



The Commissioner for Animal Welfare

REPORT & RECOMMENDATIONS

on the Duck community at Is-Sukkursi, Salina Salt Pans, limits of Burmarrad being cared for by Mr. Joseph Schembri.

In early January 2019, my attention was drawn to the plight of the 300 ducks or so at Salini, in the ditch known as "Is-Sukkkursu", just under the recently widened Salini By-pass and close to the salt pans in the limits of Burmarrad. Apart from the lack of fresh water at the site, an ERA directive for their removal and a ban on their feeding was creating hardships and threats of legal prosecution to the person caring for the ducks, Mr. Joseph Schembri.

I was referred to an article on the Malta Independent of the 11th August 2018 (attached as Document 1). This reference was later followed by a formal complaint filed by Mr. Schembri who was claiming that he was finding it extremely difficult for him to maintain good care of the ducks due to the removal of a free water supply that was installed by the Water Services Corporation some time earlier on the instructions of then Parliamentary Secretary for Animal Welfare, the Hon. Roderick Galdes. (v. correspondence exchanged with Joseph Schembri herewith attached as Document 2).

It is a foregone conclusion that a steady supply of fresh water is essential for the proper care of a duck community, especially one as numerous as that at Salini and that since this supply had been arbitrarily removed by the Water Services Corporation, not only has the ducks' survival been put at risk but Mr. Schembri, an octogenarian, looking after the ducks on a voluntary basis and at his expense, has been put under extreme hardship.

He was in fact already put under severe pressure in the winter months, but obviously, his complaint was in anticipation of what was in store in summer.

My investigation of this case had obviously to commence with establishing that a numerous duck community did in fact have its ordinary habitat at Salini. After a site visit, I could not only establish this fact, but could also conclude that the ducks seemed to be in good health and were very well cared for. Moreover, it was also obvious that they were firmly established in this habitat and accustomed to the site which was definitely their home for a good number of years.

It is very difficult to discover how these ducks came to settle on this site but it is safe to assume the ERA claims, that *"being such common varieties in captivity, they could only have ended up there after having been intentionally introduced by humans. Furthermore, the fact that these are domestic animals may also be verified through their behaviour, whereby they are dependent upon humans in order to find sufficient food and water."*

From extensive correspondence with Bird Life Malta (v. Document 3 attached) and the Environment & Resources Authority – ERA - (Document 4 attached), I could conclude that a campaign against the presence of these ducks had been triggered in the summer of 2018.

Although Bird Life Malta seemed to be actively supporting the removal of these ducks and I had also assumed that the ditch was part of the concession that they were given by the State in October 2016, it later resulted that the ditch in question did not form part of this concession and that therefore ERA was still in charge of its care and management and overall administration.

Bird Life Malta have also expressed concern that the ducks are not being monitored sufficiently to guarantee that are free from any bird disease or other health related condition. Their interest can be explained by the close proximity of one of the Salt Huts, which they have converted into a Visitor's Centre, and forms an integral part of their popular Salini Nature Reserve.

I did contact the Director VRD but again there was no evidence that the ducks were unhealthy or suffering from any disease. (V. Doc 7 – Mail with VRD)

On their part, ERA have based their insistence on the ducks removal on the fact that *"These ducks, being present all year round in their hundreds, are causing marked environmental harm to the fragile ecosystem; through their actions the ducks are causing significant environmental damage and need to be removed to avert further damage and to allow the site to recover back to its natural state."*

From my visit on site I could not fathom what was really so special about the site and how this could be classified as a 'fragile ecosystem'. I could notice that the site in question is totally made up of debris from the road widening works nearby, with chunks of concrete and pieces of old tarmac strewn all over the place and, even over the road drain outflows that lead to the ditch canal. In fact, it is only the duck droppings that do in fact camouflage the ugly and shabby terrain and give it a semblance of normality with the healthy clumps of reeds (qasab) as the prominent notable form of vegetation.

From the relative files in my office, I can also confirm that it was Mr. Schembri himself, under the surveillance of my officers, who had, in early 2018, cleared the area of all scrap metal, plastic and wood, to make the resulting debris more comfortable for the ducks.

Moreover, the adjacent canal, abandoned as it is with rotting seaweed and plastic deposits is really such an unsightly mess. Coupled with the emanating and pervading stench it surely is not being treated as being of great ecological importance or part of a fragile ecosystem. In fact it must constitute a serious health hazard even for the ducks who do in fact avoid it and I do wonder how the schools of *Aphanius Fasciatus* are faring. (V. attached photos Document 5)

However, I am definitely not that competent to determine whether these ducks are harming the environment or enhancing it and I will obviously go along with any proper report on this issue.

Neither does such ascertainment fall within the scope of my responsibilities. What really is within the scope of my role as commissioner is to investigate whether, before and upon the occurrence of a legitimate reason for the removal of the ducks, (obviously backed by professional reports and a detailed study of the ground and area where these ducks are trying to survive), **THEIR EXISTENCE, REMOVAL and REHOMING IS SAFEGUARDED AND CONDUCTED IN A HUMANE MANNER AND WITH THE LEAST STRESS TO THE INNOCENT OCCUPANTS OF THIS PLOT.**

Until such time as the ducks are removed by humane and stress-free methods and are taken to an alternative site that would guarantee to them the provision of a healthy diet, allowance for them to exhibit normal behavioural patterns and suitable housing, **NOTHING** should be done that could cause any pain, stress or cruelty to these ducks.

The law itself, in Article 8 of Chapter 439, does in fact provide in subsections (2), (3) and (4) that *"Animals shall not be caused any unnecessary pain, suffering or distress and no animal shall be abandoned. Any person who keeps any animal or who agrees to look after an animal shall be responsible for its health and welfare AND Any person shall take such steps as are reasonable in all the circumstances to ensure that the needs of an animal for which he is responsible or for which he agrees to look after shall be met to the extent required by good practice and in pursuance to the good health and well-being of the animal. For the purposes of this sub-article, animal needs include the provision of suitable environment, provision of a healthy diet, allowance for the animal to exhibit normal behavioural patterns, provision of suitable housing, segregation from other animals where necessary and protection from pain, suffering, injury and diseases."*

Apart from the general rule that no one should cause unnecessary suffering or distress to any animal, the manager of any estate or plot of land who has allowed any animal to live on any such plot as its natural and/or accustomed habitat, who, in my opinion, is therefore 'keeping an animal', has an even greater responsibility. This responsibility then assumes much larger proportions when the 'keeper' happens to be a state authority, with an obligation of not only of strict observance of the law, but also of its promotion.

The Stop and Compliance Order issued by ERA on the 31st July 2018 (reference number OWK 0006/18), obliging Mr. Schembri, who was feeding and caring for the ducks, to remove any installations relating to the keeping of the ducks, must therefore seem to be at odds with the duty of protection due to the ducks from suffering or distress and the assurance of their needs and a healthy diet.

Even the lack of cooperation with Mr. Schembri in obtaining some sort of fresh water supply to reduce the stress suffered by the ducks in the summer months when no concrete ground work has been done leading to the duck's removal, could be interpreted as a source of stress to the said ducks.

My recommendation to ERA reflects my opinion. On the 31st January 2019 I wrote to the Compliance & Enforcement Directorate (ERA) highlighting that:

"My only interest in the case is to ensure that whatever order is issued by any authority and whatever competent decision is taken by any one regarding the ducks, whether they will be retained, culled or relocated, the said ducks will continue to be nourished, given adequate living area and protected from stress pending any action.

My misconstrued directive was in no way intended to provoke any disregard for the Compliance Order, but was and still is intended to emphasize the duty of whoever has title and management to the ducks' present habitat (which I am now assured is in fact ERA itself and not BirdLife) is to ensure that, PENDING any compliance and decision on the ducks' future, all the ducks' rights are to be meticulously safeguarded. Since Mr. Schembri was always willing to keep on looking after the ducks, I saw no reason why he should not have been allowed to temporarily continue – however, this was not a directive but only a suggestion. If the authority deems it better to preclude Mr. Schembri from approaching and caring for the ducks, then my directive is that they now will have to ensure that other personnel are entrusted with this delicate role and then to ensure that whatever decision is taken, the ducks will always be safeguarded from ill-treatment, stress and other contraventions."

Although, Mr. Schembri has since been tolerated to continue to look after 'his' ducks, the Water Services Corporation, in spite of the Ministry's support and cooperation, still would not reinstate the water supply to enable Mr. Schembri to provide the ducks with fresh water. That Mr. Schembri is not the registered owner of the land where it needs to be installed, could be the present basis for this reluctance (Doc 6 – Mail with WSC)

We are now in the middle of the summer heat and in spite of Mr. Schembri's super-human efforts in carting cans of water in spite of his advanced years (he is over 80 years old), the ducks are suffering and the stress has already starting taking its toll with a report that a few ducks have succumbed to the heat and thirst.

Moreover my recent appeal with the Animal Welfare Directorate and Ambjent Malta Directorate for an emergency provision of water by bowser and a tank installation on site have not had a satisfactory outcome because: the former does not have any available water supply or transport facilities while the latter's access is only to

brackish water only fit for irrigation and which could be detrimental to the ducks when drunk.

However, I sense that it is the aforementioned Stop & Compliance Order issued by ERA that could be the deterrent, which removes any initiative from anyone who could be in a position to help.

From the above facts I can deduce that the issues involved are the following:

1. Though it is not my role to involve myself in the way one is to look after areas that have been designated Natura 2000 sites under the EU Habitats Directive, ERA never indicated any intention of removing all the road widening debris on both banks of the canal and the dredging of the said canal would be their top priority. It is this debris that is providing the habitat for the ducks.
2. Since the ducks' presence on the site for over a decade is of widespread knowledge, the administrators of the site serving as their habitat are legally bound to should have prepared an approved plan showing the necessity for the removal of the duck detailing such steps as are reasonable in all the circumstances to ensure that the ducks do not suffer any stress or hardship whatsoever during their removal and transportation to their new habitat.
3. The Stop and Compliance Order issued by ERA on the 31st July 2018 (reference number OWK 0006/18), without any provision whatsoever on safeguarding the ducks from stress, cruelty, thirst, hunger and other hardships could very well be in contravention of the relevant articles of the Animal Welfare Act.
4. The Directorates of Animal Welfare, who are legally bound to ensure compliance with the law, should have (and still should) intervened and sought assurances that the ducks will not be subjected to the obvious illegal consequences.
5. The fact that Mr. Joseph Schembri has till now ignored the Stop & Compliance Order and has opted to carry in his voluntary work and the provision of water and food to ensure that the ducks are still being cared for, does not attenuate the responsibility of anyone involved in removing the water supply that had been so responsibly given by the Ministry responsible for Animal Welfare, especially for the ducks benefit.
6. It is also an established fact that Mr. Schembri is not bound to keep on caring for the ducks indefinitely and at such a personal sacrifice, being also obliged to face all the unnecessary obstacles that are being put in his way. If legal advice were to persuade Mr. Schembri to comply with the Stop order, the site administrators' responsibility of caring for the ducks would immediately become again highlighted and so will their exposure to the provisions of Article 8 of the Animal Welfare Act.

