

LEGAL REGULATION OF THE RULES, TERMS AND METHODS OF HUNTING IN MOLDOVA

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Abstract

According to the report of the World Commission on Environment and Development (WCED) "Our Common Future", also known as the Brundtland Report (1987): "Sustainable development is development that aims to meet the needs of the present without compromising the ability of future generations to meet own needs. "Although initially sustainable development has emerged to be a solution to the ecological crisis caused by intense industrial exploitation of resources and the continuous degradation of the environment and seek so primarily preservation of environmental quality, now the concept has spread to the quality of life in its complexity and under economically and socially.

The concept of sustainable development - the overriding principle - was reinforced at the World Conference in Rio de Janeiro (1992), but the original concept of "sustainable development" was enshrined in the World Conference on Environment Protection (1972) in Stockholm.

The analysis of international acts aimed at the subject, emerged the view that natural resources has exhaustible nature, which reveals imminent need to implement the principle of sustainable development.

Failure longstanding rules, terms and methods of conditioning hunted game species extinction, both in our country and the territory of other countries, on all continents. The article in question is aimed at identifying rules, methods and deadlines for hunting, determine the causes and conditions infringement of these rules of law ferenda proposals on the subject of the research.

Key Words: *Hunting / rules of hunting / hunting party / types and methods of hunting / terms of hunting / file "Domneasca Forest"*

JEL Classification: [K40]

1. Introduction

By hunting means a mix of search, kindling, chase, injury, killing or capturing game or any other activity with the same purpose carried out in accordance with the law.¹ Another legal definition would be: "be considered in order to acquire hunting detection, tracking and acquisition of actual animals under natural conditions"².

The right to hunt can be defined as exercise that right in which the holder acquires ownership or possession of game gained from action game. Ownership of land, the right to hunt and ownership of the hunting is in a technical-legal

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¹ C. Ene, *Environmental law*, CH Beck Publishing House Bucharest, 2011, p.93.

² Regulation of household hunting, Official Gazette of the Republic of Moldova 09.11.1995 nr.62-63, art.26.

correlation. Over the years hunting was considered *res nullius*. Subsequently, the right to hunt and acquiring ownership of hunting on this territory was closely linked to the ownership of land. As a result, a new conceptual approach to framing conditioned public goods game in the category of national and international interest. In accordance with the legal provisions animals hunting interest with their rich hunting grounds formed the Unique hunting environment of Moldova.³ The hunting environment is unique and indivisible, not subjected to privatization or transfer to another form of ownership than public. However, hunting grounds are divided into:

- a) land allocated to individuals and businesses;
- b) unassigned lands, which constitute the reserve fund of the state.

The land allocated to individuals and legal entities constitutes the category of hunting submitted under the contract of lease of forestlands hunting between forestry authority and central beneficiary for a period of 10 to 20 years, in agreement with the central authority with natural resources management and environmental protection. As a result, hunting law does not give the owner (as the case manager) land ownership that exists amid the live game hunting land that has as its material support.

Exercise game is subject to the following conditions, namely:

- 1) The rules for hunting
- 2) Terms or periods of hunting,
- 3) Types and methods of hunting.

Species admitted to hunting are hunting in number, under the terms (periods) and means permitted by law, subject to regulations on authorization, organization and practice of hunting.

2. Theoretical.

Hunting rules. The right to hunt with firearms hunting is given to a person permanently residing in the country, if it has reached the age of 18, is a member of a society of hunters, claimed samples minimum standard hunter, has met the minimum participation is compulsory labor acquitted in the established membership fee and fee hunting. Hunting rights may be granted to persons who do not reside permanently in the country.

As a certificate for the right to hunt serve booklet hunter, approved by the Society of Hunters and Fishermen of Moldova, license (sheet, sheet for

³ Regulation of household hunting, Official Gazette of the Republic of Moldova 09.11.1995 nr.62-63, art.2.

harvesting) issued by the Society of Hunters and Fishermen of Moldova for sport hunting of waterfowl and fur animals or authorization to hunt wild ungulates, issued by the central forestry authority.

„The hunting rules and amateur sports in Moldova”⁴ adopted by Council of Republican Society of Hunters and Fishermen of Moldova established that:

- *The authorization* is a document based on which allow hunting of wild hoofed animals;

- *Permit valid for a day* is a document that allows hunting birds and furry animals;

- *Data harvesting* is a document in the passage hunting of birds (including water) and animal fur in the season this year. Absence sheet hunters harvest under any kind is equivalent to hunting unlawful and qualifies as poaching.⁵

- *Hunting permit* is a document that is attached to the authorization and allow hunting of wild hoofed animals. In the interwar period ”the purpose of hunting permit had twofold: the tax fee and police control, the police control because represented instrument of order and legality, and finally fiscal means were conditioned by paying taxes due to local budget.

