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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

35th meeting
Strasbourg, 1-4 December 2015

Complaint on stand-by

Presumed illegal killing of birds in Malta

REPORT BY THE NGO

*Document prepared by
BirdLife Malta*

COMPLAINT ON STAND-BY NO. 2012/7 ILLEGAL KILLING OF BIRDS IN MALTA

Follow up of Case File concerning the complaint regarding the illegal killing of birds in Malta further to the BirdLife Malta August 2014 report (T- PVS/Files (2014) 8) and the European Union September 2014 report (T-PVS/Files (2014) 12)

by BirdLife Malta

- March 2015 -

PREAMBLE

This report being presented by BirdLife Malta in March 2015 has been compiled for the attention of the Bureau of the Standing Committee of the Bern Convention prior to its meeting on 31 March 2015, in response to a written invitation by the Secretariat of the Bern Convention (dd. 21 January 2015) to inform of any developments further to information submitted for the September 2014 Bureau meeting.

BirdLife Malta has provided the Bureau with its various concerns on spring hunting and autumn trapping derogations to the Birds Directive in Malta, as well as concerns regarding insufficient enforcement and illegal hunting and trapping in the Maltese Islands in the form of updates dated August 2014, March 2014, and May 2013.

INTRODUCTION

BirdLife Malta aims to convey to the Bureau an update on the concerns raised in 2014 with the aftermath of the 2014 autumn hunting and trapping seasons. This report provides an outlook on the current situation with derogations to the Birds' Directive, illegal hunting and trapping of birds as well as the current enforcement regime adopted by Maltese authorities.

1. Concerns over the autumn hunting season

Carnet de Chasse and bag verification – lowest figures of Turtle Dove and Quail ever

The autumn hunting season was opened between the 1st September 2014 and the 31st January 2015, with a suspension from the 20th September until the 10th October 2014, following a spate in illegal hunting incidents concerning White Storks originating from Italy¹. During this season **10,811 hunters** were licensed to hunt and these declared a total catch of just **2,486 Turtle Dove and 1,689 Quail**. This information follows on previous trends of autumn hunting seasons where catches less than 10,000 of each species open the way for a full spring hunting derogation season the next year round. However, in 2014, the reported catches feature as the lowest ever registered catch of these species since records have been kept since 2002 (Figure 1)

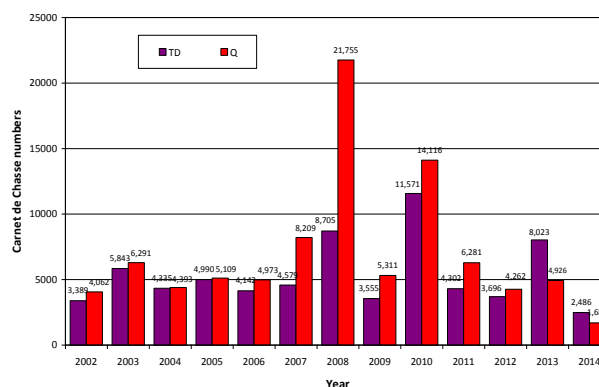


Figure 1: Reported autumn catches over the years (2002 - 2014)

¹ <http://www.gov.mt/en/Government/Press%20Releases/Pages/2014/September/20/pr142095.aspx>

These extremely low figures have been justified by Malta's Wild Birds Regulation Unit² as being due to:

- A reported low migration of Turtle Dove and Quail in autumn 2014;
- A suspension of the autumn season between the 20th September and the 11th October 2014.

However these quick conclusions disregard various aspects which we would highlight:

- The period 20th September to 11th October misses the peak in Turtle Dove migration which is customarily at the start of the season, while Quail migration normally lingers on to November (as proven by the same migration study). Accordingly the closure of the season during this period should not have resulted in such a large difference in catches compared to even 2013;
- No comparison has been made between the studied daily influxes of Turtle Dove and Quail and the daily catches recorded by hunters – one would expect a correlation if reported figures were somehow reliable;
- The migration study has based its conclusion of low influxes of Turtle Dove and Quail in autumn 2014 in comparison to a study commissioned in 2008. BirdLife Malta has on various occasions raised doubts about the reliability of its results³. Different methodologies being used in previous years make it impractical to compare such statistics.

The situation regarding the future of spring hunting seasons currently relies on the outcome of an abrogative referendum to be held on the 11th of April. This vote aims to cancel a five-year-old framework legislation to open a spring hunting season for Turtle Dove and Quail. Nonetheless the situation with low recording of hunting figures still persists in 2014, and the Malta Ornithology Committee is expected to still recommend the opening of a spring hunting season in 2015 based on the reported autumn catches of Turtle Dove and Quail.

