

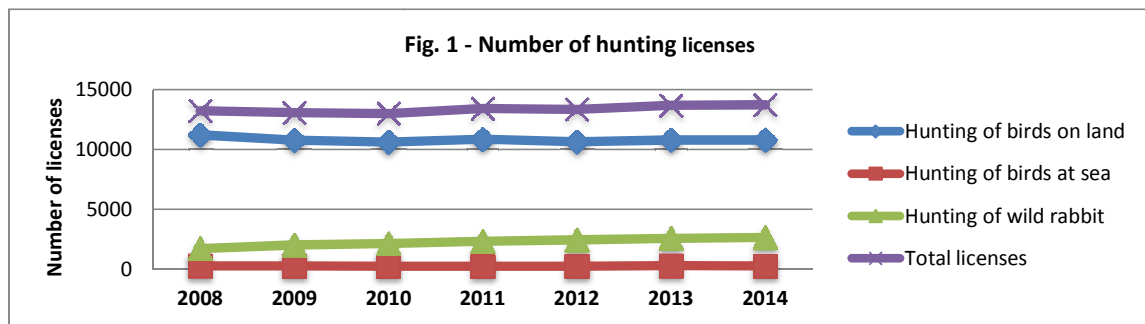
## Overview of the 2014 autumn hunting season and preliminary assessment of enforcement policy measures

### Introduction

This report aims to provide a preliminary assessment of the impact of the policies and legislation recently adopted. The report gives a brief overview of the 2014 – 2015 autumn hunting season, the enforcement effort deployed by the Maltese authorities, as well as the relevant enforcement statistics on which preliminary conclusions concerning effectiveness of policy measures can be drawn.

### Legislation and licenses

The Conservation of Wild Birds Regulations (S.L. 504.71) establishes general parameters regulating hunting and taking of birds, lays down general prohibitions, lists protected species, areas where hunting is not allowed and other restrictions<sup>1</sup>. Almost identical conditions as those applicable to bird hunting on land also apply to rabbit hunting during the autumn period, which is regulated through Wild Rabbit Protection Regulations (S.L. 504.06)<sup>2</sup>. Only those hunters who are in possession of valid hunting license (*carnet de chasse*) are authorized to participate in the season. Hunters must carry with them a valid *carnet de chasse* and ID card at all times while hunting. In 2014, there were 10,811 licenses to hunt birds on land, 265 licenses to hunt birds at sea and 2,654 licenses to hunt wild rabbit. The number of licenses has remained relatively stable over the past 6 years, as shown in the chart below.



Source: Malta Police Force / Wild Birds Regulation Unit

### Enforcement deployment during autumn hunting season

Throughout September 2014 and until 7 October 2014, which coincides with the peak migration period for protected birds, particularly raptors, the authorities cumulatively deployed over 95 personnel consisting of enforcement officers from the Administrative Law Enforcement Unit of the Malta Police Force, detachments of the Armed Forces of Malta, patrols by Mounted Police as well as officers from District Police units and personnel of the Specialist Enforcement Branch of the Wild Birds Regulation Unit. After 7 October 2014, until the end of the season on 31<sup>st</sup> January 2015, an average complement of around 55 officers was deployed.

The officers received specialised training during two training sessions on enforcement priorities and techniques organised by the Wild Birds Regulation Unit on 28 August and 15 October 2014. The objectives of enforcement deployment were:

1. To ensure continuous deployment presence in the countryside to deter any potential abuse from occurring in the first place;