7. It is suspected that the ERA's Stop & Compliance Notice is the basis of the reluctance of other state authorities to give some respite to the ducks and providing them with a proper water supply or even a temporary and sporadic one.
8. As matters stand, in spite of Mr. Schembri's unstinted work, because of the limitations being imposed on the site, the ducks are at the moment being exposed to very stressful conditions and deprivation of essential provisions and some of them have already succumbed to all this, thereby triggering the intervention of the AW Directorates.
9. This situation could also give rise to the consideration that here we could have the anomalous situation where the relative authorities themselves, who should be at the forefront of animal welfare, its promotion and the observance of the relative legal provisions, could themselves be the source of all the stressful conditions being placed upon the ducks and their saviour. They should instead be doing their utmost to help the person who is doing the unselfish voluntary work of caring on his own for hundreds of ducks, by providing simple necessities, if not even subsidising the obvious expense and if not doing the caring themselves.

I would therefore, in CONCLUSION strongly recommend:

- that ERA withdraw, or at least officially suspend, their Stop and Compliance Order issued on the 31st July 2018 (reference number OWK 0006/18) until such time that a definitive and legal decision to remove the ducks is taken with due compliance to the provisions of Chapter 439.
- That both Animal Welfare Directorates should be constantly monitoring the ducks' welfare and follow all developments. Moreover they should also be always ready to take immediate enforcement action against anyone who is responsible for causing any stress or unnecessary harm to the said ducks.
- that emergency water supply services be granted by any authority in a position to do so, to Mr. Joseph Schembri at Is-Sukkursi, Salini Salt Pans, limits of Burmarrad, either through a bowser and tank or by direct supply from the Water Services Corporation through the already existing connection.

This report is being circulated to Hon Minister and Hon. Parliamentary Secretary for Veterinary Services & Animal Welfare and to the Animal Welfare Council in terms of Article 44A (2) (e) & (g) and copied to the Directorates of Veterinary Service and Animal Welfare for their information and to the Chief Information Officer of the Ministry for the Environment, Sustainable Dev. & Climate Change for publication on the relative website

31st July 2019

.....
Dr. Denis Montebello B.A., LL.D.
Commissioner for Animal Welfare

Document 1

11 August 2018

Watch: Man caring for 300 ducks at Salina faces enforcement fines

Kevin Schembri Orland - Saturday, 11 August 2018, 10:30 Last update: about 13 months ago



The Environment and Resources Authority has issued an enforcement order which would effectively stop elderly man from caring for over 300 ducks at the Salina Natura 2000 site, around the canal near the salt pans, stating that the activity is having a negative effect on the biodiversity of the area.

Joe Schembri has been feeding the ducks for the past seven years, however claims that they were there long before he started caring for them, saying that they have been there for around 50 or 60 years. He argues that the damage to the ecology of the area came as a result of the Salina road construction, and was not due to his caring for the over 300 ducks and drakes. He emphasises that none of the birds are actually his, and that they are all wild.

ADVERTISEMENT

The Environment and Resources Authority recently issued an enforcement - stop and compliance -order. The order explains that the activity is in a special conservation zone without any authorisation from the ERA. This activity, the order states, includes the keeping of ducks and similar domestic birds, as well as the depositing of material and related installation related to their keeping. The order notes that this activity is leaving a negative impact on the biodiversity of this special conservation zone, and as such is in

breach of regulations relating to the protection of fauna, flora and the natural environment.



The order instructs that the site be returned to its natural state, and that this breach is subject to daily fines.

The fines consist of a €100 administration fine, and should the illegality persist further fines will be issued. If after 16-days from the issuance of the order Schembri is not in conformity, he will be subject to a €15 fine, which rises if he does not conform with the notice within 51 days.

BirdLife CEO Mark Sultana, speaking with The Malta Independent, said that Salina management is not yet in the hands of BirdLife Malta, but soon will be. He said that Ambjent Malta was recently set up to care for Natura 2000 sites, and that in a few days BirdLife will take the management of the site into its hands. "At the moment however, we have no say over what happens in Salina. It is a Natura 2000 site and therefore has ecological importance, through species etc, mainly through the canal surrounding the salt pans. In view of that, the site needs to be managed, meaning you cannot have any human activity which harms the site's ecology. The person took an area and started raising ducks did wrong without knowing they are doing wrong. I am sure they do not know about the damage they are causing ecologically there. First you start with raising one duck, then 2, then hundreds are there years down the line. This is a problem when, when one's only aim is to have more ducks without a scope."



“Our position is in line with ERA, who issued the notice and even spoke to the person, giving the man a deadline to relocate. So there is no culling or killing, just the relocation of birds. The person is responsible for them, to find a location where he can place these ducks as the problem is grievous. At the moment there are risks of contaminating the water through dead creatures, and damage to the embankment. The vegetation is all wiped out there. The feces of these birds is damaging and kills whatever grows. We are against culling or killing the birds.” He said however, that the vegetation which was on the embankment of the site where the ducks are present has been damaged by them, and that there were moveable wooden structures on site at some point.

Schembri, the man caring for the ducks, stresses that there is also damage on the other side of the canal, near the visitor’s centre, with some rubble and construction debris being visible. “This shows that arguments that the activities related to the ducks are damaging the ecology are not true, and the ducks are not the cause for the damage.” He said that the main part where the ducks are situated used to be all green until Salina road was built, and concrete spilled over. “Where concrete spilled there cannot be any greenery.”



Schembri told this newsroom that he was recently made to remove the chicken wire he placed to segregate the drakes from the ducks, thus meaning that there is no longer any population control. He also said he removed any other items he had placed in the area. He said that he sent a letter through his lawyer, to the ERA, stating that he cleaned up everywhere he was told to, but that he will not remove the ducks as they are not his.

"This is the perfect habitat for them," Schembri explains, "the ducks are happy, there are little ducklings, people come here and take photos." He said that he cannot remove the ducks as they are not his, and that even if he wanted to he does not have anywhere to take them. He said however that if the ERA want to remove the ducks themselves, he is willing to give them a hand. "I am trying to cooperate with everybody."



He said that he buys around €100 of food for the birds each week, in addition to receiving some aid in the form of bread from a sponsor, and spending around four hours a day with the ducks. He is mad at the ERA and BirdLife, as he spends around 1,500 hours a year caring for these ducks, voluntarily, 'a charity job' as he called it. He said that BirdLife never gave him 1c to help with these birds.

He said that he used to find some support from people within the Secretariat of the former Animal Rights Parliamentary Secretariat, and support from the Animal Welfare Directorate in the past.

"One of the arguments by the ERA and BirdLife is that this is a Natura 2000 site. Every place is different with its own wildlife, and there is no other place like this in Malta. A few years back the Council placed notices saying that this was an area for wild birds and ducks. I don't know why there is all this hostility," he said.



Told that their continued breeding and number increase could further affect the biodiversity in the area, he said it has the opposite effect. "Four years ago there were flamingos here. Two weeks ago there were two falcons, a seagull etc. Birds come to eat the feed as well."

Schembri said that recently he had gone to park over by the interpretation centre, but claims that BirdLife employees called the police on him. He had around 150 kg of bird feed for the ducks. He said the police ordered him to go out, and that they expected him to park on the other side of Salina road. "How am I meant to carry that amount of feed on my back across that main road?" He believes that the parking by the centre is public land and thus he shouldn't have been stopped.

Asked if he makes any money whatsoever from the feathered friends, Schembri says he does not even sell the eggs.

Photos/Video Kevin Schembri Orland



[Tweet](#)
[Share](#) **26**

Document 2

Complainant – Joseph Schembri

From: cat gamer 101
Sent: 09 June 2019 19:09
To: joseph.muscat@gov.mt
Subject: FW: Salina Ducks

Dear Prime Minister,

I am sure you are aware that in Europe and around the world where there is water in ponds, rivers and lakes you see ducks and waterfowls in these wild ducks habitats thus, give a lot of pleasure to people that loves nature. Unfortunately only in Malta our beloved island you do not see wild ducks where there is water like the Salina Canal

About 10 years ago the Honourable R. Galdes was kind enough to give Water Services an authority instructions to supply me and install water for the 270/300 ducks and other waterfowls of which safe and sufficient drinking water is essential for the daily life of these ducks.

But ,since Bird Life Malta took control of Salina Salts Pans they cut off this water supply, so now I have to buy and carry 12x30 litres of fresh water in containers from a farm in Hal Ghaxaq, three times a week, not an easy task. This to add more expense to 100 euro a week I spent for the duck's feed. We, myself and Animal Welfare appreciate your prompt attention to this issue.

Also I like to thank you Sir, for your service to our country.

I am posting one of the emails sent by the Commissioner for the Animals Welfare Denis Montebello to Hon. Jose Herrera

Joseph Schembri

ID 155038M

(79413553)

From: Montebello Denis at MESDC

Sent: 09 May 2019 13:26

To: cat gamer 101

Cc: Buhagiar Emanuel at MESDC; Herrera Jose at MESDC-MIN; Camilleri Clint at MESDC

Subject: RE: Salina Ducks 24th May 2019

Your Honour,

Thank you for your last email, as always, I appreciate your kind and professional help with my problem that BLM had created this selfish and unnecessary suffering to these waterfowls.

When sometime back I wrote to PETA the comments were all against BLM decision to remove the ducks one comment said 'you must be a unique as people in Europe and elsewhere loves to see ducks in rivers lakes ponds'

Yesterday I called Mrs. Falzon unfortunately she was driving, the phone call was short but she said that the meeting between you and the minister was positive ... she is busy as she a candidate for PL in the district of Zabbar - council election. Thank you very much

Your faithfully,

Joseph

9th May 2019

To: Joseph Schembri

Cc: Hon Jos Herrera; Clint Camilleri

Dear Mr. Schembri,

I really do sympathise with your difficult situation. My views and recommendations regarding the illegality of removing the ducks from Salina without any valid public purpose and without a proper and meticulous arrangement for the ducks' welfare and rehoming, have already been made amply clear from my exchanges with ERA, BirdLife and the Ministry.

