Introduction

Turtles are vital for the health of the marine and coastal ecosystems. Where green turtles graze on seagrass and algae, the sea-bottom habitat is healthier and more productive, allowing important species such as shrimps, lobsters, and fish to thrive. This translates to better sea harvests, boosting the income of the fishing industry. By depositing their eggs on the shore, turtles transport vital nutrients from the ocean to nutrient-poor coastal and inshore areas. Turtles also play a major role in maintaining the balance of marine ecosystems. In addition to being an icon of the country’s marine heritage, turtles attract snorkelers and scuba-divers, indirectly contributing millions of ringgit to the economy through tourism-related activities.

Despite their enormous significance, turtles are facing extinction. Besides natural predators, turtles are also threatened by commercial fishing activities, pollution, and coastal development. Most turtle populations in Malaysia are in decline, the most serious of which is the leatherback in Terengganu. Touted as one of the world’s most important populations in the 1950s, the species is now believed to be on the brink of extinction. Nesting numbers have plunged from 10,000 in the 1950s to less than five in the recent years. Green turtles of Terengganu have a slightly lower decline rate of 25% in the last 20 years. In the Sarawak Turtle Islands, the green turtle numbers have plummeted over 80% since the 1950s. Although numerous steps have been taken to counter the problem, success in halting their disappearance remains elusive.

However, the establishment of the Turtle Islands Heritage Protected Area (TIHPA) which includes the Turtle Islands Park, off Sabah, has been responsible for the increase of green and hawksbill turtle nesting numbers in the area. TIHPA is a trans-boundary marine protected area which Sabah jointly manage with the Philippines. The Turtle Islands Park in Sabah host some of Southeast Asia’s most important foraging and nesting turtle population, and together play an important role in supporting the species’ continued survival in the region. More effective management and conservation was effected when Malaysia entered into the bilateral conservation and management agreement with the Philippines to establish TIHPA. The Sabah state government (through Sabah Parks as the authority responsible with the management of national parks in Sabah) has since been active in turtle conservation, managing these islands by protecting nesting areas and eggs on the beach as well as establishing hatchery programmes. The Sabah state government has also enacted legislation to curb illegal turtle egg harvesting. These efforts have been responsible for the increase in green and hawksbill turtles nesting in the area, leading to population recovery in the 1990s. Nevertheless, there has been a subsequent decline of about 38% in the last 10 years, believed to be caused by poaching. Therefore, there is an urgent need to look into the protection of turtles in their marine habitats especially their feeding grounds. Poaching must be curbed or better, eradicated, to ensure that the ongoing conservation efforts are not wasted, assuring the continuous survival of turtles.

Poaching has become a serious threat to the sea turtles’ survival as they are usually caught in large numbers, thus drastically reducing the turtle population in Malaysian waters. This problem has to be redressed immediately. Furthermore, poaching activities are more frequent in Southeast Asian waters specifically in Malaysia, Indonesia and the Philippines, where turtle population flourishes due to protection strategies employed by the governments such as the establishment of TIHPA. It is, therefore, essential to find ways to curb or eradicate this illegal activity for the sake of turtles’ continuous survival.

Background on the Issue of Poaching

Critically-endangered marine turtles in Southeast Asia are targeted by foreign vessels from Hainan Island in China and
Vietnam. The demand for turtle products remains high with many shops in Hainan Island and Vietnam selling turtle products openly despite it being illegal. Countless turtles have been slaughtered and sold as food, medicine and decorative items. Harvesting turtles from the wild to cater to the voracious appetite of the ‘turtle market’ has a devastating effect on the natural population of the turtles especially those in Southeast Asia where they are aggressively poached.

There have been many cases of foreign fishing vessels encroaching Southeast Asian waters in search of turtles. Over the years, many foreign vessels have been apprehended in Malaysia (Figure 1 and 2), the Philippines and Indonesia, with thousands of turtles seized. Between 2004 and 2008, several turtle poaching cases made headlines in the media, causing outcry and outrage among concerned stakeholders. In May 2004, the Malaysian Marine Police arrested 16 fishermen from Hainan Island and about 160 dead marine turtles were found in the trawler. In 2005, more than 100 marine turtles were seized from a Hainanese trawler which encroached on Malaysian waters, off Labuan. In addition, an international turtle poaching syndicate was busted in March, 2007, with nearly 260 protected turtles recovered from a trawler, off Sabah waters. In fact, this was actually the second trawler from Hainan Island that was apprehended by the marine police within 48 hours for poaching valuable hawksbill and green turtles in Malaysian waters. Also, in 2007, 19 crew members of a China-registered boat were arrested off Pulau Mantanani Kecil with 78 turtles found. In April, 2008, enforcement agencies foiled an illegal turtle-hunting expedition by a group of foreigners and seized more than 40 turtles, off the Miri coast in Sarawak. Eighty-eight men travelling on six trawlers – two from China, three from Vietnam and one from Thailand were held in the area, in just 48 hours. The endangered leatherback turtles were among the species found on the trawlers, besides dried turtles and shells.