According to article 27 paragraph 1 of Law Romania on hunting and protection of hunting no.407 of 9 November 2006, the hunt is exercised only by persons who act as hunters or which meet the following conditions:

a) Possess hunting permit gun,

b) Possess authorization from the manager within the harvest quota and technical regulations on the organization and practice of hunting,

c) Possesses documents certifying the right to carry and use weapons designed for hunting issued under the law,

d) Possess compulsory insurance against accidents.

Finding persons for hunting, including doorways common weapons included in the frame, while installed, ready for use with other tools of hunting and dogs and hunting birds or production of hunting game is equating to hunt.

3. Scientific research

Types and methods of hunting. Hunting method is understood that way practiced hunting action.⁶ Hunting technique or method means an entirely processes and actions taken by hunter using hunting tools in order to harvest game.

⁴ Approved at the meeting of the Republican Council of the Society of Hunters and Fishermen Moldova 12.17.2012; . <http://svpm.md/index.php/legi>.

⁵ Sheets harvest are approved annually by Government, is set harvest limits for each administrative unit. The numbers game in the hunting is regulated within the optimal density of the populations of those species, such as the potential for life to ensure adequate reproduction of forest and agricultural ecosystems unaffected.

Moldavian hunting legislation identify only superficially selection hunting, sport hunting and amateurs. Are occur to hunting weapons techniques, performed with the use of firearms for hunting without weapons. The techniques are permitted hunting weapons: hunting by chasing, hunting lurking, hunting through enticement and visual approach of hunting to be shot. Nearby hunting is forbidden to use auto transport means, except boat with the engine off. Hunting permits unarmed techniques are hunting with greyhounds and hunting dogs burrow. Hunting with dogs can be performed with the use of weapons and unarmed techniques.

Romanian legislation⁷ exhaustively expose hunting types of actions, depending on the number of hunters participating in them:

I. Individual Hunt; it is practiced by a single hunter, accompanied by the gamekeeper or leaseholder hunting. Hunting methods for this are:

- *Hunting "ambush"* which is pending game and may be exercised at: clouds, killed the animal's body, places where hunting harm, burrow, places of passage;

- *Hunting "lair"* is through raising the lair game using hunting dog;

- *"Calling to hunting game"* is to attract the hunter by using instructors permitted by law;

- *The Hunt "to lure"* consists in administering food to lure game to harvesting or capture for teaching, scientific research, stocking and preventing damage to the hunting sector as provided by the regulations in force;

- *"Stalking hunt"* is a moving hunter game;

- *Hunt "on balance"* is through raising or hunting using hounds.

II. Hunting in a small group; hunting methods are similar to methods used in individual hunting, the difference being that these are attended by a small number of hunters (minimum 2 and maximum 5) with or without hunting dogs without beater.

III. Hunting in a large group, practiced by more than 5 hunters and the hunt is through raising and hunting in order acquisition, depending on the practical possibilities of organization, action etiology species subject to hunting and hunters preferences participants. These actions are as follows:

- *"Dashed hunting"*, this method can or can not use hunting dogs;

- *Slayer "circle"* is to form a circle, composed of participants of the fighter tighten gradually. This hunt is practiced exclusively in the open field and aims to capture game for different purposes;

⁶ C. Ene, C. Vlad, *Environmental law. Doctrine and jurisprudence*, CH Beck Publishing House, Bucharest, 2007, p.172.

⁷ Order No.71 of 28.01.2005 approving the Regulation on the organization and practice of hunting, article 5.

- Hunting in large group "*jumping*" This method is in line with hunters willing or semicircle moving.

The terms or periods of hunting. In Moldova are set following deadlines hunting:

1) mammals

- stag and mouflon from 1 September to 31 December
- deer (male) from 15 May to 15 October
- deer (females) 1 September to 31 December
- wild boar from 1 August to 31 December
- rabbits from 15 November to 15 January - foxes during whole.

2) birds:

- pigeons from August 15 to 15 January
- geese, ducks, coots, snipes, curlew from August 15 to 15 January
- quail from August 15 to 15 October
- partridges from 1 October to 15 January
- pheasants from 1 October until 15 January.

It should be mentioned that the amendment limits hunting set, in Moldova as a whole, and on the territory administrative-territorial units, and setting annual limits harvesting of game hunting of certain species of animals is carried out by a decision of Government justified the proposal to the central authority empowered to natural resource management and environmental protection, coordinated written by Academy of Sciences of Moldova and central forestry authority and the Society of Hunters and Fishermen of Moldova.