There is not much more that I can do now, other than convey the warning that if you do finally give up your unstinted efforts to continue to unselfishly look after the Salina ducks at your expense, then the responsibility of their welfare will fall on the administrators of the land, which is ERA and ultimately the State itself and it will be a very poor advert for these Islands should anything stressful befall the ducks.

It is even already so dismal to hear that just the re-installation of the removed water supply at the site is taking so long with evident hardship to yourself (I have personally seen what you go through when I came with my team on site and watched you carting the fresh water with your wife) and stress for the ducks.

I am copying this reply to the Hon Minister and the Hon Parliamentary Secretary, who, as I personally know, have the best animal interests at heart, will both do their best to help.

Best Regards

Denis Montebello B.A., LL.D.
Commissioner for Animal Welfare
MALTA Tel 22928618

Office of the Commissioner for Animal Welfare
Regent Building, No.2, Racecourse Street Marsa - MRS 1633 –

From: cat gamer 101 <bahhar31@gmail.com>

Sent: Monday, 06 May 2019 10:29

To: Montebello Denis at MESDC <denis.montebello@gov.mt>

Subject: RE: Salina Ducks

Your Honour,

Thank you for your email, unfortunately I'm facing a brick wall as last week Mrs Falzon told me if she help me get the water supply back she could irritate some people, truly unbelievable from this weak secretary.

I will ask Mr. Bonello if I install a wooden structure instead of a brick/stone structure were WS can install a water meter, will it get approval from the PA.

Another option I'm consider if Animal Welfare write a note of approval for the salina Ducks I will go and see some one in the top at the PA

Some time ago Mr. Buhagar suggested that I should write a letter to the Prime Minister.

What are your views about these options?

Your faithfully,

Joseph Schembri

Sent from [Mail](#) for Windows 10

From: [Montebello Denis at MESDC](#)

Sent: 02 May 2019 09:52

To: [cat gamer 101](#)

Cc: [Falzon Janice at MESDC-MIN](#); [Commissioner for Animal Welfare at MESDC](#); [Buhagiar Emanuel at MESDC](#)

Subject: RE: Salina Ducks

Dear Mr. Schembri,

Thank you for your update. Hopefully you will be able to benefit very soon from a permanent water source in your sterling contribution to the care and protection of the salina duck colony.

Regards

Denis Montebello B.A., LL.D.
Commissioner for Animal Welfare
caw.mesdc@gov.mt

Regent Building, No.2, Racecourse Street
Marsa - MRS 1633 – MALTA
Tel.22928618

From: [cat gamer 101 \[bahhar31@gmail.com\]](#)

Sent: 30 April 2019 07:22

To: [Montebello Denis at MESDC](#)

Subject: Salina Ducks

Your Honour,

Yesterday I contacted Mrs Falzon after several failed attempts, regarding the above issue and she promise she will do her best to get the water supply at Salina, she is going to contact Mr. Ellul my architect to help him get the approval for his application to the Planning Authority She also told me she is going to contact you to keep you inform that she is taking the necessary actions so I can solve my dire problem with the water/meter at the above location

Your faithfully

Joseph Schembri

From: cat gamer 101 [bahhar31@gmail.com]
Sent: 11th April 2019
To: Montebello Denis at MESDC
Subject: Salina Ducks

Your Honour ,

Unfortunately, Mrs. Janice Falzon for some reason changed her mind as her assistance confirm in a phone call that they cannot install water supply for the Salina ducks,; 'NO ONE GET WATER SUPPLY FREE.' He said. When I told him that under Hon. Galdes I had the water supply installed and free he said Hon Galdes was wrong.

I just spoke with Mr. Ellul an architect from Ghaxaq and he told me that I can apply through Planning Authority and then have to wait about 4-months to install the water furthermore I also have to built a small stone box about one meter square . Those are the conditions to have water installed.

Not very good news

Always appreciated your help. Thank you

Yours faithfully,

Joseph Schembri

Sent from Mail for Windows 10

From: Montebello Denis at MESDC
Sent: 27 March 2019 21:25
To: cat gamer 101
Subject: RE: Salina ducksThank you Mr Schembri.
Hopefully the water supply is installed soon.

Denis Montebello B.A., LL.D. Regent Building, No.2, Racecourse Street
Commissioner for Animal Welfare Marsa - MRS 1633 – MALTA
caw.mesdc@gov.mt Tel.22928618

From: cat gamer 101 [bahhar31@gmail.com]
Sent: 27 March 2019 21:01
To: Montebello Denis at MESDC
Subject: Salina ducks

Your honour,

Last week I received a short but positive email from Mrs Janice Falzon 'will follow up and get back to you,' that was ten days ago.

Yesterday I went to see her but she left the building few minutes before I arrived , However I explained in more detail the water supply problem with the minister's other secretary, she was cordial and supportive to my problem. I 'm sending this email so to keep informed.

Thank you again.

Yours faithfully

Joseph Schembri.

From: cat gamer 101 [bahhar31@gmail.com]
Sent: 18th March 2019
To: Montebello Denis at MESDC
Subject: Salina ducks

Your Honour,

Thank you again for your support, I read your email over and over again as I find your email most interesting and incredibly powerful for getting the message direct to the responsible people and keeps reminding them of their responsibility.

Again I'm grateful I am sure with your email you made my day a bit better and encourage me to keep taking care of these wonderful birds.

Yours faithfully

Joseph Schembri

Sent from Mail for Windows 10

From: Montebello Denis at MESDC <denis.montebello@gov.mt>
Date: 18 March 2019 at 08:59:41 GMT+1
To: cat gamer 101 <bahhar31@gmail.com>
Cc: Buhagiar Emanuel at MESDC <emanuel.buhagiar@gov.mt>, Herrera Jose at MESDC-MIN <jose.herrera@gov.mt>, Camilleri Clint at MESDC <clint.camilleri@gov.mt>
Subject: RE: Salina Ducks

Dear Mr. Schembri,

My intervention in this case is intended to establish the fact that a duck community exists in Salini and that, until such time as an independent report compiled by competent experts in the field

establishes that the ducks have become a hazard to health or are destroying some virgin tract of natural beauty worthy of Natura 2000 protection and advises their removal, these ducks are to be protected and official efforts need to be made to ensure that they continue to thrive in a healthy environment, clean habitat with guaranteed food and plentiful fresh water.

My inspection of the site has in fact revealed features that are the exact opposite of anything worthy of protection as natural heritage. The site in question is totally made up of debris from the road widening works nearby, with chunks of concrete and pieces of old tarmac strewn all over the place and over the road drain outflows that lead to the canal. It is only the duck droppings that do in fact camouflage the ugly terrain and give it a semblance of normality with the healthy clumps of reeds (qasab) as the prominent notable form of vegetation.

Then, this canal, left as it is with rotting seaweed and plastic deposits is really an unsightly mess and coupled with the emanating and pervading stench it must constitute a serious health hazard even for the ducks who do in fact avoid it.

I will therefore also be calling on the authorities to recognise the sterling unstinted work you are putting in, to give you all the necessary assistance required for your efforts and expenses and to monitor this duck enclave in a competent manner.

Pending any official acceptance of my advice, the present lull in the drive for the ducks relocation should be indicative of 'good news' and you do deserve to have official endorsement of your application for the reinstallation of the fresh water supply which was so incorrectly removed at the time of the opening of some commercial enterprise in the vicinity.

I am also copying this reply to the Hon Minister and Hon Parliamentary Secretary to keep them aware of your plight and to give any possible help with your quest for a fresh water supply and any other deserving assistance.

Yours faithfully

Denis Montebello B.A., LL.D.
Commissioner for Animal Welfare
caw.mesdc@gov.mt

Regent Building, No.2, Racecourse Street
Marsa - MRS 1633 – MALTA
Tel.22928618

From: cat gamer 101 [bahhar31@gmail.com]
Sent: 17 March 2019 22:51
To: Montebello Denis at MESDC
Subject: RE: Salina Ducks

Your Honour,

As the saying goes 'no news is good news' but not in my situation with the ducks 'no news is bad news'. Tried few times to get in touch with Mr Buhagar, he won't answer the phone when I call him on his Mobil.

I applied for a water meter through an architect, he send the application to the Planning Authority. If you no someone that can help with this application I be much obliged for your assistance . Thank you very much

Your faithful

Joseph Schembri

Sent from Mail<<https://go.microsoft.com/fwlink/?LinkId=550986>> for Windows 10

From: Montebello Denis at MESDC<<mailto:denis.montebello@gov.mt>>

Sent: 13 February 2019 16:50

To: cat gamer 101<<mailto:bahhar31@gmail.com>>

Cc: Commissioner for Animal Welfare at MESDC<<mailto:caw.mesdc@gov.mt>>; Buhagiar Emanuel at MESDC<<mailto:emanuel.buhagiar@gov.mt>>

Subject: RE: Salina Ducks

Dear Mr. Schembri

I would appreciate having at least one photo showing the new water service on your old installation.

Regards

Denis Montebello B.A., LL.D.

Commissioner for Animal Welfare

Tel.22928618

Office of the Commissioner for Animal Welfare

Regent Building, No.2, Racecourse Street

Marsa - MRS 1633 – MALTA



From: cat gamer 101 [<mailto:bahhar31@gmail.com>]

Sent: Wednesday, 13 February 2019 15:12

To: Montebello Denis at MESDC <denis.montebello@gov.mt>

Subject: RE: Salina Ducks

Your Honour,

I 'm sending this email to comply with your request for more information regarding the dire situation of caring the 280/300 ducks, especially the water supply to these ducks at their habitat in Salina.

About 6-weeks ago the water-supply was cut off during the night by one of Birdlife security personnel . Since then I have to supply the ducks with clean

fresh water, approximate 140 litres in many plastic containers, transport it by hand, not an easy task, prove of that, since three weeks ago I have to take medicine (Arcoxia) to remove inflammation ‘rotator cuff’ from my right shoulder and neck, the doctor told me due to heavy loads that I carry by my right arm and hand

BLM NOW HAVE A WATER METER installed where I had the water plastic tube and tap. On the advice of the foreman at the Water Services Mr Bonello I need to fill application form to install a new water supply with a (meter) not necessary, as this is an act of kindness for these waterfowls. But also need to have an application from Planning Authorities, then take the instillation form to an architect.

Sir, I thank you sincerely for your support in this project of Salina waterfowls

Yours faithfully

Joseph Schembri.

From: [Montebello Denis at MESDC](#)

Sent: 24 January 2019 18:57

To: [cat gamer 101](#)

Cc: [Buhagiar Emanuel at MESDC](#)

Subject: RE: Salina Ducks

Dear Mr. Schembri,

I have already notified Nicholas Barbara and Mark Sultana with the contents of your complaint and I am awaiting their reply before I can decide what steps are necessary.

