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# Emerging contradictions in the enforcement of bird hunting regulations in Malta

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## Abstract

The archipelago state of Malta is renowned as a “blackspot” for illegal bird hunting. Since joining the European Union (EU), Maltese hunters have experienced restrictions on what and how much they can hunt. This article describes Malta's current enforcement efforts which, assisted by the Army and by volunteers from conservation groups, exceed EU standards, and have led to a reduction in crime. Drawing on interviews with key stakeholders in the hunting arena, however, this article also describes how current conservation policies—which rely on intense surveillance and punishment to deter poachers—are being counterproductive. They are fostering a culture of suspicion and distrust between hunters, environmental nongovernmental organizations, and the state, which, in turn, drives the further intensification of surveillance. This increase has encouraged some hunters to engage in other forms of crime or to embark on hunting expeditions abroad where environmental governance is weaker. This article reinforces the need for more holistic responses to natural resource management that go beyond a focus on increased enforcement, especially when taking into account the impacts of regulation across multiple jurisdictions.

## 1 INTRODUCTION

Conservation researchers and practitioners have, in recent years, started questioning policies that aim to control the poaching of wildlife by intensifying and militarizing the enforcement of wildlife law (Buscher, 2018; Duffy, 2014; Duffy et al., 2019). On the one hand, the often large impact of poaching and wildlife trade on protected species can create a “sense of emergency,” which in turn makes the use of military-inspired tactics and equipment to fight off (and, sometimes, kill) poachers seem like the only sensible course of action (Duffy, 2016; Neumann, 2004). On the other hand, the revitalization of “fortress” methods of conservation have been heavily criticized (Duffy, 2014; West et al., 2006) as these approaches often destroy relationships with local stakeholders, whose support is critical for long-term wildlife conservation (Bennett & Dearden, 2014). They also can facilitate intervention by powerful institutions (e.g., multinational security companies), whose operations might be considered illegitimate by local stakeholders (Annecke & Masubelele, 2016; Lombard, 2016). Such forms of enforcement typically push illegal activity further underground, where it is often taken over by organized criminal networks able to out-maneuver enforcement (Titeca, 2018). Most significantly, policies that construct poaching as a “problem of enforcement” fail to address the factors (e.g., poverty, weak governance, traditional values) that drive locals to procure wildlife products (Challender et al., 2015; Duffy, 2014).

Narratives around poaching often give the impression that the intensification and militarization of enforcement solely occurs in “developing” countries, home to charismatic megafauna like elephants and tigers. By focusing on recent developments in the regulation of bird hunting in Malta, this article suggests that the aforementioned trends in enforcement can also be seen in Europe in regards to migratory birds. The Maltese case is additionally interesting because local poaching practices have little to do with income generation or rural livelihoods, as is often the case in the “developing world” (Hauenstein et al., 2019; Lunstrum & Givá, 2020; Martin & Martin, 2006). Rather, it tells us how the management of migratory birds can become intertwined with complex processes of nation building in postcolonial contexts. As with other recently independent nations, Malta has strove hard to appear “modern” and “developed.” Modernity is often linked to the emergence of a “civil society” (Harwood, 2006; Jünemann, 2002) that can displace patronage ties (e.g., between state and hunters) (Briguglio, 2010; Theobald, 1992), recognize and curate common resources (e.g., migratory birds, countryside), particularly against capitalistic take-over (Boissevain, 2021; Briguglio, 2015; Raine et al., 2016; Xerri, 2020), and cultivate sensitivity to modern forms of harm (e.g., to animals, ecosystems) (Kenis, 2016; Latta, 2007). However, the shooting and trapping of migratory birds are deeply rooted in the culture of Malta and the country is often decried as a poaching “blackspot” (Raine, 2007; Raine et al., 2016). Hunters claim that the strong passion that compels them to shoot and trap (*namra*) runs in the blood and, if denied, can lead to depression, sickness, and death (Falzon, 2008). Since joining the European Union (EU) in 2004, Maltese hunters have experienced considerable limitations on what, when, where, how, and how much they can hunt. Following a series of events that ruptured relations between key stakeholders, hunters are now additionally subject to surveillance from the police, the army, local wildlife conservation groups like BirdLife Malta and international animal welfare groups such as the Committee Against Bird Slaughter (from herein, both referred to collectively as environmental non-governmental organizations [ENGOs]). Although BirdLife Malta approach this issue more holistically—curating nature reserves, creating afforestation campaigns and running educational programs—the field operations of these ENGOs, which focus on monitoring hunters and catching poachers, receive considerable public attention and resources (Birdlife Malta, 2018; Committee Against Bird Slaughter, 2021).