4. Conclusions and Implications

Judicial practice – the case "Domneasca Forest". The case "Domneasca Forest" or a case by Sorin Paciu is a case of murder by shooting of Sorin Paciu (34, owner of the quarry in the village Balatina, Glodeni) in the Scientific Reserve Domneasca Forest on December 23, 2012, at a hunt organized by a group of 30 people, some senior official mens in Moldova. The group of hunters were formed by General Prosecutor Valeriu Zubko, accused the media of covering up the case, Judge George Cretu, one person put under criminal investigation, President of the Court of Appeal, Ion Plesca, George Cretu, member of CCA, Nicolae Damaschin a local forester, Ion Stepanchevici, and others.

According to an eyewitness, hunters, seven in number, were arranged in two lines intersecting at an obtuse angle. The participants were at a distance of 70 meters from one another. Sorin Paciu, equipped only with a camera, is behind Ghenadie Sajin. The hunters were allowed to shoot only in the area in front or behind them, it is strictly forbidden to shoot into parts. At one point, a boar passed by Judge George Cretu, and he had fired five shots toward the animal, found in his direction Paciu. A bullet would have hit the young man. The witness

confirmed that the judge had used three bullets shot, which, according to some, are prohibited for hunting.

Of all the people involved, only the judge Gheorghe Cretu was prosecuted for two counts: manslaughter of Sorin Paciu and for participating in an illegal hunting. General Prosecutor was dismissed by the Parliament on 21 January 2013 unanimously and was fined 6,000 MDL for declaring conflict of interest. The government led by Vlad Filat made the mandate, government leadership was taken on 31 May 2013 by previous Minister of Foreign Affairs Iurie Leanca.

Analyzing this case inevitably we can formulate certainly rules and details related to hunting methods as follows:

- This case has received such publicity throws back only because there was a hunting accident due conditioned by ignorance of elementary rules and methods of hunting game governed by domestic law,

- At the same time it was found to be an illegal hunt that falls under the rules of criminal-law, after these illegal actions of the deceased businessman,

- At this hunt was attended by dignitaries who have used firearms with bullets banned type which actually led to such tragic consequences,

- The tragedy has revealed all institutional gaps in Moldova, it was hidden by all participants in the hunt for two weeks. Fatal hunting attended an impressive string of politicians, businessmen, judges and prosecutors,

- The former vice-president of the Chisinau Court of Appeal, Gheorghe Cretu, was condemned to two years of imprisonment with suspension in the file "Domneasca Forest". Also, he will pay Sorin Paciu's family damage of property in amount of about 2 million lei. The sentence was pronounced by the Falesti Court, after five hours of deliberations. The other participants at the illegal hunting were acquitted by the same court on all counts.

- It outlines the need to implement compulsory insurance for hunting accidents that are caused by negligence and human error, evading and failure to comply with basic provisions for the use of weapons and ammunition in the hunting party.

Therefore it would be appropriate to adopt a number of laws that clearly outline the rules, methods and types of hunting game, to be made a strict control on the legality of permits hunting, introducing and implementing the regulatory framework of the concept of hunting accident and imposition of compulsory insurance in this regard. And not from the latest row is proposed to be adopted a Framework Code of hunting and hunter ethics applicable to the whole Moldavia.

References:

1. Dutu, M., Duțu, A., 2014 *Environmental law*, Issue 4, Bucharest: CHBeck.
2. Duțu M., 2008 *Environmental law*, Issue 2, Bucharest: CHBeck.
3. Ene, C., 2011 *Environmental law*, Bucharest: CHBeck.
4. Ene, C., Vlad, C., 2007 *Environmental law. Doctrine and jurisprudence*, Bucharest: CHBeck.
5. Lupan, E., 2009 *Treaty environmental protection law*, Bucharest: CHBeck.
6. Marinescu, D., 2008 *Treaty of environmental law*, Edition III, Bucharest: Legal universe.
7. Trofimov I., Ardeleanu G., Cretu, A., 2015 *Environmental law*, Chisinau: Typography "Bons Offices".
8. Trofimov, I., 2002 *Environmental law*", Chișinău.
9. Țarcă, Ș., 2010 *Treaty of environmental law*, Bucharest: Lumina Lex.
10. Constitution of the Republic of Moldavia from 29.07.1994, Official Gazette of the Republic of Moldavia, No. 1 of 12.08.1994.
11. The 1515 Law on Environmental Protection of 16.06.1993, the Parliament of Moldova Gazette No. 10 of 10.01.1993.
12. Law no. 407/2006 of hunting and protection of hunting, Official Gazette of Romania nr.944 from 22.11.2006.
13. Regulation of household hunting, Official Gazette of the Republic of Moldavia 09.11.1995 nr.62-63.
14. Magazine "Carpații" nr.3/1940.