Yours faithfully

Denis Montebello B.A., LL.D.

Commissioner for Animal Welfare

Regent Building, No.2, Racecourse Street

Marsa - MRS 1633 – MALTA

Tel 22928618

From: cat gamer 101 [bahhar31@gmail.com]

Sent: 24 January 2019 10:11

To: Montebello Denis at MESDC

Subject: Salina Ducks

Your Honour,

I wish to inform you about the Salina Ducks and their habitat that Bird Life Malta want to remove and if necessary destroy/eliminate the 280/300 healthy waterfowls . Looking after these ducks is not easy, however for the last few years I had many who supported me in creating this area an ideal and unique habitat for these waterfowls. About 9 years ago St.Pauls City Council gave me permission to use this site and also installed signs ..'This habitat is for ducks and wild birds.' I also bring to your attention that the previous Parliamentary Secretary for Agriculture Fisheries and Animal Rights, Hon. Rodrick Galdes instructed the Water Services to supply me with free fresh water for the ducks. Manuel Buhagar/Animal Welfare also supported the idea to have fresh water for the ducks. Golden Harvest Bakery donate, approximate 60 kilos of bread every week. As lack of fresh water effect the health of these ducks they are not laying eggs as before. Shame, as I use to donate dozens of eggs each month to Dominican Sisters of Malta located in Zabbar.

Last month when I went to feed and water the ducks I found the plastic water pipe cut in two places and a stopper was fitted at the end of the pipe. When

both I and a police surgent from Naxxar police station asked the BLM security guard who cut the pipe he said that during the night the pipe busted and the water services installed a stopper. However, the foreman at Ta Qali Water Station Mr. Bonello told us that is not true, then few days later BLM demanded that WS close the supply. Now I have to carry about 130 liters of water in jerry cans every day to save these ducks. In correspondence I made with Bird Live in Nederland and Germany to name a few they do not believe that BLM want to destroy these ducks and for what reason?

I had an interview with both the Independent and the TOM. In that interview the many comments in both local news papers were 99% against BLM removing or destroying these ducks. I also like to mention that many people local and tourist enjoy the beautiful scenery created by so many different ducks swimming and roaming the area similar to what you see in European countries, ducks everywhere.

On Facebook few weeks back there was more than 200 comments again against BLM removing these ducks which in my opinion they have no right to do that because these ducks has this location years before BLM moved in this area.

'Respectfully'

Joseph Schembri

Mo:79413553

Document 3

Bird Life Malta

Dear Denis

The part which needed clarification from what you had already written is :

“Since the ducks happen to be located on property that is administered or in any other way under Bird Life’s control”

The ducks are mainly on the street side of the canal and this part along with the canal are outside of the remit of BirdLife Malta. This seems to have now been understood.

The rest is all clear and I await instructions from ERA on how to proceed.

Kind regards
Mark

Mark Sultana
CEO
BirdLife Malta



<https://birdlifemalta.org>

From: Montebello Denis at MESDC <denis.montebello@gov.mt>

Date: Thursday, 31 January 2019 at 13:00

To: Mark Sultana <Mark.Sultana@birdlifemalta.org>, Schembri Mario at ERA
<mario.g.schembri@era.org.mt>

Cc: Buhagiar Emanuel at MESDC <emanuel.buhagiar@gov.mt>, Piccinino Michelle at ERA
<michelle.a.piccinino@era.org.mt>, Balbo Roberto Andrea at MESDC-VRD <roberto-andrea.balbo@gov.mt>, Montebello Noel at MESDC-AWPSD <noel.montebello@gov.mt>, Galea MSDEC-PARK <herman.galea@gov.mt>, Vassallo Pierre at MESDC-MIN
<pierre.vassallo@gov.mt>, Wild Birds at MESDC <wildbirds@gov.mt>, Herrera Jose at MESDC-MIN <jose.herrera@gov.mt>, Camilleri Clint at MESDC <clint.camilleri@gov.mt>

Subject: RE: Salina Ducks

Dear Mark,

I have not been able to trace the highlighted part of my conclusions which you deem to be incorrect. Maybe you could clarify.

In any case, I am getting the impression that I have not been that clear in my assessment and I therefore reiterate that, whether the ducks are wild or not AND whether they might need to be culled, removed or relocated in accordance with expert advice, at no time, pending any decision,

must these animals be eliminated by resorting to deprivation from nourishment and fresh water, which facilities they have now become accustomed during the past years. To attempt the ducks' elimination by these inhuman methods would be tantamount to insensitive cruelty which is prohibited by the law, the observance of which I am in duty bound to supervise.

Since it now seems accepted by all interested parties that the only authority entrusted with the administration of the site (the ducks' present habitat) is ERA and not BirdLife, then Birdlife have no interest and no responsibility for the ducks or for their welfare. Accordingly, unless they are abetting anyone in endangering the ducks' welfare, then BirdLife are not involved at all in this issue.

When ERA decides to implement any decision regarding the ducks' future, then they are expected again to ensure the observance of all animal rights in any removal, culling or relocation, in whole or in part.

Regards

Denis

Denis Montebello B.A., LL.D.
Commissioner for Animal Welfare

Regent Building, No.2, Racecourse Street
Marsa - MRS 1633 – MALTA
Tel.22928618

From: Mark Sultana [Mark.Sultana@birdlifemalta.org]

Sent: 29 January 2019 11:08

To: Montebello Denis at MESDC; Schembri Mario at ERA

Cc: Buhagiar Emanuel at MESDC; Piccinino Michelle at ERA; Balbo Roberto Andrea at MESDC-VRD; Montebello Noel at MESDC-AWPSD; Galea Herman at MESDC - AM; Vassallo Pierre at MESDC-MIN; Wild Birds at MESDC; Herrera Jose at MESDC-MIN

Subject: Re: Salina Ducks

Please note that your conclusions below **highlighted** are incorrect.

If birds are wild why do they need to be well nourished by humans? These birds are neither wild not are they in the right place

Birdlife Malta will not be held responsible in any way or form for this situation.

Mark

Mark

Mark Sultana
CEO
BirdLife Malta



<https://birdlifemalta.org/get-involved/online-shop/adopt-a-bird-become-a-birdhero/>

From: Montebello Denis at MESDC <denis.montebello@gov.mt>

Date: Tuesday, 29 January 2019 at 10:47

To: Mark Sultana <Mark.Sultana@birdlifemalta.org>, Schembri Mario at ERA <mario.g.schembri@era.org.mt>

Cc: Buhagiar Emanuel at MESDC <emanuel.buhagiar@gov.mt>, Piccinino Michelle at ERA <michelle.a.piccinino@era.org.mt>, Balbo Roberto Andrea at MESDC-VRD <roberto-andrea.balbo@gov.mt>, Montebello Noel at MESDC-AWPSD <noel.montebello@gov.mt>, Galea MSDEC-PARK <herman.galea@gov.mt>, Vassallo Pierre at MESDC-MIN <pierre.vassallo@gov.mt>, Wild Birds at MESDC <wildbirds@gov.mt>, Herrera Jose at MESDC-MIN <jose.herrera@gov.mt>

Subject: RE: Salina Ducks

Dear Mark and Mario,

Thanks for the information.

I am herewith addressing my comments – hereunder reproduced - directly to ERA (previously copied) who seem to be responsible for the area used by the ducks.

“Since the ducks happen to be located on property that is administered or in any other way under Bird Life’s control (I am informed that the ducks were already on site at the time of the concession), then I need to highlight that, pending the finalisation of the reports regarding the health and conditions of the ducks and any decision taken in their regard, it is Bird Life’s responsibility to ensure that the ducks are well nourished, provided with ample fresh water and not be put under any stress whatsoever in terms of Art 8 of Chap 439. In fact, pending a competent and professional analysis of the situation, Bird Life should in fact be cooperating with Mr. Joseph Schembri (who has unconditionally been giving his services gratuitously for some time) to oversee the duck’s welfare.

Please keep in mind that the law does not provide any list or guidelines as to which animal or bird can be classified as a pest. Only a detailed study, taking in consideration all the circumstances involved, with special emphasis on health, hygiene and habitat, can serve as a first hint that any class of animals might end up defined as pests in an attempt to exclude them from the protection of the law. In fact, I am of the opinion, both ethically and logically, that the protection from abuse, stress, neglect and suffering is still mandatory in any case of any animal classified as a ‘pest’

Kindly let me know what arrangements are in place and/or to be made in the directive’s implementation.”

Regards
Denis

Denis Montebello B.A., LL.D.
Commissioner for Animal Welfare
Tel.22928618

Office of the Commissioner for Animal Welfare
Regent Building, No.2, Racecourse Street
Marsa - MRS 1633 – MALTA



From: Mark Sultana [mailto:Mark.Sultana@birdlifemalta.org]
Sent: Tuesday, 29 January 2019 10:31
To: Montebello Denis at MESDC <denis.montebello@gov.mt>
Cc: Buhagiar Emanuel at MESDC <emanuel.buhagiar@gov.mt>; Piccinino Michelle at ERA <michelle.a.piccinino@era.org.mt>; Schembri Mario at ERA <mario.g.schembri@era.org.mt>; Balbo Roberto Andrea at MESDC-VRD <roberto-andrea.balbo@gov.mt>; Montebello Noel at MESDC-AWPSD <noel.montebello@gov.mt>; Galea Herman at MESDC - AM <herman.galea@gov.mt>; Vassallo Pierre at MESDC-MIN <pierre.vassallo@gov.mt>; Wild Birds at MESDC <wildbirds@gov.mt>; Herrera Jose at MESDC-MIN <jose.herrera@gov.mt>
Subject: Re: Salina Ducks
Importance: High
Dear Denis

You are asking me to break ERA's enforcement notice and I respond directly to them as it is a natura 2000 site. We are not responsible for these ducks which are not wild ducks (they do not migrate and they hardly fly. They were placed there.

I am now begging for ERA's intervention at this stage.

You are also incorrect as these ducks are NOT within the area we manage.