This article discusses the rise of enforcement-led conservation in Malta. It also examines how the focus on surveillance and punishment is creating a number of contradictory trends that can have important repercussions both locally, and on the wider context of avian conservation. First, our results indicate that while enforcement has likely played a role in curtailing illegality, tensions between major stakeholders remain high. As state and ENGO actors struggle to bring attention to their interpretation of crime data, enforcement-led conservation is creating a culture of distrust and suspicion that forces stakeholders to call for more enforcement. Once initiated, the cyclical nature of distrust and surveillance can be hard to reverse. Second, while local enforcement has likely played a role in reducing wildlife crime in Malta, it is also encouraging hunters to go on hunting trips to non-EU countries where governance is weaker, and where more birds can be shot than is in possible in Malta (Wild Birds Regulation Unit, 2021). Consequently, such dynamics illuminate some of the shortcomings of conservation policy within the European bloc.

### 1.1 Study area: The Maltese hunting scene

Malta is an archipelago state of three islands covering around 316 $km^2$ and situated on the Mediterranean/Black Sea Flyway. Despite its size, 10,556 hunting licenses were issued by the Maltese government in 2018. This translates into a density of approximately 80 hunters per $km^2$ of huntable land, one of the highest in Europe. Most hunters are affiliated to the “Federation for Hunting and Conservation” or “St. Hubert's Hunters.” These associations cooperate to exercise pressure on Malta's major political parties, offering electoral support in return for promises to defend hunting privileges (Campbell & Veríssimo, 2014; Veríssimo & Campbell, 2015).

Historically, little enforcement occurred in Malta regarding the hunting of birds (Raine et al., 2016). After joining the EU in 2003, Malta's laws were brought in line with the EU's Birds Directive. This should have ended hunting, but the Maltese state, pressured by the Federation for Hunting and Conservation and St. Hubert's Hunters, secured a derogation to allow hunting (as a local tradition) in spring and autumn, albeit with restrictions on the type and number of birds that could be hunted (Campbell & Veríssimo, 2014; Caruana-Galizia & Fenech, 2016). Maltese hunters can only shoot European Turtle Dove *Streptopelia turtur* and Common Quail *Coturnix coturnix*. Both are hunted for sport. Turtle Dove tests a hunter's patience, alertness, and accuracy and is shot as it flies past a hiding spot. Quail is flushed out of the scrub by trained hunting dogs. EU derogations also allow the trapping of Song Thrush *Turdus philomelos* and Golden Plover *Pluvalis apricaria* using artisanal traps, decoy birds, and nets (Wild Birds Regulation Unit, 2014, 2018, 2019). Birds captured are often illegally sold as pets or used as decoys for further trapping (Falzon, 2008). The persistence of poaching suggests that some hunters covet other (protected) birds migrating through Malta. A comprehensive list of the species hunted on the island, along with thorough discussion of the shifting “functional, social and symbolic value” (van Uhm, 2018a) attached to their killing, capture and use in taxidermy and wildlife trade, has been documented by local ornithologist Natalino Fenech (Fenech, 1992, 2010).

Figure 1 lists the major hunting-related events since Malta's accession to the EU and suggests that Malta's hunting scene is characterized by the emergence of a tenuous division of power between national and supranational institutions, which in turn empowered local NGOs (Briguglio, 2012, 2015). Soon after EU accession and deeply displeased with the hunting derogation, Maltese NGOs started monitoring hunters and reporting illegalities to national and EU authorities. In 2010, BirdLife Malta's field activities provided instrumental evidence to the European Court of Justice, which found Malta guilty of breaking the terms of derogation (Briguglio, 2012). Since then, the ENGOs turned hunting into a major national issue. This climaxed in a 2015 referendum to stop the Maltese government from seeking derogations on spring hunting. In the run up to the referendum, local and international antihunting NGOs positioned themselves as champions of “the people” against hunters, a minority cast as incompatible with the modern civic and environmental values that the Maltese should now possess (Falzon, 2020). Indeed, soon after the ENGOs commenced their field operations, hunters started to prevent entry into their land, making large sections of the countryside inaccessible to the public. Echoing findings about the link between wildlife securitization, displacement, and capitalist interests (Corson, 2011; Dunlap & Fairhead, 2014; Gardner, 2012; Massé & Lunstrum, 2016), the ENGOs claimed that hunters—with their enclosures and gunfire—were obstructing the Maltese from enjoying the countryside and disrupting ecotourism, central to national economy (Falzon, 2020). In addition, the ENGOs argued that migratory birds constitute a shared European resource and as newly minted European citizens, the Maltese were duty-bound to protect these birds, not kill them for selfish amusement (Veríssimo & Campbell, 2015). Despite these arguments, the referendum, attended by 75% of the electorate, resulted in a 50.44%–49.56% win in favor of spring hunting derogations.