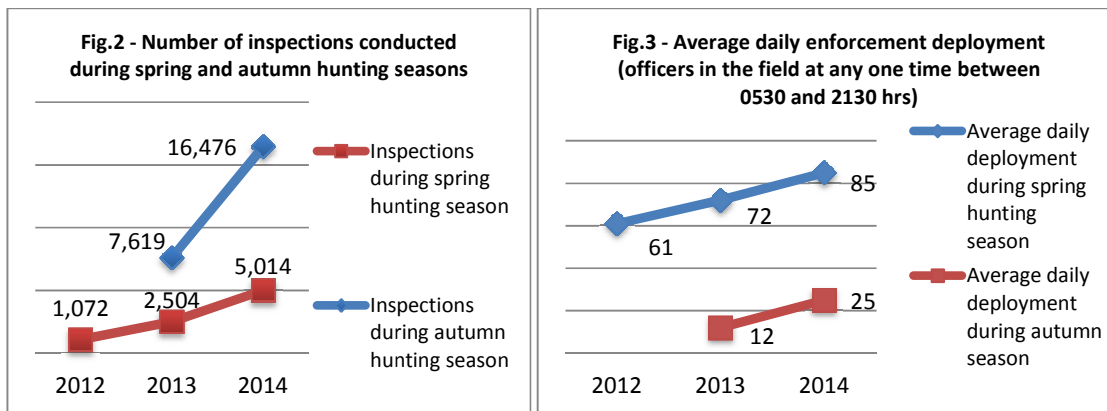
<sup>1</sup> In line with this legislation, the hunting of birds on land is permitted between the 1st September and the 31st January, between two hours before sunrise and two hours after sunset on any day between Monday and Saturday, and between two hours before sunrise and 1pm on Sundays and Public Holidays. The hunting of birds on land between the 15th September and the 7th October (inclusive of both dates) is not permitted from Monday to Saturday between 7 pm and two hours before sunrise of the following day. The hunting of birds at sea is permitted between the 1st October and the 31st January during the same times as those applicable to hunting on land, provided that between the 1st October and 7th of October, inclusive of both dates, hunting at sea is not permitted from Monday to Saturday between 7 pm and two hours before sunrise of the following day.

<sup>2</sup> In autumn, rabbit hunting is permitted until 31st December.

2. To ensure that no illegal targeting of protected species occurs, and that any detected incidents of abuse are dealt with swiftly and effectively;
3. To ensure that the general prohibitions and parameters related to the open season are enforced.

### Inspections and offences detected

The officers utilised a mixture of techniques, including vehicular patrols, covert observation, stationary observation posts, foot patrols, physical inspections and spot-checks on individual hunters, and road-blocks. During the season, the officers conducted **13,926 site inspections** and **2,550 spot-checks** on individual hunters / live-capturers, which is more than double the total number of inspections conducted during the same period in 2013 (7,619). Increase in intensity of inspections was also evident during the 2014 spring hunting season, whereby the number of inspections doubled in comparison with 2013, and more than quadrupled in comparison with 2012. The same trend was also achieved with regards to the mean number of officers deployed in the field at any one time between 0530 hrs and 2130 hrs during the spring and autumn seasons respectively. The above trends are shown in the charts below.



Source: Malta Police Force / Wild Birds Regulation Unit

Officers were on field duty on shift basis between 0530 hours and 2130 hours. Night patrols were held on specific dates around locations where sightings of protected birds were reported. The following table presents statistics on the nature and number of offences disclosed during the 2014 autumn season, and provides a comparison with the corresponding statistics for 2012 and 2013 seasons.

Table 1 - Offences disclosed during autumn season (1st September - 31st January)	2012	2013	2014	Trend
Hunting within prohibited distances	17	12	1	☺
Hunting / trapping without license	76	21	4	☺
Illegal trapping of protected birds	137	29	1	☺
Illegal shooting of protected birds	2	6	4	☹
Hunting / trapping using illegal means / other breaches of license conditions	236	89	78	☺
Hunting / trapping during closed season	16	1	2	☺
Possession of dead protected birds	4	16	5	☹
Possession of live protected birds	137	30	3	☺
Illegal sale of protected birds	0	0	7	☹
Smuggling of protected birds	1	3	1	☹
<b>Total offences disclosed</b>	<b>391</b>	<b>125</b>	<b>106</b>	☺
<b>Persons arraigned and prosecuted</b>	<b>226</b>	<b>87</b>	<b>83</b>	☺