Kind regards

Mark
Mark Sultana
CEO
BirdLife Malta



<https://birdlifemalta.org/get-involved/online-shop/adopt-a-bird-become-a-birdhero/>

From: Montebello Denis at MESDC <denis.montebello@gov.mt>
Date: Tuesday, 29 January 2019 at 10:27
To: Mark Sultana <Mark.Sultana@birdlifemalta.org>
Cc: Buhagiar Emanuel at MESDC <emanuel.buhagiar@gov.mt>; Piccinino Michelle at ERA <michelle.a.piccinino@era.org.mt>; Schembri Mario at ERA <mario.g.schembri@era.org.mt>; Balbo Roberto Andrea at MESDC-VRD <roberto-andrea.balbo@gov.mt>; Montebello Noel at MESDC-AWPSD <noel.montebello@gov.mt>; Galea MSDEC-PARK <herman.galea@gov.mt>; Vassallo Pierre at MESDC-MIN <pierre.vassallo@gov.mt>; Wild Birds at MESDC <wildbirds@gov.mt>; Herrera Jose at MESDC-MIN <jose.herrera@gov.mt>
Subject: RE: Salina Ducks
Dear Mark,

Since the ducks happen to be located on property that is administered or in any other way under Bird Life's control (I am informed that the ducks were already on site at the time of the concession), then

I need to highlight that, pending the finalisation of the reports regarding the health and conditions of the ducks and any decision taken in their regard, it is Bird Life's responsibility to ensure that the ducks are well nourished, provided with ample fresh water and not be put under any stress whatsoever in terms of Art 8 of Chap 439. In fact, pending a competent and professional analysis of the situation, Bird Life should in fact be cooperating with Mr. Joseph Schembri (who has unconditionally been giving his services gratuitously for some time) to oversee the duck's welfare.

Please keep in mind that the law does not provide any list or guidelines as to which animal or bird can be classified as a pest. Only a detailed study, taking in consideration all the circumstances involved, with special emphasis on health, hygiene and habitat, can serve as a first hint that any class of animals might end up defined as pests in an attempt to exclude them from the protection of the law. In fact, I am of the opinion, both ethically and logically, that the protection from abuse, stress, neglect and suffering is still mandatory in any case of any animal classified as a 'pest'

Kindly let me know what arrangements are in place and/or to be made in the directive's implementation.

Regards

Denis

Denis Montebello B.A., LL.D.
Commissioner for Animal Welfare
Marsa - MRS 1633 – MALTA

Office of the Commissioner for Animal Welfare
Regent Building, No.2, Racecour

Tel.22928618

Mark Sultana [Mark.Sultana@birdlifemalta.org]

Sent: 26 January 2019

To: Montebello Denis at MESDC

Cc: Buhagiar Emanuel at MESDC; Piccinino Michelle at ERA; Schembri Mario at ERA; Balbo Roberto Andrea at MESDC-VRD; Montebello Noel at MESDC-AWPSD; Galea Herman at MESDC - AM; Vassallo Pierre at MESDC-MIN; Nicholas Barbara

Subject: Re: Salina Ducks

I recall ERA doing sure visits and already determining the habitat and ecological destruction these ducks are causing.

Get Outlook for iOS

From: Montebello Denis at MESDC <denis.montebello@gov.mt>

Sent: Saturday, January 26, 2019 8:24 AM

To: Mark Sultana

Cc: Buhagiar Emanuel at MESDC; Piccinino Michelle at ERA; Schembri Mario at ERA; Balbo Roberto Andrea at MESDC-VRD; Montebello Noel at MESDC-AWPSD; Galea Herman at MESDC - AM; Vassallo Pierre at MESDC-MIN; Wild Birds at MESDC; Herrera Jose at MESDC-MIN

Subject: RE: Salina Ducks

Dear Mark,

Thank you for your prompt reply the contents of which have been noted.

I have been dragged into this with Mr. Schembri's complaint and had no idea the problem had been festering for months, with the most worrying issue being that the ducks may be carrying some form of disease.

From pre September 2018 correspondence between the Ministry and various entities it results that the original action for the ducks relocation was the 'environmental hazard' and their 'posing a threat due to disease', in which case I would expect removal and treatment rather than relocation.

However, I have found no reference at all of any veterinary inspection and a formal health report.

Accordingly, because of the possible environmental hazard, I consider that, if it has not yet been done, a veterinary inspection should be immediately carried out by the Directorates for Animal Welfare and Veterinary Services (copied herewith) to establish whether the disease allegation has any foundation and, in the meantime, the WBRU should draw up a report detailing the number and any different species of ducks involved and give indications of whether the present habitat is adequate or not with any other irrelevant information.

I am copying this also to the WBRU for action.

On finalisation of these reports appropriate action will be of easier determination.

Regards

Denis

Denis Montebello B.A., LL.D.
Commissioner for Animal Welfare

Regent Building, No.2, Racecourse Street
Marsa - MRS 1633 - MALTA
Tel.22928618

From: Mark Sultana [Mark.Sultana@birdlifemalta.org]

Sent: 25 January 2019 16:57

To: Montebello Denis at MESDC

Cc: Buhagiar Emanuel at MESDC; Piccinino Michelle at ERA; Schembri Mario at ERA; Balbo Roberto Andrea at MESDC-VRD; Montebello Noel at MESDC-AWPSD; Galea Herman at MESDC - AM; Vassallo Pierre at MESDC-MIN; Nicholas Barbara

Subject: Re: Salina Ducks

Dear Denis

Hope you are well and that you had a good start of this year. We wish you good health and satisfaction for the rest of the year and beyond.

While replying to your email I deem necessary at this point in copying also ERA as they are the competent authority. Ambjent Malta who own the site are also copied in. I think due to the health issue I mention below I am copying the veterinary section and the animal welfare director too.

The issue of the ducks is a big mess. To simplify communication, I will give you points

1. No one but ERA could give anyone the right to introduce any species on the site in question as this is a Natura 2000 site of high ecological importance and Malta is bound by EU habitats directive to preserve and protect it.

2. BirdLife Malta is running the sites management but the sokkors / canal where most of the ducks are is out of the agreement.
3. ERA has requested removal of the ducks but no one, not even Mr Joseph Schembri, is claiming ownership or responsibility.
4. ERA have issued a notice on site that ducks cannot be fed
5. BLM did not ask for his fresh water supply to be cut, but not to be taken from our meter. Unlike Mr Schembri we are paying bills. This request goes back to September 2018.
6. The habitat is not ideal for these ducks since these are fresh water ducks and hence the need of constant fresh water from the mains. These just proves that the ducks are suffering because they are in the wrong place.
7. These ducks can carry various disease and their eggs can have Salmonella. It is highly scary to think that Mr Schembri has been giving out these eggs for consumption!!
8. Good to point out that Mr Schembri has many times abused of staff in Salina threatening them. Some incidents had to involve police intervention.

BLM's position on the ducks

These ducks are neither wild ducks, or native. These farm ducks are found only in fresh water farms and man made pools. In a nutshell they are in the wrong place and are harming the habitat. This is a result of bad decisions taken by Mr Schembri and others who should know better....(or should they?)..

The authorities have yet to take concrete action on these ducks and find a reasonable solution for them. Era are not allowing feeding in order to stop the mass reproduction to control the situation but then again best you liaise with them. Animal Welfare were close to resolving this but nothing ever happened.

Mr Schembri has for a number of occasions been libellous towards us with general public, media, authorities and our partners in Europe it seems too. While giving him the benefit of the doubt that he knows no better I will not seek any action against him but we still reserve the right to do so.

Hope this suffice.

Regards

Mark

Mark Sultana

24th January 2019

From Comm Animal Welfare to Bird Life Malta

Dear Mark and Nicholas,

Belated good wishes for the New Year and trust that you are keeping well.

I am forwarding to you the latest e-mail sent to me by Mr. Schembri regarding the Salina ducks. He has also written and called several times and I would really appreciate your side of this.

From my time at Ornithology I am very relieved to know that both of you and your organisation do really have the welfare of all birds in our Island and elsewhere and therefore I do find it so unconvincing that you would take such a stand without a plausible justification.

Kindly let me have your version of events so that I can pinpoint what is really at the bottom of all this. Only then can I decide whether the matter requires or not my intervention.

Best Regards

Denis

Denis Montebello B.A., LL.D.
Commissioner for Animal Welfare

Regent Building, No.2, Racecourse Street
Marsa - MRS 1633 – MALTA
Tel.22928618

From: cat gamer 101 [bahhar31@gmail.com]

Sent: 24 January 2019 10:11

To: Montebello Denis at MESDC

Subject: Salina Ducks

Your Honour,

I wish to inform you about the Salina Ducks and their habitat that Bird Life Malta want to remove and if necessary destroy/eliminate the 280/300 healthy waterfowls. Looking after these ducks is not easy, however for the last few years I had many who supported me in creating this area an ideal and unique habitat for these waterfowls. About 9 years ago St.Pauls City Council gave me permission to use this site and also installed signs ..'This habitat is for ducks and wild birds.' I also bring to your attention that the previous Parliamentary Secretary for Agriculture Fisheries and Animal Rights, Hon. Rodrick Galdes instructed the Water Services to supply me with free fresh water for the ducks. Manuel Buhagar/Animal Welfare also supported the idea to have fresh water for the ducks. Golden Harvest Bakery donate, approximate 60 kilos of bread every week. As lack of fresh water effect the health of these ducks they are not laying eggs as before. Shame, as I use to donate dozens of eggs each month to Dominican Sisters of Malta located in Zabbar.

Last month when I went to feed and water the ducks I found the plastic water pipe cut in two places and a stopper was fitted at the end of the pipe. When both I and a police surgent from Naxxar police station asked the BLM security guard who cut the pipe he said that during the night the pipe busted and the water services installed a stopper. However, the foreman at Ta Qali Water Station Mr. Bonello told us that is not true, then few days later BLM demanded that WS close the supply. Now I have to carry about 130 liters of water in jerry cans every day to save these ducks. In correspondence I made with Bird Live in Nederland and Germany to name a few they do not believe that BLM want to destroy these ducks and for what reason?

I had an interview with both the Independent and the TOM. In that interview the many comments in both local news papers were 99% against BLM removing or destroying these ducks. I also like to mention that many people local and tourist enjoy the beautiful scenery created by so many different ducks swimming and roaming the area similar to what you see in European countries, ducks everywhere.

On Facebook few weeks back there was more than 200 comments again against BLM removing these ducks which in my opinion they have no right to do that because these ducks has this location years before BLM moved in this area.

'Respectfully'

Joseph Schembri

Mo:79413553

Org

<http://www.independent.com.mt/articles/2018-08-11/local-news/Watch-Man-caring-for-300-ducks-at-Salina-faces-enforcement-fines-6736194771>

Document 4

E.R.A.