These are just some of the cases that were reported in the media. It is likely that for every case in which the poachers are apprehended, countless others escaped and are unaccounted for. As such, it is difficult to ascertain the exact number of turtles that have been poached from the Malaysian and regional waters, but it is likely the numbers are up in the thousands each year.

Huge numbers of turtles are killed at any one time, leading to a drastic reduction of these slow maturing marine lives.

Source: Picture (a): Utusan Malaysia, 2007


Source: Picture (c): Utusan Malaysia, 2007

Hundreds of turtles caught off the Sabah waters found dead on a fishing vessel from Hainan Island, China.
In addition, the Ministry of Foreign Affairs (MOFA) reiterated that they are entitled to issue a protest note - a diplomatic document presented by one country's foreign ministry to another country - upon receiving reports of encroachment or illegal fishing activities from the enforcement agencies. However, for the MOFA to do so, a detailed report which includes the coordinates of the foreign vessels (if possible), pictures of the vessels and crew members, etc must be submitted to the ministry.

The relevant legislation, jurisdiction, and law on turtle protection and conservation in the country were also discussed. Turtles are protected by the *Fisheries Act 1985*, which makes it an offence to ‘fish, disturb, harass or catch’ any turtle. *Section 27* of the *Fisheries Act 1985* provides that it is a criminal offence punishable with a fine not exceeding RM5,000. However, it also states that the provisions of the relevant State laws shall apply in respect of sea turtles found within such jurisdiction. For example in Sabah, anyone who collects or has in his possession or sells any turtle eggs, commits an offence under *Section 87* of the *Wildlife Conservation Enactment 1997* and shall be liable on conviction to a fine of RM 50,000 or five years imprisonment or to both.

It was also stressed that sea turtles migrate over far distances throughout their life, crossing boundaries of different countries. These different areas understandably fall under different sets of jurisdictions, for example the *Coral Triangle Initiative (CTI)*, *TIHPA, Sulu-Sulawesi Marine Ecoregion (SSME)*, and therefore there is an overlap of national obligations. Hence, the Attorney General’s Chambers strongly suggested that before signing any bilateral or multilateral treaties, for example the *Indian Ocean-South East Asian Marine Turtle Memorandum of Understanding (IOSEA)*, there is a need to first coordinate the efforts among local agencies and later establishing a strong collaboration by signing the memorandum to cooperate with the other countries to tackle the issue. However, there were mixed feelings among the stakeholders on the signing of the IOSEA memorandum. Some felt that there was no urgent need for this as Malaysia already has adopted good strategies, policies, and legislation to deal with the matter.

In addition to that, the meeting also highlighted the conservation efforts currently being undertaken by the relevant agencies as well as provided suggestions to address the identified issues.

The suggestion to establish a National Task Force to tackle the issue of turtle poaching was also discussed at the *Roundtable*. However, the stakeholders agreed that there is a pressing need to forge better coordination between all relevant enforcement agencies by conducting regular meetings on the subject to share information and discuss issues relating to turtle poaching in Malaysian waters rather than setting up a task force to deal with the issue. It was also suggested that the task force be called a *Discussion Group or Working Group*, instead.

Besides that, it was also agreed that there is the need to adopt a holistic, multi-pronged approach to fight the problem not only at sea but also on land where the root cause is. As long as there is demand for turtles and their products, poaching activities will continue. As such, it was
reiterated that stricter enforcement on land is needed. NGOs are urged to step up on activities that raise awareness and educate the public on the importance of preserving these ancient creatures.

**Conclusion**

It was encouraging to note that the stakeholders concurred that urgent actions are needed to protect the critically endangered turtle population and also their willingness to work closely to fight the problem of turtle poaching in our waters by foreign fishing vessels. They also concurred that only through a comprehensive and sustained approach, which includes enforcement, scientific technology, socio-economic, education and diplomatic dimensions, can the problem of poaching by foreign fishing vessels be eradicated, safeguarding these critically endangered species from their biggest threat - humans.