**FIGURE 1** Open in figure viewer | PowerPoint

Timeline identifying noteworthy events surrounding Maltese hunting from 2000 to 2018

Since 2012, Malta's NGOs have also tightened their surveillance of hunters. Joined by ENGOs, they have been using increasingly sophisticated military-inspired equipment (e.g., drones) and tactics (e.g., tracking, ambushing, patrolling) to monitor hunters and catch poachers. Unsurprisingly, this strategy has resulted in violent clashes between hunters and activists, as well as many court-cases involving accusations of defamation, trespassing, intimidation, stalking, and damage against both hunters' and activists' persons and property (Malta Independent, 2007; The Guardian, 2017; Times of Malta, 2017a, 2020).

It is in this context that the enforcement efforts of the Maltese state, described in the following sections, must be understood. Aside from simply trying to control hunting, successive Maltese governments have sought to maintain order in the countryside, court the electoral support of powerful (though increasingly polarized) political lobbies, and manage scrutiny from supranational state institutions and international activist groups.

## 2 MATERIALS AND METHODS

To better understand the complexity of wildlife crime and enforcement in Malta, a mixed-method approach was utilized and triangulation techniques employed to build reliable narratives. The use of police record book statistics and government reports allowed us to build a picture of how enforcement of hunting regulations, as well as rule-breaking developed from 2008 to 2017. This period chosen as 2008 was when Malta was first accused of breaking terms of their derogation by the European Court of Justice and ENGOs began to take a more active role in enforcement and 2017 being the last complete year of data before the commencement of this research. To gain in-depth insights into these trends, we reviewed archived judicial proceedings of cases concerning hunting. This is an underutilized data source that offers an important counterpoint to popular media reporting, which is selective and highly polarized. Given the very labor-intensive nature of reviewing judicial proceedings, we focused only on the most important years in recent hunting history. This was supplemented by semistructured interviews with key actors in Malta's hunting arena, allowing us to assess how local actors perceive and explain recent trends in enforcement, surveillance, and crime.

Malta's Law Courts archive all cases brought to the magistrate by police units in charge of wildlife crime. Court cases pertaining to avian hunting crimes decided on in 2012 (the year marking the reopening of the spring hunting season), 2015 (the year of the referendum on Spring Hunting), and 2017 (the last year with complete documentation) were analyzed for this research. This focus was driven by our goal to prioritize data from the most important years while acknowledging the limitation of the project in terms of time and researcher effort. The information contained in each case (date of accusation, prosecution, hearing and sentence; age and residence of perpetrator; legal infractions committed; punishment) was examined alongside other archived court case judgments, which have been digitized onto an online database on the Law Court's website. On this database, cases were identified using keyword search terms “kaċċa” (Maltese for hunting), “għasafar” (Maltese for birds) and 549.42 (in reference to Laws of Malta Subsidiary Legislation 549.42—Conservation of Wild Birds Regulations). In 2013, an administrative fine system was introduced for certain categories of offenses in order to decrease the burden on the Law Courts. Data on the fines from that year onwards were requested from the “Wild Birds Regulations Unit” (WBRU). All relevant court proceedings and associated information was then translated with the assistance of a native Maltese speaker and then collated on Microsoft Excel 2013 where data were coded before thematic and descriptive analysis was conducted.

This study additionally used the annual reports supplied by the WBRU to the European Commission on derogations. These reports specify the conservation status of the species included in the derogation, the processes by which bag-limits and hunting quotas are determined, enforcement efforts, and number and type of infringements detected. Crime statistics for 2008–2018 and charge books detailing the nature of each arrest were obtained from the “Administrative Law Enforcement” (ALE) department, the police unit responsible for combating poaching. All data obtained from the ALE and the WBRU were collated and descriptively analyzed using Microsoft Excel 2013. ENGOs occasionally publish valuable statistics about their field operations (e.g., number of illegal shootings detected by ENGOs and/or police teams per season) as part of online reports or press releases on local newspapers. More detailed data collected by ENGOs—seemingly used in their reports to the EU—are not shared with researchers or the public.

Governmental data were supplemented and corroborated using the key informant technique (Marshall, 1996), whereby key interlocutors ($n = 6$) were identified based on their knowledge and role in the hunting arena. Interviewees included an ornithologist, a police inspector, a politician heavily involved on the antihunting side of the 2015 referendum, two WRBU officials, and the President of a hunting association. All interviews were semistructured, lasted between 60 and 75 min and focused on topics such as hunting practices, the 2015 referendum, the breaking of hunting law in Malta and the archival approach taken in this study. Further to this, one interview was carried out via e-mail to one wildlife crime officer from an ENGO with an active presence in Malta and first-hand experience with judicial proceedings. Participants consented to having the interviews recorded and their identities have subsequently been anonymized. Audio files were fully transcribed, coded and thematically analyzed using Nvivo 11 Pro.

## 3 RESULTS

Data obtained from this research indicate that the enforcement of wildlife law over the research period occurred in three main ways: (1) The creation of new governmental institutions, (2) an expanded police presence in the field, and (3) the re-organization of self-regulation systems. These methods are further explained in Section 3.1. In subsequent sections, this article notes how despite reducing illegalities, the focus on enforcement is producing two contradictory effects: (1) Increased estrangement between the ENGOs, the state and hunters, whose collaboration is required for the success of conservation in the long term and (2) the displacement of crime to other countries.