2. CONCERNS RELATED TO THE (EFFECTIVE) REMOVAL OF THE AUTUMN HUNTING CURFEW

- *continuing to ignore evidence with changes to legislation not in favour of adequate protection*

The permanent ineffective 7pm curfew, in place between the 15th September and the 7th October still forms part of the regulations concerning the conservation of wild birds⁴. While BirdLife Malta has continued to emphasise that the **removal of the hunting curfew has a detrimental effect on the protection of birds** from illegal hunting, this continues to be ignored.

The 2014 suspension of the hunting season during the peak migration of birds of prey between the 20th September and the 10th October 2014, has clearly had an effect in reducing illegal hunting incidents during the period. Based on a comparison of data that BirdLife Malta has collected over the years, the period September to October 2014 resulted in the least number of injured shot protected birds received by the organisation (Figure 2).

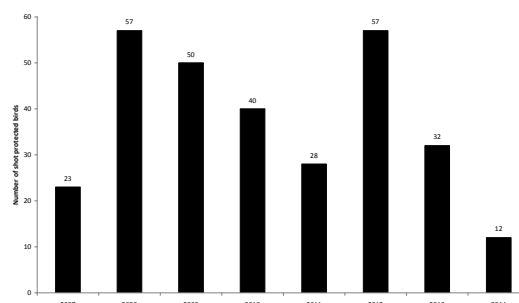


Figure 2: Comparison of shot protected birds received by BLM for the periods 1st Sep to 31st Oct

² <http://www.gov.mt/en/Government/Press%20Releases/Pages/2015/March/04/pr150447.aspx>

³ <http://www.birdlifemalta.org/media/press/hunting/view.aspx?id=415#.VPnbJnzF-8o>

⁴ <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11548&l=1>

BirdLife Malta still insists that a 3pm curfew, as enforced in previous years, would work to deter hunters from using the cover of the open hunting season to target protected birds as they search for roosting sites in the afternoon. However, the current 7pm curfew is not adequate since the vast majority of migrating birds would already have roosted well before sunset and a curfew at this time would do nothing to protect them. The decrease in kills seen as a result of the suspension of the hunting season also highlights the effectiveness that such a curfew would have if it is introduced again. Conveniently the lower reported figures of wildlife crime as reported by government authorities are solely attributed to an improved situation rather than a situation of better control during the period of the closed hunting season.

3. CONCERNS RELATING TO THE TRAPPING DEROGATIONS OF GOLDEN PLOVER, SONG THRUSH AND SEVEN SPECIES OF FINCHES

- *continued use of derogations despite legal notices from European Commission.*

The derogations applied to the Birds Directive (2009/147/EC) allowing the capture of Golden Plover and Song Thrush⁵ and (as of 2014) seven finch species⁶ have been the subject of two separate infringement proceedings initiated by the Directorate-General for Environment. Both a Letter of Formal Notice and Reasoned Opinion were issued in June 2011 and November 2012 respectively to the Maltese government for the trapping of Golden Plover and Song Thrush, and a Letter of Formal Notice was recently sent in October 2014 for the reintroduction of finch trapping in Malta. In spite of the Commission's clear warning not to open a trapping season, the Maltese government went ahead allowing **a trapping season for finches between the 20th October and 31st December 2014.**

While the contents of these formal warnings remain undisclosed, there are concerns with the Maltese government relating to:

- the trapping of wild finches for recreational purposes as not being a justified practice when alternative solutions such as captive breeding exist;
- the trapping of Golden Plover and Song Thrush failing to guarantee small numbers, selective targeting of species and strict supervision conditions;
- the lifting of a 2003 moratorium on trapping licences (in effect since 2003), which has allowed an unsustainable increase in trapping licence applications, that have increased fourfold from 2013 to 2014 to a total of circa 5,000 active trapping licences.
- As a result of the latter, a licenced increase in the number of active trapping sites in the Maltese countryside thus translating in a heightened environmental impact of the derogation in terms of both habitat degradation and increased catch effort of wild birds.

The full impact of these derogations is still not fully known to BirdLife Malta as **the Maltese Government has not yet published any statistics regarding the numbers of trapped birds or any enforcement statistics,** despite requests filed by the organisation.

4. CONCERNS OVER TACKLING WILDLIFE CRIME

- *lack of effective enforcement of wild bird crimes and still no sign of a Wildlife Crime Unit*

Despite the reintroduction of finch trapping and the trapping of Golden Plover and Song Thrush within the Autumn hunting season, Maltese authorities have **failed to establish a specialised Wildlife Crime Unit,** even though the demand for such a unit increases as more derogations demanding strict supervision are applied. This is an essential measure needed to control the legality of this practice. By not ensuring effective monitoring of trapping, the derogations are not in accordance with the conditions of the Conservation of Wild Birds Regulation (2006) or those of Article 9 of the Birds Directive.

