultural diversity.
2. Advancing in the definition of principles, standards and practices, on both the national and the international levels, as well as of awareness-raising modalities and patterns of cooperation, that are most conducive to the safeguarding and promotion of cultural diversity.
3. Fostering the exchange of knowledge and best practices in regard to cultural pluralism with a view to facilitating, in diversified societies, the inclusion and participation of persons and groups from varied cultural backgrounds.
4. Making further headway in understanding and clarifying the content of cultural rights as an integral part of human rights.
5. Safeguarding the linguistic heritage of humanity and giving support to expression, creation and dissemination in the greatest possible number of languages.
6. Encouraging linguistic diversity – while respecting the mother tongue – at all levels of education, wherever possible, and fostering the learning of several languages from the earliest age.
7. Promoting through education an awareness of the positive value of cultural diversity and improving to this end both curriculum design and teacher education.
8. Incorporating, where appropriate, traditional pedagogies into the education process with a view to preserving and making full use of culturally appropriate methods of communication and transmission of knowledge.
9. Encouraging "digital literacy" and ensuring greater mastery of the new information and communication technologies, which should be seen both as educational disciplines and as pedagogical tools capable of enhancing the effectiveness of educational services.
10. Promoting linguistic diversity in cyberspace and encouraging universal access through the global network to all information in the public domain.
11. Countering the digital divide, in close cooperation in relevant United Nations system organizations, by fostering access by the developing countries to the new technologies, by helping them to master information technologies and by facilitating the digital dissemination of endogenous cultural products and access by those countries to the educational, cultural and scientific digital resources available worldwide.
12. Encouraging the production, safeguarding and dissemination of diversified contents in the media and global information networks and, to that end, promoting the role of public radio and television services in the development of audiovisual productions of good quality, in particular by fostering the establishment of cooperative mechanisms to facilitate their distribution.
13. Formulating policies and strategies for the preservation and enhancement of the cultural and natural heritage, notably the oral and intangible cultural heritage, and combating illicit traffic in cultural goods and services.
14. Respecting and protecting traditional knowledge, in particular that of indigenous peoples; recognizing the contribution of traditional knowledge, particularly with regard to environmental protection and the management of natural resources, and fostering synergies between modern science and local knowledge.

15. Fostering the mobility of creators, artists, researchers, scientists and intellectuals and the development of international research programmes and partnerships, while striving to preserve and enhance the creative capacity of developing countries and countries in transition.
16. Ensuring protection of copyright and related rights in the interest of the development of contemporary creativity and fair remuneration for creative work, while at the same time upholding a public right of access to culture, in accordance with Article 27 of the Universal Declaration of Human Rights.
17. Assisting in the emergence or consolidation of cultural industries in the developing countries and countries in transition and, to this end, cooperating in the development of the necessary infrastructures and skills, fostering the emergence of viable local markets, and facilitating access for the cultural products of those countries to the global market and international distribution networks.
18. Developing cultural policies, including operational support arrangements and/or appropriate regulatory frameworks, designed to promote the principles enshrined in this Declaration, in accordance with the international obligations incumbent upon each State.
19. Involving the various sections of civil society closely in the framing of public policies aimed at safeguarding and promoting cultural diversity.
20. Recognizing and encouraging the contribution that the private sector can make to enhancing cultural diversity and facilitating, to that end, the establishment of forums for dialogue between the public sector and the private sector.

The Member States recommend that the Director-General take the objectives set forth in this Action Plan into account in the implementation of UNESCO's programmes and communicate it to institutions of the United Nations system and to other intergovernmental and non-governmental organizations concerned with a view to enhancing the synergy of actions in favour of cultural diversity.

English <http://unesdoc.unesco.org/images/0012/001246/124687e.pdf#page=67>

French <http://unesdoc.unesco.org/images/0012/001246/124687f.pdf#page=78>

Spanish <http://unesdoc.unesco.org/images/0012/001246/124687s.pdf#page=72>

Russian <http://unesdoc.unesco.org/images/0012/001246/124687r.pdf#page=77>

Chinese <http://unesdoc.unesco.org/images/0012/001246/124687c.pdf#page=84>

Arabic <http://unesdoc.unesco.org/images/0012/001246/124687a.pdf#page=72>

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