### 3.1 State enforcement

The WBRU is responsible for implementing hunting legislation in a way that safeguards the interests of all human and non-human stakeholders, coordinating enforcement efforts, overseeing licensing processes, responding to hunters' demands and complaints, collecting and analyzing data on hunting, compiling reports for national and EU institutions, training enforcement officers, commissioning research, and representing Malta in the European Court of Justice.

The enforcement of hunting regulations is conducted by the ALE section of Malta's police force. The ALE was set up in the 1990s to combat environmental crime. Originally mostly occupied with chemical usage in agriculture, it now dedicates almost all of its resources to hunting. Tables 1 and 2 outline the number of enforcement agents deployed in the Maltese countryside during the spring and autumn hunting seasons. The framework of the European Commission stipulates that for every 1000 licensed hunters, a minimum of seven enforcement officers must be deployed (Wild Birds Regulation Unit, 2019). In this respect, Malta's enforcement efforts go well beyond what is required. The data additionally show that aside from simply maintaining presence in the field, the ALE has intensified the number of spot-checks to confirm that hunters are complying with the terms of their licenses (i.e., carry proper arm-band identifications, log and report their kills, etc.). Moreover, during the hunting season, the ALE is reinforced with agents drawn from other police divisions (e.g., mounted police) and can count on the support of the Armed Forces. The deployment of the military to oversee hunting is to our knowledge unique in Europe. Such collaboration also requires Maltese state institutions to overcome many logistical complications; all agents need specialized training (especially in ornithology) and have to learn new chains of command.

**TABLE 1.** Maltese spring hunting enforcement efforts from 2012 to 2017

| Year | Minimum deployment requirement | Total overall complement | Police officials | District police officials | Armed forces | Mounted police section |
|---|---|---|---|---|---|---|
| 2012 | 43 | 61 | ✓ | ✓ | | |
| 2013 | 67 | 72 | ✓ | ✓ | | |
| 2014 | 68 | 85 | ✓ | ✓ | ✓ | ✓ |
| 2015 | 66 | 81 | ✓ | ✓ | ✓ | ✓ |
| 2016 | 64 | 90 | ✓ | ✓ | ✓ | ✓ |
| 2017 | 47 | 104 | ✓ | ✓ | ✓ | ✓ |

**TABLE 2.** Maltese autumn hunting enforcement efforts from 2012 to 2017

| Year | Minimum deployment requirement | Total overall complement | Police officials | District police officials | Armed forces |
|---|---|---|---|---|---|
| 2012 | 8 | 43 | ✓ | ✓ | |
| 2013 | 8 | - | ✓ | ✓ | ✓ |
| 2014 | 32 | 57 | ✓ | ✓ | ✓ |
| 2015 | 29 | 73 | ✓ | ✓ | ✓ |
| 2016 | 29 | 85 | ✓ | ✓ | ✓ |
| 2017 | 28 | 74 | ✓ | ✓ | ✓ |

The self-regulation systems imposed on hunters have also been re-organized. In order to collect hunting data, hunters were traditionally required to keep a *carnet de chasse*, a log of hunting sessions and species caught. Failure to do so would compromise their ability to renew their license. The validity of the data collected was regularly questioned by ENGOs, and by 2016 this system was phased out in favor of a game reporting system, whereby hunters are legally obliged to immediately report their kills by phone. This self-regulating system acts as the basis for the hunting statistics compiled by the WBRU.

### 3.2 Reduced illegalities

Using data presented by the ALE, we identified pertinent crimes for which individuals were arrested, or fined for, over the period of study (Figures 2 and 3). These results do not equate to confirmed criminal infringements, but to the number of persons who were arraigned in court or received administrative fines following their introduction in 2013. The total cases through the courts combined with the administrative fines of research interest (equipment and firearm related) for 2012, 2015, and 2017 were 350, 222, and 189, respectively. Figure 4 shows the subsequent number of guilty verdicts for each group of crime infringements for each year of ALE court cases.

**FIGURE 2** Open in figure viewer | PowerPoint

Arrest statistics for poaching-related crimes over the period of 2008–2017 plotted against the left side *y*-axis graphed with undertaken spot checks from 2012 to 2017 plotted against the right side *y*-axis in Malta

**FIGURE 3** Open in figure viewer | PowerPoint

Administrative hunting fine records from 2013 to 2017 in Malta

**FIGURE 4** Open in figure viewer | PowerPoint

Guilty verdicts from court cases pertaining to selected poaching-related crimes decided on in 2012, 2015, and 2017 in Malta

An examination of the data indicates a downward trend in arrests and guilty verdicts in all categories of wildlife crime. The spike in arrests in 2014 coincides with the 58.7% increase in spot-checks and field inspections carried out by police in the spring and autumn hunting seasons. This trend also correlates with the amendments made to the Conservation of Wild Birds Regulations (Subsidiary Legislation 504.71) which increased the potential maximum penalties for avian crime 10-fold. For example, possession of protected birds (alive or dead) saw an increase from an average fine of €571 in 2012 to €1642 in 2017.