In addition to this, police members from the Administrative Law Enforcement (ALE), **the current unit responsible for the enforcement of legal environmental practices, were transferred**⁷

⁵<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12210&l=1>

⁶<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12211&l=1>

⁷http://www.maltatoday.com.mt/news/national/43110/hunting_enforcement_officers_transferred#.VPhuzC5dJL_

and replaced by less experienced officers⁸ over the past two years. This loss of necessary experience⁹ and knowledge signifies that not only is there a lack of a specialised unit, but that the existing **wildlife crime enforcement team has been weakened and made less effective.**

5. CONCERNS OVER THE CURRENT LEVEL OF WILDLIFE CRIME

- *inconsistencies with 'low' numbers shown in Autumn hunting season data.*

On the 4th March 2015 the government of Malta published the Autumn Hunting Report (Ref. no: PR150447)¹⁰. These statistics indicate a sustained and pronounced reduction across most of the categories of bird-related crime, when compared with previous years, with a total of 106 offences disclosed throughout the period 1st September to 31st January. However, BirdLife Malta observes that there are many inconsistencies with this data published by the Maltese government:

The numbers indicated in 2014 are directly dependant on the effectiveness of the police: The documented offences disclosed are reliant on the number of personnel deployed. Throughout September until 7th October 2014, the authorities reportedly deployed 95 personnel. After 7th October until the end of the season in 31st January 2015, the average complement of officers deployed was around 55. During the season, these officers conducted 13,926 site inspections and 2,550 spot-checks on individual hunters/live captures. This resulted in an approximate average of 200 sites inspected per officer, a slightly unrealistic quantity given the 5 month time period.

BirdLife Malta's Raptor Camp in 2014 highlights different statistics of illegal hunting and trapping: Raptor Camp was held from 15th September until 15th October 2014. Within this four week period the total number of hunting incidents observed was 290. This number is far from the 106 offences reported by the government of Malta over the whole 5-month autumn hunting season, which in itself is questionable as it covers a much longer period as opposed to one month covered by BirdLife Malta.

The Maltese government have failed to publish all statistics: During the Autumn hunting season, injured birds were received by BirdLife Malta as well as by various government authorities such as the Government veterinary division. These cases are all reported to government authorities, yet in its report the Wild Birds Regulation Unit **fails to include such statistics as relating to wildlife crime.** This is a matter of concern because the prevalence of injured birds also impacts on the conservation of protected species.

In summary, although the illegal hunting incidents reported for the autumn hunting season of 2014 appear to be lower than previous years from statistics collected by BirdLife Malta as well as government authorities, the closure of the hunting season during the peak migration of birds of prey appears to have had a positive effect with such a result.

However, the statistics reported by government authorities only cover those offences for which prosecutions resulted and accordingly cannot be regarded as being the final or ultimate level of wildlife crime experienced in autumn 2014. The reported figures contrast heavily with those detected by BirdLife Malta, and as has been demonstrated do not include tell-tale signs of wildlife crime such as shot protected birds received by BirdLife Malta and other government authorities, which the Wild Birds Regulation Unit is well aware of.

CONCLUSION

This update, combined with BirdLife Malta's previous responses, confirms the initial complaint lodged to the attention of the Bureau and provides further information in regards to the recent Autumn hunting season.

In conclusion the concerns related to the past months range from a seemingly still-incentivised under-reporting of catches of Turtle Dove and Common Quail (in order to allow the opening of a spring hunting season) to a situation where a closed hunting season for a 20-day period has seemingly

⁸<http://www.timesofmalta.com/articles/view/20140914/local/Environment-police-unit-suffers-useless-massacre-535564>

⁹<http://www.timesofmalta.com/articles/view/20140910/local/cabs-preparing-autumn-protection-camp-laments-transfer-of-ale-officers.535172>

¹⁰<https://environment.gov.mt/en/government/Press%20Releases/Documents/2015/pr150447a.pdf>

resulted in lower illegal hunting figures in comparison to previous years. Simply quoting levels of detection however do little justice with government authorities not utilising all the data available to report on the illegal killing situation.

On the other hand while the situation with trapping derogations was already precarious, the Maltese authorities have gone further to ignoring a warning issued by the European Commission in relation to a return of finch trapping practices phased out in 2009. The situation was rendered even worse with the lifting of a moratorium on trapping licences which resulted in an unsustainable increase in trapping licences as well as consequently the clearing of land for use of trapping sites.

While all such measures would be expected to be countered with improved enforcement efforts, the police section dealing with wildlife crime has been stripped of years of experience, while the setting up of a proper wildlife crime unit remains an ever distant reality.

BirdLife Malta reiterates its calls on the Bern Convention to undertake further investigations necessary to determine the true extent of the impact of Malta's derogations from the Birds Directive, and to assist the country in stepping up further its enforcement efforts while keeping watch of the conditions with which it is allowing derogations for hunting and trapping lacking the necessary justifications and strict supervision.