Wed 30/01/2019 13:21

TO: Schembri Mario at ERA mario.g.schembri@era.org.mt

CC: Vassallo Pierre at MESDC-MIN <pierre.vassallo@gov.mt>; Montebello Noel at MESDC-AWPSD <noel.montebello@gov.mt>; Buhagiar Emanuel at MESDC <emanuel.buhagiar@gov.mt>; Piccinino Michelle at ERA <michelle.a.piccinino@era.org.mt>; Balbo Roberto Andrea at MESDC-VRD <roberto-andrea.balbo@gov.mt>; Galea Herman at MESDC - AM <herman.galea@gov.mt>; Wild Birds at MESDC <wildbirds@gov.mt>; Herrera Jose at MESDC-MIN <jose.herrera@gov.mt>; Camilleri Clint at MESDC <clint.camilleri@gov.mt>

Dear Mario,

Thank you for the exhaustive technical details regarding the ducks morphology and their negative impact on the land in question which is part of the Natura 2000 network. I am obviously not going to dispute any of those conclusions, emanating from the authority specifically set up to investigate, analyse and report on such matters.

It is also very interesting to note that ERA issued a Stop and Compliance Order on 31st July 2018 (reference number OWK 0006/18) against Mr. Schembri; but it seems this compliance order has not been followed presumably because Mr. Schembri does not own the ducks and does not have title to the land in question.

I have not yet seen the reply sent by Mr. Schembri's lawyer, but I am presuming that it is based on the aforesaid presumptions which could have been verified before the issue of the Order.

Moreover it is not and never has been my intention to contest, nor even to analyse, ERA's compliance order, as it has not been the subject of any allegation that its execution will cause stress and unnecessary suffering to the ducks. My only interest in the case is to ensure that whatever order is issued by any authority and whatever competent decision is taken by any one regarding the ducks, whether they will be retained, culled or relocated, the said ducks will continue to be nourished, given adequate living area and protected from stress pending any action.

My misconstrued directive was in no way intended to provoke any disregard for the Compliance Order, but was and still is intended to emphasize the duty of whoever has title and management to the ducks' present habitat (which I am now assured is in fact ERA itself and not BirdLife) is to ensure that, PENDING any compliance and decision on the ducks' future, all the ducks' rights are to be meticulously safeguarded. Since Mr. Schembri was always willing to keep on looking after the ducks, I saw no reason why he should not have been allowed to temporarily continue – however this was not a directive but only a suggestion. If the authority deems it better to preclude Mr. Schembri from approaching and caring for the ducks, then my directive is that they now will have to ensure that other personnel are entrusted with this delicate role and then to ensure that whatever decision is taken, the ducks will always be safeguarded from ill-treatment, stress and other contraventions.

I therefore kindly ask you to let me know immediately of all the measures that ERA will decide to take to look after the ducks and ensure their welfare in terms of law.

I hope this clarifies the issue and I am copying to all concerned to avoid any further misconceptions.

Regards

Denis

Denis Montebello B.A., LL.D.
Commissioner for Animal Welfare

Office of the Commissioner for Animal Welfare
Regent Building, No.2, Racecourse Street

Marsa - MRS 1633 – MALTA

Tel.22928618



From: Schembri Mario at ERA
Sent: Tuesday, 29 January 2019 14:18
To: Montebello Denis at MESDC <denis.montebello@gov.mt>
Cc: Vassallo Pierre at MESDC-MIN <pierre.vassallo@gov.mt>
Subject: RE: Salina Ducks

Dear Dr Montebello,

I am purposely restricting the distribution of this email to you and Chief-of-Staff.

In view of your emails re: subject in caption you may wish to see the below information in order to be cognisant of all that is pertinent to this case:

Domestic vs wild varieties of the taxa concerned

First of all I would like to clear some misconceptions regarding the ducks themselves. The specimens in question are anything but “wild” ducks. The majority of the ducks in question are domestic Muscovy ducks and domestic Call Ducks that have been intentionally released by humans in the ditch known as “is-Sukkursu”.

The fact that these are intentionally released domestic animals may be easily and unequivocally ascertained from their morphology which greatly differs from their centuries-old “wild-form” ancestors. Secondly, the wild Muscovy duck's *Cairina moschata* natural range state is Central and South America, thousands of kilometres away from Salina in Malta. These ducks have been captive-bred for hundreds of years establishing numerous domestic varieties that have been traded over the centuries for food across continents. The call duck is actually a mix of breeds of far eastern origin that was introduced in Europe hundreds of years ago for hunting and human consumption. Both varieties are commonly bred in Malta for consumption and to be kept as pets. There is no way that these ducks could have migrated in a natural manner from their natural range states and settled at

Salina, tens of thousands of kilometres away from any natural migration routes. Being such common varieties in captivity, they could only have ended up there after having been intentionally introduced by humans. Furthermore, the fact that these are domestic animals may also be verified through their behaviour, whereby they are dependent upon humans in order to find sufficient food and water for their survival. At most, and strictly from a behavioural point of view, these ducks can be referred to as “domestic ducks living in a *quasi*-feral manner”.

The ecological impacts caused by the ducks’ presence

It should be noted that the ditch along Salina Road falls within the confines of the Special Area of Conservation under the Flora, Fauna and Habitats Regulations; part of the network of Natura 2000 sites under the EU Habitats Directive; and an Area of Ecological Importance and Site of Scientific Importance under the Development Planning Act. The natural habitat consists of a natural brackish water watercourse fringed by marsh vegetation, which is one of the rarest habitat types in the Maltese Islands. These ducks, being present all year round in their hundreds, are causing marked environmental harm to the fragile ecosystem through their actions. Amongst the evident negative impacts, one can easily notice the degradation in the natural halophilic vegetation from direct continuous grazing. Vegetation die-off by virtue of high levels of bird faeces is also apparent, even impacting young trees planted as part of the embellishment and afforestation of the area. The very same faeces act as an agent of eutrophication, which brings about mass mortality of several aquatic organisms. Of particular concern is the localised and highly rare natural population of the Mediterranean Killifish *Aphanius fasciatus*. As a result of the vegetation die-off, several areas denuded of vegetation have now been exposed to the elements and are susceptible to heightened soil erosion. Furthermore, the feed in the area is almost certainly attracting pests such as mice and rats that also have an impact on natural faunal populations since these may in turn end up being preyed upon by the rats. There is also another cost on the natural environment due to the duck’s presence. They have virtually occupied a significant portion of the saline marshland that would otherwise have been occupied by much needed natural faunal and floral elements. In conclusion, the ducks are causing significant environmental damage and need to be removed to avert further damage and to allow the site to recover back to its natural state.

The Stop and Compliance Order

Recognising the above, the Authority, issued a Stop and Compliance Order on 31st July 2018 (reference number OWK 0006/18) obliging the person who was feeding the ducks, a certain Joseph Schembri (holder of ID card No. 115038M) to remove any installations relating to the keeping of the ducks and to remove the ducks too. On the 11th August 2018, the Authority received a letter from his lawyer indicating that the installations had been removed and that he had stopped feeding the ducks. What remained to be done was to relocate the ducks.

The Commissioner of Animal Welfare’s order

The order to remove the ducks was issued by ERA to the person feeding them, namely Mr. Schembri, the lands Authority, and on a more generic note, the owner and occupier. I fail to understand how the Commissioner for Animal Welfare is obliging Birdlife to look after the ducks at is-Sukkursu when they are not in any way responsible for them, if anything the person who is ultimately responsible

for this sorry state of affairs is Mr. Joseph Schembri, who by his own admission has been feeding them for at least five years and not managing to implement any population control measures. We had asked Mr. Schembri that should he wish to keep on looking after the ducks, he should seek to relocate them to a place where they would not bring about any environmental harm but he has so far failed to find a suitable alternative housing facility, which fact can also be ascertained from his lawyer's letter (copy attached). Furthermore, Mr. Schembri never contested the Order in accordance with the remedies applicable under the law.

Furthermore, it should be noted that the Stop and Compliance Order (OWK 0006/18) is still in force, therefore, any person wilfully complying with the directive issued by the Animal Welfare Commissioner would in fact be breaching the above-mentioned order himself and would be liable to the penalties emanating from such order. In addition, such directive may be construed as an act of interference with an officer of the authority in the execution of his duties under the law.

In view of the above, and considering that all that is required is to find a suitable safe place where to keep the ducks, you may wish to reconsider your previous emails.

Regards,

Mario

Mario Schembri

Director Compliance & Enforcement | Compliance & Enforcement Directorate



Environment & Resources Authority

Hexagon House, Spencer Hill, Marsa, MRS 1441, Malta.

T | +356 22923504 W | era.org.mt

SAVE PAPER Think before you print this email.

From: Montebello Denis at MESDC <denis.montebello@gov.mt>

Sent: Tuesday, 29 January 2019 10:48

To: Mark Sultana <Mark.Sultana@birdlifemalta.org>; Schembri Mario at ERA <mario.g.schembri@era.org.mt>

Cc: Buhagiar Emanuel at MESDC <emanuel.buhagiar@gov.mt>; Piccinino Michelle at ERA <michelle.a.piccinino@era.org.mt>; Balbo Roberto Andrea at MESDC-VRD <roberto-andrea.balbo@gov.mt>; Montebello Noel at MESDC-AWPSD <noel.montebello@gov.mt>; Galea Herman at MESDC - AM <herman.galea@gov.mt>; Vassallo Pierre at MESDC-MIN <pierre.vassallo@gov.mt>; Wild Birds at MESDC <wildbirds@gov.mt>; Herrera Jose at MESDC-MIN <jose.herrera@gov.mt>

Subject: RE: Salina Ducks

Dear Mark and Mario,

Thanks for the information.

I am herewith addressing my comments – hereunder reproduced - directly to ERA (previously copied) who seem to be responsible for the area used by the ducks.

"Since the ducks happen to be located on property that is administered or in any other way under Bird Life's control (I am informed that the ducks were already on site at the time of the concession), then I need to highlight that, pending the finalisation of the reports regarding the health and conditions of the ducks and any decision taken in their regard, it is Bird Life's responsibility to ensure that the ducks are well nourished, provided with ample fresh water and not be put under any stress whatsoever in terms of Art 8 of Chap 439. In fact, pending a competent and professional analysis of the situation, Bird Life should in fact be cooperating with Mr. Joseph Schembri (who has unconditionally been giving his services gratuitously for some time) to oversee the duck's welfare.

Please keep in mind that the law does not provide any list or guidelines as to which animal or bird can be classified as a pest. Only a detailed study, taking in consideration all the circumstances involved, with special emphasis on health, hygiene and habitat, can serve as a first hint that any class of animals might end up defined as pests in an attempt to exclude them from the protection of the law. In fact, I am of the opinion, both ethically and logically, that the protection from abuse, stress, neglect and suffering is still mandatory in any case of any animal classified as a 'pest'

Kindly let me know what arrangements are in place and/or to be made in the directive's implementation."