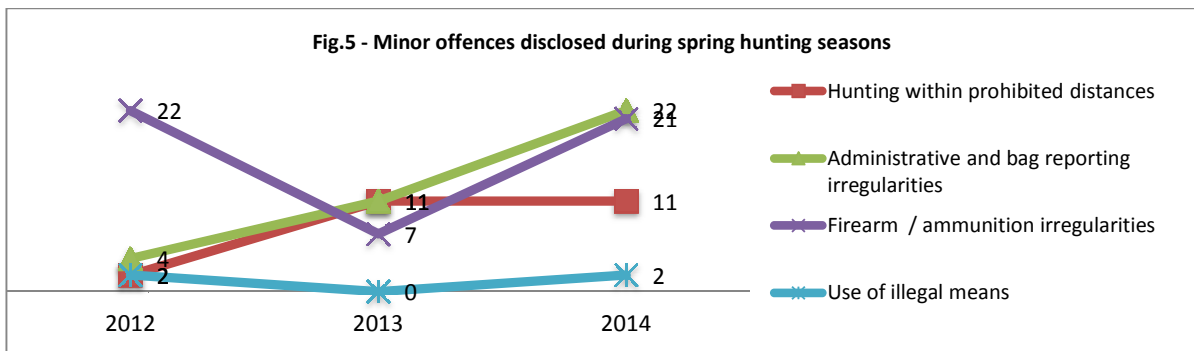
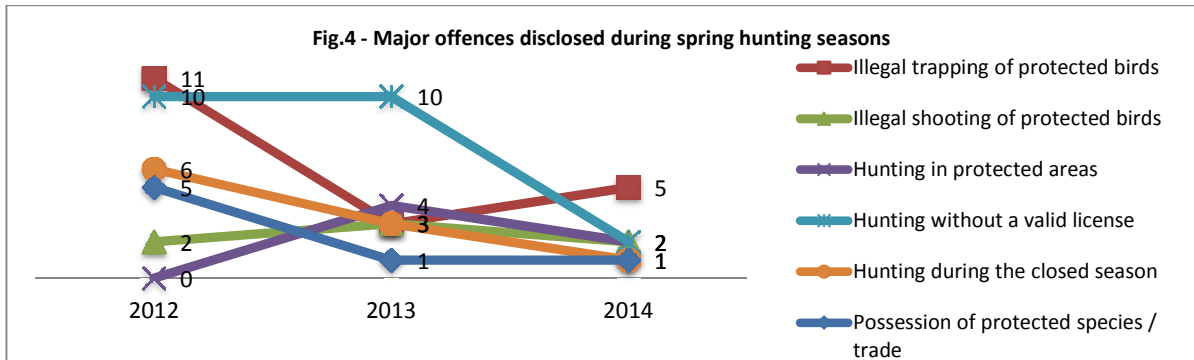
Source: Malta Police Force / Wild Birds Regulation Unit

### Analysis of disclosed and observed bird-related crime trends over the past 3 years

The above statistics of disclosed offences indicates a clear trend for the decline in crime levels across virtually all categories of bird-related crime, particularly in relation to major offences. Improvement is particularly pronounced with regards to the number of offences related to hunting within prohibited distances, illegal

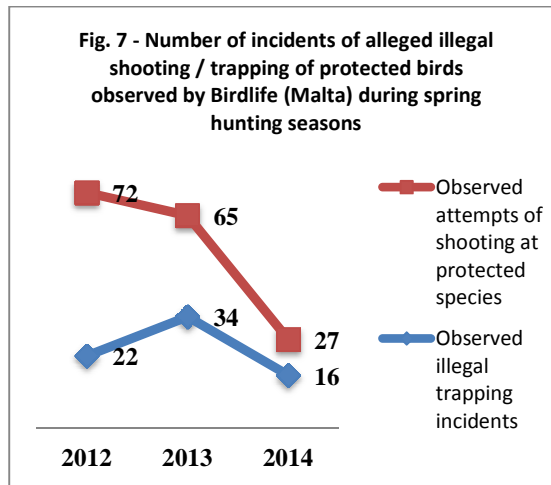
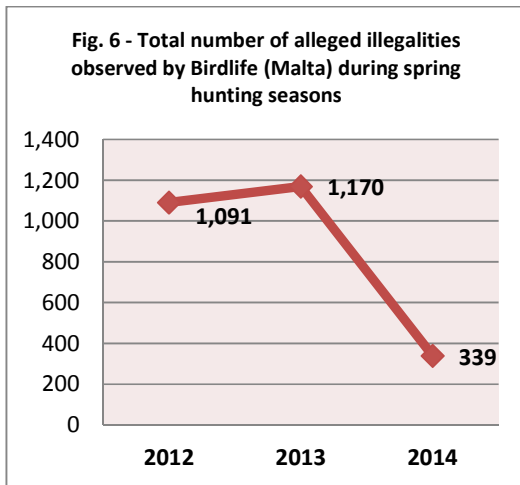
trapping of protected birds, killing or taking using illegal means, during the closed season, without a valid license, and in breaches of license conditions.

These markedly positive trends generally correlate with the trends of offences disclosed during spring hunting seasons, as indicated in the graphs below. Similarly to autumn statistics, spring hunting crime disclosure trends over the past 3 years indicate a consistent reduction in **major** bird-related crimes including illegal killing and taking of protected birds, hunting without a license, during closed season or within protected areas where hunting is prohibited. On the other hand, major increase in the intensity of inspections has brought about an increase in disclosure of **minor violations**, particularly administrative and reporting irregularities, some of which may have previously gone undetected.