### 3.3 Validity of state data

The statistics presented above read like good news for conservation. When these figures were discussed with key actors in the hunting arena; however, the picture became a lot less encouraging. Our interviewees disagreed on how to interpret crime data and were unsure what they implied for conservation in Malta. For example, while the two WBRU officials interview admitted to the persistence of poaching, the ALE officer we interviewed lauded the intensity and efficacy of enforcement, and WBRU reports further highlight the overall reduction of crime and claim that infringements are now primarily administrative (e.g., failing to carry identification) (Wild Birds Regulation Unit, 2018). Likewise, the ALE officer interviewed commended Malta's heroic efforts, because “*before 2012 you had a lot more poaching, and we had to start from scratch.*”

In the press, ENGOs draw attention to overlooked aspects of hunting, and raise further questions about the data on illegalities. In a 2017 press release, for example, BirdLife Malta published figures on “Shot protected birds retrieved by BirdLife Malta during the autumn hunting seasons” (Birdlife Malta, 2018). This figure indicates that many of these infringements (49/82) were first detected by ENGO activists. Unsurprisingly, ENGOs feel that enforcement is weak, and that police presence is spread too thinly to effectively deter crime or respond to the infringements reported to them (Birdlife Malta, 2016; Raine et al., 2016). It is this dissatisfaction with the state's performance that led ENGOs to adopt the mantle of civil society and conduct their own field operations.

Another recurring theme in our interviews was a sense of discomfort and uncertainty over the relationship between the numbers of illegalities convicted, crime spotted but not convicted, and the level of undetected criminal activity. The ALE informant and the president of a hunting association maintained that public hunting grounds are so small and surveillance so intense that poaching simply cannot go undetected. The ALE informant further added that, regardless of location, illegal trapping uses so much equipment that it is easy to identify, apprehend, and prosecute. Three of the remaining four informants interviewed, however, were less confident about the police's ability to deter poachers, arguing that the Maltese countryside—with its high ridges, rocky scrubland, and rubble walls—hinders vision and movement. The ALE informant admitted that many hunt on private land that cannot be accessed, and if shooting takes place before dawn, it is next to impossible to track down. The gap between retrieved shot birds (emphasized by the ENGOs) and arrests and enforcement (foregrounded by the government) makes the reading of the actual state of poaching in Malta particularly difficult. This comparison of data is further complicated by the fact that one single malfeasant hunter may be responsible for many killings and infringements, but ultimately, this would still culminate in a single conviction.

There is also widespread doubt about the self-regulating systems. In one report, the WBRU stated it interviewed a sample of hunters as to whether they had declared their catches. A vast majority had not (Wild Birds Regulation Unit, 2018), which led to speculation that the actual number of birds shot was much higher than official records suggest. ENGO activists furthermore criticized this data-gathering system, for it meant that subsequent decisions about spring hunting were being based on unreliable data (Birdlife International, 2011). ENGOs have therefore repeatedly asked for the dismantlement of the WBRU, whose politically appointed staff, they argue, are loyal to the government not the environment (Malta Today, 2015). They openly celebrated the resignation of its head in 2018 as “the end of a period of incompetence,” and want hunting to go back under the jurisdiction of the “Environment Resource Authority,” which they say has many “experienced and unbiased” ornithologists on its payroll (Times of Malta, 2018). Hunters generally support the WBRU and applaud enforcement efforts but have agreed with ENGOs over the need for a specialized Wildlife Crime Unit (Malta Independent, 2009).

### 3.4 ENGO frustration

Blind spots occur in any system of surveillance. In Malta, however, they are creating real tension between ENGOs and the State. In our interviews, government informants were wary of the quasi-vigilante ENGOs and were reluctant to let them direct police intervention. The ALE has also refused to use surveillance equipment (such as drones) offered by the ENGOs (Campbell & Veríssimo, 2015). States are protective of their rights to prosecute crime (Gerth and Mills, 1946) and accepting assistance potentially calls in to question their capacity in this role. ENGOs have been moreover known to ask for the arrest of hunters without producing enough evidence to support their accusation. These episodes sometimes become high-profile cases that further erode trust between the ENGOs, the hunters and the state, with the ALE and Courts accused of manipulating legal technicalities to save offenders from punishment (e.g., Newsbook, 2019 and *Il-Pulizija v. Alvin Caruana* decided by Magt. Dr. A. J. Vella on November 30, 2012). Further criticisms claim that the ALE's sluggish responsiveness has as much to do with manpower as it does with hidden sympathy for dealing with hunters: For example, one court case exonerated a hunter accused of bribing an ALE office to reveal the unit's patrol schedule (Times of Malta, 2017b). Another factor affecting the rate of crime, and importantly ENGOs faith in the judicial system, involves procedural errors in the accusation of poachers. There were instances where the court was supplied with incorrect details (e.g., mistakes when providing identification numbers, dates of accusation, names, etc.) Judges dismissed the cases and acquitted the defendants, despite fairly damning evidence stacked against them (e.g., *Il-Pulizija v. Daniel* Muscat decided by Magt. Dr. A. J. Vella November 15, 2017). Some theorized that such mistakes were not the result of human error, but from the fact that some policemen are themselves hunters (Times of Malta, 2010), or may have been ordered not to alienate the hunting lobby. Such suspicions directly fuel ENGOs decision to train their activists to “patrol” landscapes, “set up perimeters” around vulnerable birds, “ambush” hunters and use drones to overcome physical and legal barriers (Campbell & Veríssimo, 2015).