Below are some of the recommendations and follow-up actions suggested by the stakeholders:

- **MMEA** should be the lead agency in issues relating to maritime enforcement.
- To conduct annual *Roundtable Discussion* for the purpose of exchanging information on the subject matter. In relation to this, it was suggested that a *Discussion Group* or *Working Group* be established to look into the subject matter.
- The National Plan of Action by the Ministry of Natural Resources and Environment (NRE) which was produced under the CTI should be used as a tool to spearhead turtle conservation. It should also be included and budgeted for in the 10th Malaysia Plan (2011-2015).
- Enforcement agencies should submit detailed reports with GPS positioning records on the sightings of foreign vessels in Malaysian waters to MOFA. This will allow MOFA to raise the matter at diplomatic level.
- To address the issue, enforcement activities need to be increased between March and May yearly, as this is when turtle migration is at its peak.
- It was proposed that representatives from the Malaysian government meet the Indonesian and Filipino counterparts to discuss on issues concerning turtle poaching.
- The public should be educated on the seriousness of the turtle poaching issue so that they will co-operate with other agencies and be informed on any turtle poaching activities. In reference to this, it was proposed that the issue be amplified through the media. This effort could also attract the private sector to support the cause.

- It was agreed that every species listed under the *Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)* should come under the local legislation as well.
- Overall, the stakeholders agreed that the *Roundtable Discussion* was productive and that the issue of turtle poaching requires urgent attention. It was suggested that MIMA continues to hold meetings and coordinate events on the issue.

**Events Leading to the Roundtable Discussion**

A workshop was held in Kuala Terengganu in June last year, to embark on a dialogue with Hainanese counterparts to seek solutions to the problem. The workshop was to document cases of foreign fishing vessels and fishermen apprehended for poaching marine turtles in Southeast Asia as well as those apprehended in their home countries. It was also to explore the opportunities to collaborate in conservation efforts. Government officers from Malaysia, the Philippines, and Indonesia, together with nine participants from Hainan Island of which two were provincial fisheries officers, attended the workshop. In November 2009, Dr Chan Eng Heng of the *Turtle Conservation Centre (TCC)* Terengganu, Dr Nicolas Pilcher of the *Marine Research Foundation (MRF)* Sabah, and Mr Kevin Hiew of the *World Wide Fund for Nature (WWF)*-Malaysia went on a study trip to Hainan Island, China, to
follow-up on the processes as well as to identify the opportunities for dealing with the problem. They discovered that the demand for turtle shell products in Hainan Island and the rest of China is enormous and that, the revenue generated from the industry is sufficient for those involved to ignore the concerns of local enforcement and penalties. Further, it is obvious that the Hainan Island authorities have not been able to halt the illegal activity now that more and more boats are heading overseas to harvest turtles. It was then suggested that, in cooperation with MIMA, a Roundtable Discussion be held among the experts on turtles and the relevant enforcement agencies in Malaysia to highlight and redress the issues as well as to identify ways to boost national effectiveness in dealing with the problem.

The Roundtable Discussion comprised representatives from local enforcement departments and relevant agencies. At the event, they concurred on the need for promoting turtle conservation in Malaysia through better enforcement. There was an encouraging turn-out of participants from the relevant national enforcement departments and agencies including the Malaysian Maritime Enforcement Agency, Royal Malaysian Navy, Department of Fisheries Malaysia, Department of Fisheries Sabah, Department of Marine Parks Malaysia, Sabah Parks, National Oceanographic Directorate, Ministry of Foreign Affairs, Attorney General’s Chambers, and TRAFFIC (the wildlife trade monitoring network) Southeast Asia. The Roundtable was also held to raise awareness on the importance of marine turtles to the ecosystem as well as the critical need for better enforcement through collaborative action and enhanced communication among key agencies in Malaysia in addressing the issue.

There were briefings which covered aspects ranging from the biology and conservation efforts in the country to the current status of the turtle populations and marine turtle products trade as well as related issues and threats posed by foreign fishing vessels poaching turtles. For instance, Dr Pilcher spoke on the biology and conservation of marine turtles while Dr Chan and Mr Hiew spoke on the current status of the issue and some of the initiatives that have been undertaken to address the matter. Thereafter, Mrs Noorainie Awang Anak of TRAFFIC Southeast Asia also spoke on the marine turtle products trade in Vietnam, followed by a briefing on the proposed enhancement of enforcement actions by Miss Cheryl Rita Kaur of MIMA. Next, was an open discussion on the sea turtle poaching issue which was chaired by Mr Nazery Khalid of MIMA.

Cheryl Rita Kaur is a Senior Researcher at the Centre for Coastal & Marine Environment, MIMA;

Chen Pelf Nyok is from the Turtle Conservation Centre, Terengganu;

Dr Nicolas Pilcher is from the Marine Research Foundation, Sabah;

Kevin Hiew is from the WWF, Malaysia;

Dr Chan Eng Heng is from the Turtle Conservation Centre, Terengganu