Source: Malta Police Force / Wild Birds Regulation Unit

Although it is not possible, due to methodological issues, to directly compare the number of *confirmed offences disclosed by the authorities* with the number of *alleged incidents of illegalities observed by environmental NGOs*, it is nonetheless feasible to correlate the overall trends in perceived (observed by NGOs) and disclosed (confirmed by the authorities, leading to prosecution) violations. The charts below describe trends concerning the number of such observed incidents reported by Birdlife (Malta) during its Spring Watch camps in 2012, 2013 and 2014.



Source: Birdlife (Malta) Spring Watch Report, 2014

**Reform of legal deterrents against abuse**

The above sustained decrease in both the observed and disclosed illegalities is, apart from improvements in field deployment, attributable also to **the increase in legal deterrents against abuse**. Over the past 16 months, these deterrents have been progressively increased to levels that are amongst the highest in Europe. The change in the minimum and maximum penalties for all categories of offences involving illegal killing, trapping and trade in wild birds is summarised in the charts and tables below.

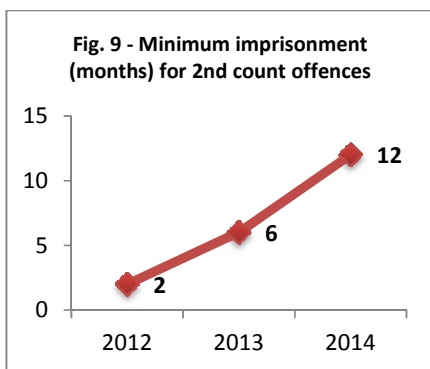
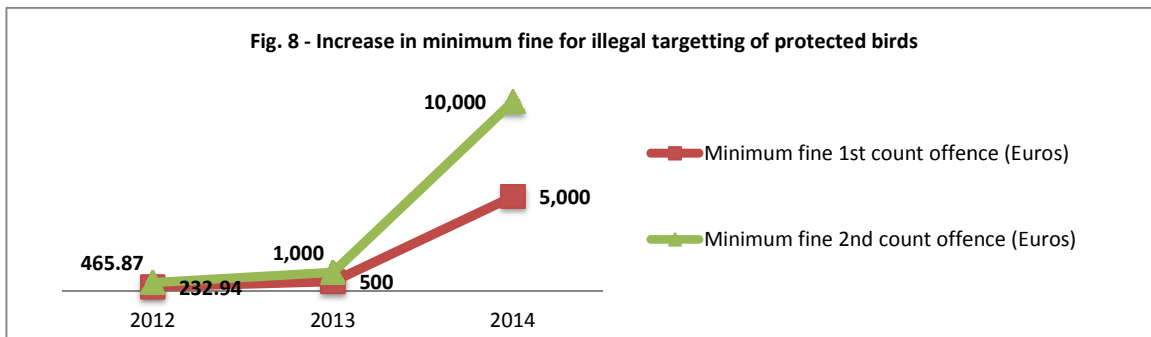


Table 2 - Penalties for illegal targeting of protected species: 1st count offence	2012	2013	2014
Min fine 1st count offence (Euros)	232.94	500	5,000
Min imprisonment (months)	0	0	12
Min term of suspension of license (months)	12	24	Permanent
Max fine (Euros)	4,658.75	5,000	5,000
Max imprisonment (months)	0	0	12
Max term of suspension of license (months)	36	60	Permanent

Table 3 - Penalties for illegal targeting of protected species: 2nd count offence	2012	2013	2014
Minimum fine 2nd count offence (Euros)	465.87	1,000	10,000
Minimum imprisonment (months)	2	6	12
Minimum term of suspension of license (months)	Permanent	Permanent	Permanent
Maximum fine (Euros)	9,317.49	10,000	10,000
Maximum imprisonment (months)	24	24	24

Maximum term of suspension of license (months)	Permanent	Permanent	Permanent
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Source: Malta Police Force / Wild Birds Regulation Unit

In addition to the reforms implemented in October 2013 and in March 2014, which resulted in the increase in penalties summarised above, the Maltese authorities also introduced a system of administrative fines for minor offences, mostly of administrative nature, which previously used to detract precious judicial and prosecution resources on hundreds of minor cases, slowing down judicial process as a whole. As a result of the introduction of this system in October 2013, minor offences are dealt with swiftly through an automatic administrative fine, in lieu of criminal prosecution. The introduction of this system resulted in greater efficiency and swiftness of the judicial process.

#### **Qualitative improvements in enforcement and regulation**

Over the past 12 months, the Maltese authorities implemented a series of measures aimed at qualitatively improving enforcement and fight against wildlife crime, as well as to improve compliance with the regulatory controls.