### 3.5 Conservation credentials of hunters

Current surveillance structure denies hunters any opportunity to prove themselves as law-abiding hunters whose knowledge is valuable for conservation. Accordingly, hunting associations are trying hard to improve their ecological credentials, for example, informants mentioned a project by St. Hubert's Hunters to install over 400 nest boxes. These initiatives were not deemed beneficial enough by our ENGO informant who identified only a total ban on hunting would prove to be positive for bird conservation.

Informants suggested that hunters' traditional claim that they are stewards of the environment cannot be overlooked, and some credited them with observations of unusual sightings and behavior. The ornithologist we interviewed explained how he came to know about two Peregrine falcons (*Falco peregrinus*) by talking to a hunter who noticed on his land “some strange behaviour: two falcons always chasing each other. He was seeing the courtship display. And that year they bred.” In recent years, the Federation for Hunting and Conservation has been encouraging hunters to take photographs of the rare birds they encounter and post them on its Facebook page. The gesture is intended to counter the popular conception that hunters would shoot birds without a second thought if left unsupervised.

### 3.6 Displacement of crime to areas of poor governance

Focusing on punishment does not help us understand or tackle the motivations for poaching. The high-ranking member of a Maltese hunting association that we interviewed claimed that one major reason for breaking the law was the frustration felt by some hunters with regards to hunting opportunities in Malta compared to other parts of Europe. As our ornithologist informant explained, “hunters see Lebanese hunters posting their catches on Facebook and they are getting infuriated.” A dominant aspect of this multifaceted frustration felt by hunters is that by limiting their own hunting opportunities, they are simply helping hunters in places where governance is weaker, as migrating birds cross a vast number of countries seasonally.

Aside from implying that enforcement should be thorough in its process, informants described how current conservation efforts were displacing illegality. The rise in gross domestic product and ease of travel combined with the frustration at the lack of hunting quarry is motivating some hunters to pursue hunting trips in countries in Eastern Europe, Northern Africa, and the Middle East where birds are more abundant and enforcement and governance significantly weaker (Falzon, 2020; Greeley, 2020). Our interlocutors recognized that this is having a counter-productive outcome for the conservation of birds, with the Maltese ornithologist reporting that “in Serbia, for example, Maltese hunters will easily shoot 100 doves in a morning. In Malta, even a patient hunter is unable to take 100 birds in five seasons.”

## 4 DISCUSSION

To summarize, enforcement statistics published by the Maltese government indicate that state enforcement was intensified to levels that surpassed EU guidelines, resulting in a reduction in illegalities. However, further analysis of court proceedings, news articles and discussions with key informants in Malta raise doubts over what, at first glance, reads like a positive outcome for avian conservation. The local hunting area is one increasingly characterized by distrust between stakeholders: ENGO field activities, particularly when conducted by foreigners, are held to be intrusive and quasi-vigilante in nature; the state is held as overly pliable to hunters' plights and ineffectual in its enforcement and data-gathering, and hunters' conservation credentials are denied. The intensification of enforcement, combined with the global reach of hunting networks, is causing the displacement of wildlife crime to countries where governance is weaker and the threat to the sustainability of bird populations consequently far greater (Tickle & von Essen, 2020).

Malta's enforcement system focuses on increasing the number of eyes monitoring hunters in the countryside and severe punishment following guilty verdicts (Wild Birds Regulation Unit, 2014). While this has led to a reduction in wildlife crime, the reliance on surveillance has the potential to do more harm than good in the long run. First, the blind-spots inherent in surveillance have engendered a general sense of anxiety around the actual state of conservation in Malta. Is the reduction in wildlife crime real, or does it mean that poachers have gotten better at hiding crimes? Such uncertainty leads to calls from ENGOs for stricter enforcement of hunting law and harsher penalties for poachers. Aside from spiking tensions between hunters, ENGOs and the police, this intensification is potentially driving crime further underground and fueling anxieties about the governance of hunting. Second, the intensification of enforcement is pushing hunters to go on hunting holidays abroad. Given that, in such settings, hunters are also tourists and thus prone to indulgent, excessive, and transgressive behavior (Essen et al., 2020), it seems that state-led conservation policies designed around the reduction of crime are prone to develop a “not on my watch” attitude, where exporting conservation problems to other countries may be seen as a political achievement or a quick way to shake off scrutiny.