Regards

Denis

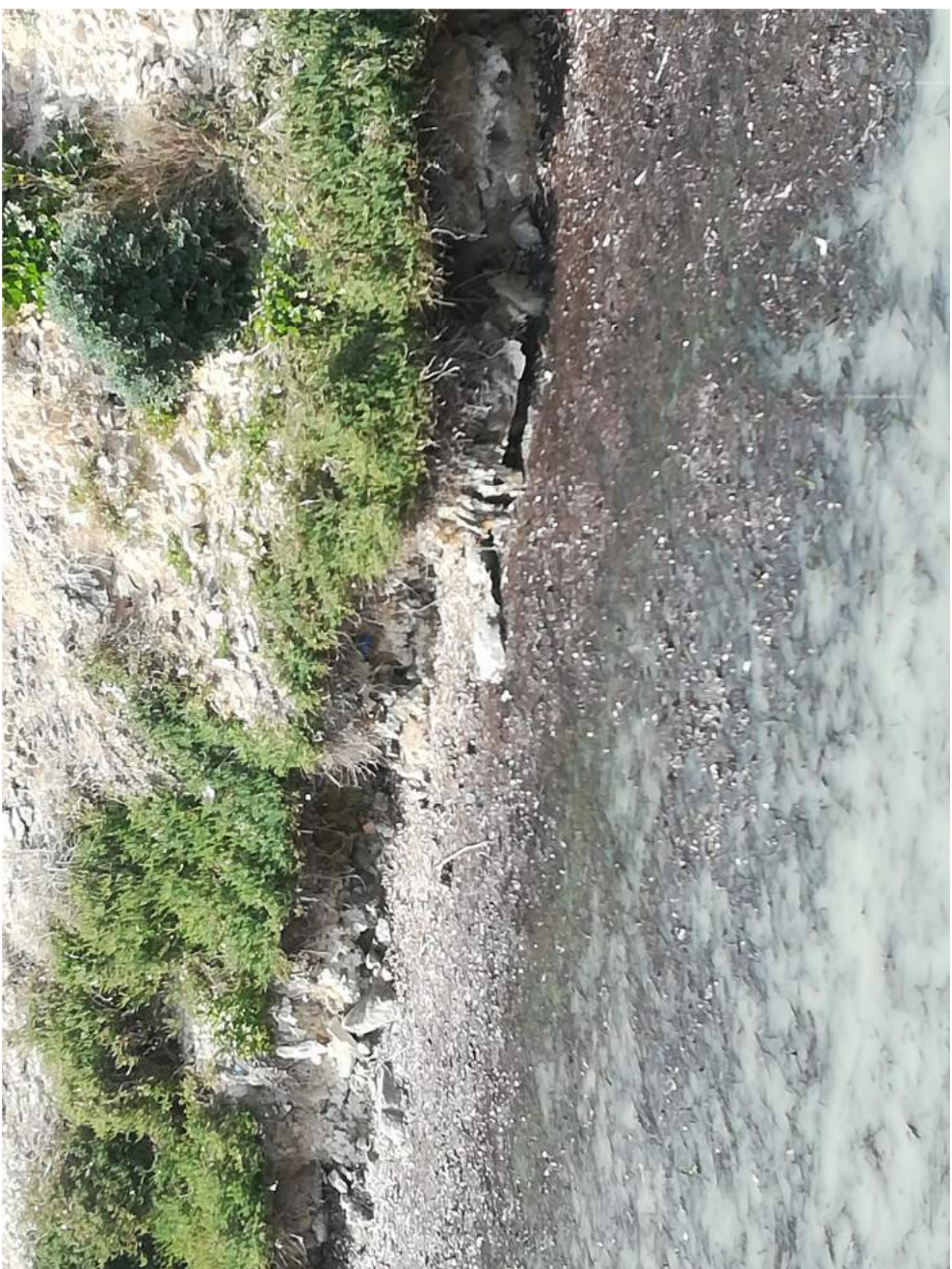
Denis Montebello B.A., LL.D.
Commissioner for Animal Welfare
MALTA

Tel.22928618

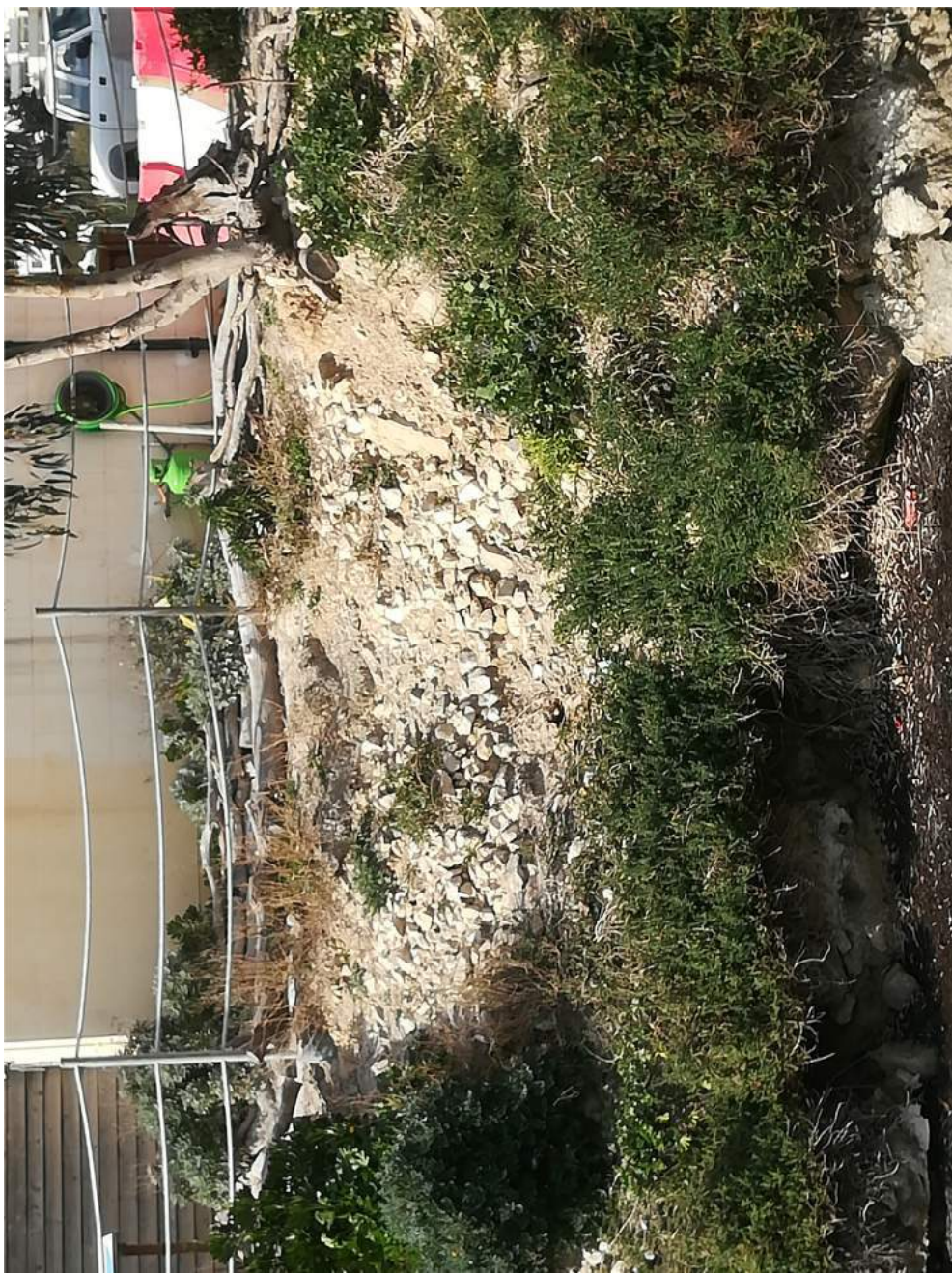
Office of the Commissioner for Animal Welfare
Regent Building, No.2, Racecourse Str Marsa - MRS 1633 -





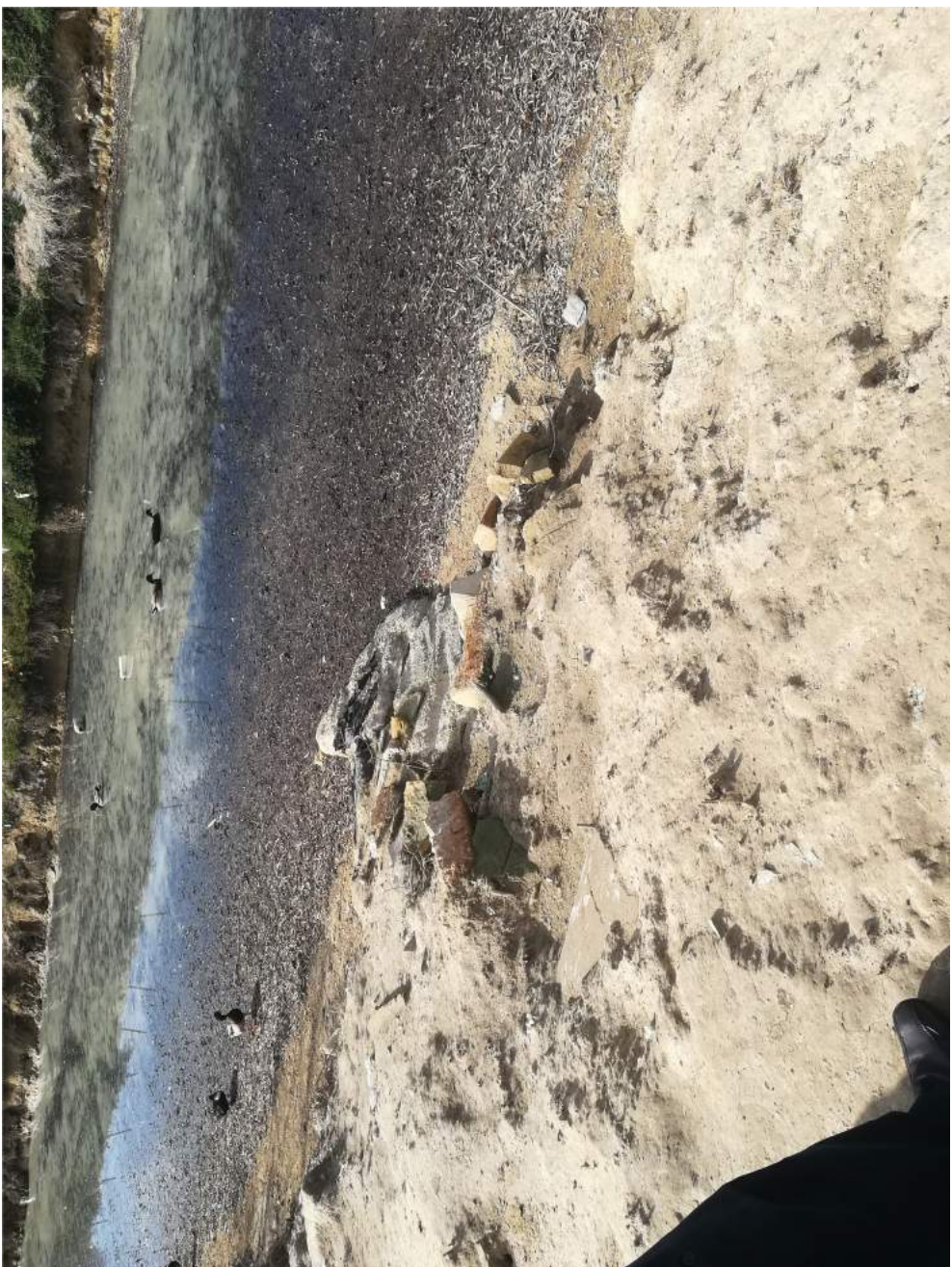




















Photos Legend



Canal &
pollution



Canal 1



Canal 2



Canal 3



Canal 4



Canal 5



Canal pollution 2



Canal Pollution



Canal shore 2



Canal shore



Concrete &
Debris



Concrete chunks



Debris (2)