These measures, *inter alia* consisted of:

- **Delivery of specialised training for police officers**, with the focus on detection and prosecution of bird-related crime offences. Over the past 12 months, over 100 enforcement officers were trained. The authorities are also presently designing a further intensive 3-months course for enforcement officials, focusing on field ornithology, basic avian ecology, wildlife criminology, forensic techniques and related disciplines. It is envisaged that this course will be implemented by the end of 2015.
- **Implementation of several information technology systems to aid enforcement**. One such development included a state of the art electronic game reporting system, set up in September 2014, to enable real-time reporting and monitoring of game legally hunted. Another IT-driven development concerned implementation of a geographic information system which enables field officers to instantly access location-specific regulatory data pertaining to individual licensees. This system was rolled out in October 2015.
- **Implementation of independent scientific studies** to evaluate migratory influx of Turtle Dove (*Streptopelia turtur*) and Quail (*Coturnix coturnix*) during the autumn migration season. The study consisted of the deployment of 21 observation stations around strategic locations in the Maltese Islands, which provided for the recording of migration data. This data was subsequently used to evaluate the extent of migration, and to verify game reporting trends since 2002.

#### **Zero tolerance policy**

Zero-tolerance towards illegal killing, trapping and trade in wild birds is the cornerstone of the Maltese authorities' approach towards dealing with serious bird-related crime. During the 2014 autumn season, this policy was exercised on 20 September 2014, when the Government decided to suspend the autumn hunting season until 11 October 2014, as a precautionary measure to aid safe passage of an unusually intense migratory influx of protected birds over the Maltese islands. The decision to suspend the season was triggered by three confirmed disclosed incidents of illegal targeting of protected birds, as follows:

- 16 September 2014: A White Stork (*Ciconia ciconia*) was confirmed shot in Marsa. The suspect was apprehended, charged under arrest, and convicted on 17 September 2014. The offender was given a 3 months jail term suspended for 1 year, €5,000 fine, revocation of hunting license for life, confiscation of the stork and shotgun. The Executive Police subsequently appealed the decision in order to convert the suspended jail term into an effective sentence. This appeal is presently pending hearing. A Grey Heron (*Ardea cinerea*) was also confirmed shot on the same day in a separate incident. The suspect was apprehended and subsequently arraigned. The case is awaiting hearing.
- 19 September 2014: A Dotterel (*Charadrius morinellus*) was confirmed shot at Il-Majistral Park. The poacher was apprehended and prosecuted. The case is awaiting hearing.

In addition to the above disclosed cases, the police responded to and investigated reports from NGOs and the public concerning the alleged targeting of protected birds including several Buzzards and a Grey Heron. These investigations did not yield sufficient material evidence that could lead to the identification and prosecution of suspects.

**No incidents of illegal hunting were disclosed during the period of suspension.** After the season resumed on 11 October 2014, and until the season's closure on 31 January 2015, **there was only one further disclosed incident of illegal shooting of a protected Shelduck (*Tadorna tadorna*) on 5 January 2015.** The suspect was apprehended and is being prosecuted.

In a drive to completely eradicate the illegal targeting of protected birds, the authorities are presently contemplating a **further stage of the legal reform**, whereby penalties for the most serious categories of offences involving protected birds will be raised to levels that would by far outweigh any hypothetical quantum of illegal gain that may arise out of such crime and hence further increase the deterrent effect. In particular, penalties will be increased for illegal possession, taxidermy, importation, trafficking and trade in protected birds, as well as for illegal killing and taking.

## **Conclusion**

Statistics pertaining to enforcement deployment and disclosure of bird-related crime indicates a marked improvement in the situation across a broad range of parameters.

A massive increase in the penalties for offences, implemented in two stages over the past 16 months has provided a substantial legal deterrent, whilst the doubling of enforcement effort on the ground ensured that those who break the law are apprehended and effectively prosecuted according to legislation.

These efforts must also be seen in conjunction with the substantial qualitative and technology-driven improvement in several aspects of enforcement and governance, as well as in conjunction with substantial education, training and awareness-raising measures.

These measures have had a noticeable and profound effect on the rate of incidence of bird-related crime in Malta, with stark and consistent improvement trends registered across virtually all categories of bird-related crime.

The Maltese authorities are committed to further consolidate this progress in the near future, with a number of further measures being in the pipeline as described in the present report. The ultimate objective is the total eradication of illegal killing, trapping and trade in wild birds.