Importantly, transparency from all stakeholders engaged in data collection on local hunting-related and conservation practices needs to be improved, as well as the methodology behind their results. In doing so, the contradictory effect of an increase of data causing less clarity could be mitigated through comprehensive and reliable systems of governance. Lack of transparency is not a problem that is unique to Malta, but an issue seen throughout Europe when tackling environmental crime (Gerstetter et al., 2016). Such transparency would allow the effective triangulation of governmental statistics, and enable stakeholders to accurately determine wildlife crime levels and the efficiency of enforcement practices in relation to effort. Painting a more reliable narrative of hunting and conservation in Malta, inducing trust—rather than suspicion—between stakeholders.

These contradictions indicate that a focus on intensification should not be seen as a panacea, especially if the capacity and resources for efficient governance and monitoring across multiple jurisdictions is unavailable. As the literature on antipoaching and fisheries management concludes, enforcement alone does not dissuade crime (Duffy et al., 2019; Hauck & Kroese, 2006; Ramutsindela & Shabangu, 2013) and can backfire by driving illegality further underground (South & Wyatt, 2011) or displacing it across borders where governance is weaker and loopholes easily navigated (Sollund et al., 2016). Compliance with the law is fundamental to long-term conservation goals (Keane et al., 2008), and for this to happen, both the law and those enforcing it must be accepted as legitimate (Dietz et al., 2003). This cannot be achieved if hunters continue to be portrayed by some as sadistic killers who need to be constantly supervised and who can only be controlled by the threat of punishment (Campbell & Veríssimo, 2015). Such stereotyping—which tells us more about the anxieties of opponents to hunting than it does about hunters—is problematic because it gets in the way of any respectful negotiation, obscures shared values, reinforces dependency on enforcement, and further entrenches stakeholders into polarized camps that see hunting as a zero-sum game where one faction's gain is another's loss

(Lunstrum, 2017; Massé, 2019; Neumann, 2004). Hunters cannot be expected to cooperate if they remain to be seen as an embarrassing problem, rather than the potential solution to conservation issues. The potential positive impact of the hunting community in the Maltese and wider European conservation context should not be surprising as multiple examples illustrating this already exist worldwide (Caro et al., 2015; Mateo-Tomás & Olea, 2010). Cooperation from hunters will be difficult if conservation concentrates on their suppression, the displacement of their activities beyond national borders (Massé & Lunstrum, 2016) and the fragmentation of their closely knit communities by forcing them to disclose information on one another (Massé et al., 2017).

If Maltese stakeholders seek to make long-term progress in bird conservation, they must acknowledge the problems inherent in systems that foreground—even fetishise (Marijnen & Verweijen, 2016)—enforcement, and seek out holistic approaches based on compromise and cooperation. There is currently a burgeoning literature offering concrete measures to ensure that local communities are not alienated from conservation projects (Biggs et al., 2017; Cooney et al., 2017; Roe & Booker, 2019). This work stresses the need to raise awareness about the impact of poaching, decrease the costs of living with wildlife, and support nonwildlife livelihoods. Admittedly, some of these factors are not applicable to Malta, where economic deprivation is not a major driver of poaching, and where hunting has become so inextricably linked to questions of national sovereignty and identity. That said, approaches stressing "community engagement" also emphasize the importance of local stewardship. Keane et al. (2008) found that one way conservation can build the legitimacy and trust required for cooperation and compliance is to significantly engage locals in policy and law making. This way, local stakeholders may better understand how and why law is made. As some green criminologists have suggested, such platforms would allow conversation to be steered away from criminalization (i.e., the destruction of "other" views on nature) and toward discussions of "harms," not only toward birds but also toward ecological systems, landscapes, and human communities (Hall, 2014; Halsey & White, 1998; South, 1998; van Uhm, 2018b). This may enable local hunters and NGOs, both national and international, to identify shared values, such as distaste for urban sprawling and construction and inclinations toward afforestation (Falzon, 2020). It could result in a sense of co-stewardship of conservation and ultimately allow hunters to enter the arena of "civil society" and find a place in the "modern" Malta that the NGOs seem to champion (von Essen et al., 2019). Most crucially, community involvement would also give hunters an effective platform to voice disagreement and might be a good method to undermine poaching as the only effective means of protest (Cooney et al., 2017). Stewardship also means giving the hunting community the chance to align conservation goals with their needs and priorities. This may include including trophy hunting (Roe & Booker, 2019), and, in the case of Malta, means taking hunters' offers to teach in schools seriously (TVM, 2019). This also means giving hunters a say in the legal definition of wildlife crime—traditionally the domain of lawyers, politicians, and scientists (Hulsman, 1986)—and incorporating *their* understandings of practices we understand as "criminal" (e.g., their categories, justification, meaning, etc.) (von Essen et al., 2014). Although the effectiveness of "community engagement" and "inclusive antipoaching" strategies is unclear and can even backfire, local support for conservation can result in long-term decline in poaching and even increase the reliability and transparency of enforcement (Massé et al., 2017), which will always be a vital aspect of conservation (Amano et al., 2018).