Debris 3



Debris



General view of
section



Original Water
Supply point
taken by Bird Life
Malta



Original Water
Supply point



plastic pollution



Road Debris



Road Drains



Schembri's water
cans



terrain 1



terrain 2



terrain 3



terrain and road
projection

Document 6 –

W.S.C.

26th January 2019
From Water Services Corporation
To Comm Animal Welfare

Good Morning,

Kindly note that we have been informed from the Operations Manager that: *The WSC removed the meter as instructed by Arms Lts thru notification no 302348434. I think that customer shall refer complaint to them. Also note that the name of the complainant and the registered consumer do not correspond.*

Regards,
Alexia Borg



Clerk| Call Centre

E customercare@wsc.com.mt
T +356 80076400

From: Montebello Denis at MESDC <denis.montebello@gov.mt>
Sent: 25 January 2019 9:16 AM
To: Website Customer Care Email <CustomerCare@wsc.com.mt>
Cc: Buhagiar Emanuel at MESDC <emanuel.buhagiar@gov.mt>
Subject: FW: Salina Ducks

The Director
Water Services Corporation

Dear Sir,
I am forwarding the latest complaint filed by Mr. Joseph Schembri which concerns the welfare of hundreds of ducks at Salina.
Since the Corporation is alleged to have cut the water supply installed purposely for the ducks I would appreciate your input on the matter, before I investigate further.
Thank you
Yours faithfully

Denis Montebello B.A., LL.D.
Commissioner for Animal Welfare
Tel.22928618

Office of the Commissioner for Animal Welfare
Regent Building, No.2, Racecourse Street
Marsa - MRS 1633 – MALTA

Document 7

V.R.D.

Dear Denis

Please remember that if these are considered pests, then the provision of CAP 439 do not apply.

Have a nice day

Rob

Roberto Andrea Balbo

Director (VRD)

Veterinary Regulation

Veterinary and Phytosanitary Regulation Division

t +356 22925396 e roberto-andrea.balbo@gov.mt

www.environment.gov.mt | www.publicservice.gov.mt

Valletta 2018 - European Capital of Culture www.valletta2018.org

Kindly consider your environmental responsibility before printing this e-mail

From: Montebello Denis at MESDC <denis.montebello@gov.mt>

Sent: Monday, 28 January 2019 09:05

To: Balbo Roberto Andrea at MESDC-VRD <roberto-andrea.balbo@gov.mt>; Mark Sultana <Mark.Sultana@birdlifemalta.org>

Cc: Buhagiar Emanuel at MESDC <emanuel.buhagiar@gov.mt>; Piccinino Michelle at ERA <michelle.a.piccinino@era.org.mt>; Schembri Mario at ERA <mario.g.schembri@era.org.mt>; Montebello Noel at MESDC-AWPSD <noel.montebello@gov.mt>; Galea Herman at MESDC - AM <herman.galea@gov.mt>; Vassallo Pierre at MESDC-MIN <pierre.vassallo@gov.mt>; Wild Birds at MESDC <wildbirds@gov.mt>; Herrera Jose at MESDC-MIN <jose.herrera@gov.mt>; Gatt Marica at MESDC <marica.gatt@gov.mt>

Subject: RE: Salina Ducks

Dear Roberto

Thank you for your detailed reply and I have taken note of the health risks that are involved, which is precisely why I have asked for a definite health assessment before culling or complete removal is necessary.

Anyway, these are decisions that have to be taken by the competent authorities and my role only comes into play in overseeing that the resulting necessary action, based on professional and competent reports, will not cause any undue hardship, stress or suffering on these birds, that they are not removed from what has become their habitat unless this is strictly necessary and that all animal rights are respected.

Hopefully the important analyses are urgently made.

Regards

Denis

Denis Montebello B.A., LL.D.

Commissioner for Animal Welfare

Regent Building, No.2, Racecourse Street

Marsa - MRS 1633 – MALTA

Tel 22928618

From: Balbo Roberto Andrea at MESDC-VRD

Sent: 27 January 2019 20:20

To: Mark Sultana; Montebello Denis at MESDC

Cc: Buhagiar Emanuel at MESDC; Piccinino Michelle at ERA; Schembri Mario at ERA; Montebello Noel at MESDC-AWPSD; Galea Herman at MESDC - AM; Vassallo Pierre at MESDC-MIN; Wild Birds at MESDC; Herrera Jose at MESDC-MIN; Gatt Marica at MESDC

Subject: RE: Salina Ducks

Dear all,

Let me please clarify a very important point because we risk to go round in circles.

We enter into this picture solely, and I repeat solely, from an advisory point of view. I will try explaining what is VRD role here.

These ducks are not farmed animals unless it is proved that from one day to another someone decided to place such animals for farming purposes- ie for the production of food; if this is the case and to me it seems it is not, the premises where these animals are kept are to be considered an illegal farm.

If nobody physically moved these ducks to Salina then these animals do not fall under VRD remittance; these are wild animals which have found an habitat simply because someone is feeding them and they are multiplying to the detriment of the environment. VRD is compelled to carry out surveillance on several diseases which have as indicators (sentinels), wild animals and in this case certain wild birds such as these ducks are used to indicate potential threats, particularly in relation to Avian Influenza and Newcastle Disease. When needed and when there is the suspicion of a disease; VRD collects faeces and carries out post mortems on carcasses of wild animals including ducks.

To date, Malta does not have Avian Influenza and Newcastle disease and if this happens, these ducks will be the least of the problems we have to face.

Commissioner for Animal Welfare is asking to carry out a visit and assess the health status of these animals. There is first the issue which diseases we are to test for. \in wild birds because of the difficulty in catching the birds, testing is limited to the above mentioned diseases and Salmonella. However, If for example we isolate salmonella ,what type of action are you expecting me to take if the law on the environment is not under my remittance and these, for all intent and purposes are still wild animals?

VRD have been requested to give its opinion on the possible relocation which has been requested due to the negative environmental impact due to these animals. It was suggested to send these animals to Ghammieri. VRD did not recommend the move because these animals shed, amongst other things Salmonella and they risk to create problems for the animals present there. However, as I have already mentioned above, even if Salmonella spp. is isolated, I have no legal power to put them down, as these animals do not fall under the scope of Salmonella surveillance.

We recommend farmers to keep pigeons and other birds away as these are pests and therefore potential disease carriers.

For the very first time I read something which is very worrying, this person, Mr Schembri, claims to give eggs to the sisters in Zabbar. I agree with Mark, this is not a good idea. What Mr Schembri is doing is equivalent to collect, for example, snails, asparagus or fennel naturally growing and giving it for free to people. Some people eat these stuff forgetting the risks they face.

The legislation on monitoring Salmonella controls does not cover ducks; however, if eggs are being sold for human consumption from retail, then we can decide to include the flock under the control programme. If Salmonella Typhimurium and/ or Enteritidis are isolated, the flock of birds is eliminated and the culling is done by the farmer, not by the competent authority (VRD). VRD enters into the picture implementing requirements of regulation 1099/2009 for killing of animals under disease control measures (so Noel and the AWPSP is lucky to be out of the picture except if they want to offer assistance). So the first thing that should be done is to inform these sisters to avoid accepting these eggs.

Please try to understand this concept as it is very important. The ideal scenario is that these ducks are moved in premises where they can remain wild meaning that they are free to move away from the area they are kept.

Apologies for the lengthy explanation

Regards

Roberto

Roberto Andrea Balbo

Director (VRD)

Veterinary Regulation

Veterinary and Phytosanitary Regulation Division

t +356 22925398 e roberto-andrea.balbo@gov.mt

www.environment.gov.mt | www.publicservice.gov.mt

Valletta 2018 - European Capital of Culture www.valletta2018.org

Kindly consider your environmental responsibility before printing this e-mail

MINISTRY FOR THE ENVIRONMENT,
SUSTAINABLE DEVELOPMENT AND CLIMATE CHANGE
ABATTOIR STREET, ALBERT TOWN, MARSA, MALTA

From: Mark Sultana <Mark.Sultana@birdlifemalta.org>

Sent: Saturday, 26 January 2019 08:35

To: Montebello Denis at MESDC <denis.montebello@gov.mt>

Cc: Buhagiar Emanuel at MESDC <emanuel.buhagiar@gov.mt>; Piccinino Michelle at ERA <michelle.a.piccinino@era.org.mt>; Schembri Mario at ERA <mario.g.schembri@era.org.mt>; Balbo Roberto Andrea at MESDC-VRD <roberto-andrea.balbo@gov.mt>; Montebello Noel at MESDC-AWPSD <noel.montebello@gov.mt>; Galea Herman at MESDC - AM <herman.galea@gov.mt>; Vassallo Pierre at MESDC-MIN <pierre.vassallo@gov.mt>; Wild Birds at MESDC <wildbirds@gov.mt>; Herrera Jose at MESDC-MIN <jose.herrera@gov.mt>

Subject: Re: Salina Ducks

I recall ERA doing sure visits and already determining the habitat and ecological destruction these ducks are causing.

Get [Outlook for iOS](#)