In recent years, Maltese hunters have found themselves in a position where they have to work hard to legitimize their pastime, echoing similar findings worldwide (Bergman, 2005; Fischer et al., 2013). Consequently, Maltese hunting associations have initiated projects to promote conservation and distance themselves from poachers. This strategy has been only marginally successful. Part of the problem is that the current paradigm of policing and punishment all too often leads the Maltese government to miss crucial opportunities to change hunters' public image. One such occasion arose with *Il-Pulizija v. Kirsten Mifsud* decided by Magt. F. Depasquale on 28th April 28, 2015 Case Reference 2/2015, which was very prominent in our interviewees' narratives. On the April 27, 2015, a hunter illegally shot a Common Kestrel (*Falco tinnunculus*) in the south of Malta, this is a species that to the trained eye is easily distinguishable from a Turtle Dove and is typically mounted for use as a trophy. The wounded bird landed in the courtyard of a nearby school, where children were having their lunch break. The shooting received considerable local and international coverage (BBC, 2015; Malta Today, 2015). The hunter was immediately arrested and tried the very next day. His license was permanently revoked, his rifle confiscated, and he received a 1-year custodial sentence and a €5000 fine. Our representative from a hunting association described how, although the location of the offense would have made the crime impossible not to detect, it was initially reported by an anonymous hunter. It is unfortunate—though not unsurprising, given that similar episodes have been reported in Sweden (von Essen & Allen, 2017)—that instead of tipping conservation to the usefulness of self-governance, Case 2/2015 led the Prime Minister to close the spring hunting season, effectively putting hunters and poachers in the same bracket. This move did nothing to improve public perceptions of hunters and stoked hunters' fears that the government's and the ENGO's endgame is to phase out all types of hunting. Such episodes lead hunters to believe that they are perceived to have more in common with poachers than with conservationists (Barca et al., 2016).

## 5 CONCLUSION

Through the analysis of multiple data sources—including judicial archives, which constitute a valuable yet under-utilized source—our research highlights some core aspects about poaching and enforcement-led conservation in Europe. This research adds to the already extensive literature on poaching; however, it is novel due to its position within the environment of the EU where drivers for poaching are associated far less with financial gain and more so with cultural beliefs of an ingrained need and in retaliation to increasingly stringent restrictions. Soon after accession to the EU, Malta's hunting lobby came into direct conflict with an emerging "civil society" that sought to do away with patronage politics and suppress practices deemed incompatible with environmental and civic values. As relations worsened, ENGOs came to champion the continued pursuit of tighter regulations and enforcement. This article sought to describe how such policies inadvertently create dynamics that are contradictory to conservation goals. In Malta, these contradictions are manifested in multiple ways.

While enforcement can reduce crime in the short term, it fosters distrust and tensions between stakeholders, making cooperation increasingly unlikely and forcing stakeholders to seek greater enforcement. This distrust then increases with the addition of data which, contradictorily, is lacking in its goal to provide clarity when governing the situation. Conservation goals are further complicated as, while enforcement reduces crime within national borders, it exports harmful practices to other countries where governance is weaker, and where poaching can have a far greater negative impact. Further research into the extent and impact of this final contradiction is highly recommended for the benefit of future conservation efforts.

As has been argued elsewhere (von Essen & Allen, 2019), efforts should be equally channeled toward more meaningful stakeholder engagement, in this case the involvement of hunters in conservation advocacy and governance (Stern, 2008). When law does not take into account local norms and traditions, compliance is likely to falter, culminating in illegal and often unsustainable hunting (Kahler & Gore, 2012), a serious threat to global biodiversity and the functionality of ecosystems (Rosen & Smith, 2010).

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## CONFLICT OF INTEREST

There are no conflicts of interest to declare.

## AUTHOR CONTRIBUTIONS

All authors contributed equally to the study design and production of the manuscript. Data collection was conducted by Bertie Ferns and Brian Campbell.

## ETHICS STATEMENT

This research received ethical clearance from University of Kent, reference number 43-PGT-17/18, which approved the aspect of this research which worked with human subjects. This research was conducted in line with the ethical standards of *Conservation Science and Practice* and followed the ethical guidelines of the American Anthropological Association.

## DATA AVAILABILITY

All raw data, from which the results of this research were produced, can be found in data repository zenodo.org (10.5281/zenodo.4605537).

REFERENCES

Citing Literature