



SEA VIEWS

MIMA'S ONLINE COMMENTARY ON MARITIME ISSUES

No. 6/2009

31 December 2009

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ENHANCING ENFORCEMENT ON POACHING OF TURTLES BY FOREIGN FISHING VESSELS: THE WAY FORWARD FOR MALAYSIA

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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, hence commercially important species such as shrimps, lobster, and fish thrive. This translates to better sea harvest, boosting the income of the fishing industry. Besides that, 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 ecosystem. To illustrate this, it has been documented that the collapse of Leatherback turtles' population is partly responsible for the jellyfish boom in the Pacific Ocean as jellyfish is the Leatherbacks' main diet. This adversely affects commercial fishing there. Besides an icon of the country's marine heritage, turtles also act as an attraction to snorkelers and scuba-divers. These creatures, which have existed since prehistoric days, indirectly contribute to the economy through tourism-related activities.

Threats Plaguing Turtle Populations

Turtles are said to be remnants of the dinosaur age. However, this may be true soon as turtles are currently under serious threat. Besides their many natural predators, turtles are also threatened by commercial fishing, pollution, and coastal development. In addition, poaching has become a serious threat to turtles and has to be redressed immediately. This illegal activity has drastically reduced the turtle population in the last few decades as they are usually caught in large numbers. It is, therefore, essential to find ways to curb or eradicate this illegal activity to ensure their survival and conservation efforts are not wasted.

Critically-endangered marine turtles in Southeast Asia are targeted by foreign vessels from Hainan Island in China and Viet Nam. The demand for turtle products remains high with many shops in Hainan Island and Viet Nam selling turtle products openly despite it is illegal to do so in these places. Countless turtles have been slaughtered and sold as food, medicine and also 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 incidents of encroachment in the Southeast Asia regional waters by foreign fishing vessels in search of turtles. Over the years, many foreign vessels have been apprehended in Malaysia, the Philippines and Indonesia, with thousands of turtles seized. Between 2004 and 2007 alone, several cases of turtle poaching made headlines in the media, causing outcry and outrage among concerned stakeholders. In May 2004, marine police arrested

16 fishermen from the Hainan Island when about 160 dead marine turtles were found in the trawler. In 2005, more than 100 marine turtles were seized from a Hainan trawler which encroached into Malaysian waters, off Labuan. In addition to that, 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 the Hainan Island 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 recovered.

These are just several cases reported in the media. There could be many other incidences of poachers getting away with their harvests. It is feared that the ongoing capture and slaughter of turtles will drive the regional turtle population to extinction. It is likely that for every incident in which the poachers are apprehended, countless others escape the radar screen of the enforcement agencies and hence not accounted for. As such, it is difficult to ascertain the exact number of turtles that have been poached from the Malaysian and regional waters.

Strict enforcement of laws is definitely the way to curb poaching in Malaysian waters. This is vital for turtle conservation in Malaysia and the region. In Malaysia, turtles are protected by the *Fisheries Act 1985* as well as state government policies and enactments. Enforcement of Malaysia's turtle conservation laws is provided for in the *National Plan of Action for Turtles* and also in the Malaysia's *Coral Triangle Initiative Plan of Action*. Despite the legislations to protect these magnificent creatures, the slaughter continues. To the poachers, the monetary returns from the sale of turtles and their products are just too tempting. It is the lack of enforcement rather than legislation that allows the poaching to go on.

Efforts Undertaken to Combat Poaching

Acknowledging the seriousness of the issue, MIMA in collaboration with the World Wildlife Fund (WWF) Malaysia, Marine Research Foundation (MRF) Sabah, and the Turtle Conservation Centre (TCC) Terengganu, organised the *Save Our Treasure – Turtles: Roundtable Discussion to Enhance Enforcement on Poaching by Foreign Fishing Vessels* on 15 December, 2009. This was the second meeting on the matter in 2009. The first workshop was organised by several concerned non-governmental organisations (NGOs) and the International Union for Conservation of Nature (IUCN) Marine Turtle Specialist Group in Terengganu in June, 2009. During the meeting, a number of key officials, media representatives and academicians from Hainan shared on developing solutions to the poaching problem and addressed concerns on the effect of poaching, on the regional turtle population.

The roundtable discussion featured representatives from local enforcement departments and agencies who concurred that there is a need for promoting turtle conservation in Malaysia through beefed up enforcement. There was an encouraging turn out of participants from the relevant national enforcement departments and agencies including the Malaysian Maritime Enforcement Agency (MMEA), Royal Malaysian Navy, Department of Fisheries Malaysia, Department of Fisheries Sabah, Department of Marine Park Malaysia, Sabah Parks, National Oceanographic Directorate, Ministry of Foreign Affairs, Attorney General's Chambers, and TRAFFIC Southeast Asia. The roundtable was also held to raise awareness on the importance of the marine turtles' role as well as the critical need for better enforcement through collaborative action and enhanced communication among key agencies in Malaysia to address the issue. In line with that, the meeting also discussed on the viability of establishing a task force comprising enforcement agencies, key government departments and NGOs to combat the problem.

The Way Forward

From the experts' presentations at the roundtable, it is apparent that turtles are endangered to the point of possible extinction due to unrestricted poaching. This is not only poses a threat to our important natural resource, but also challenges the sovereignty of nations. As such, it is imperative that further conservation measures be taken to ensure the turtles' survival and protect sovereignty. However, it is encouraging to note that enormous progress has been made in terms of capacity-building among the stakeholders, which has coordinated their efforts to combat poaching over the years. Nevertheless, the stakeholders acknowledged that more can be done to address the issue more effectively and comprehensively.

Among the suggestions forwarded at the roundtable discussion on fighting poaching were forging better coordination between all the relevant enforcement agencies, conducting regular meetings on the subject to share information and discuss issues relating to turtle poaching in Malaysian waters by foreign fishing vessels as well as promoting public-private partnership in generating financial resources to fund conservation activities. Besides leveraging on the existing strengths at national level to tackle the issue, it was proposed that there should be better coordination between Indonesia, Malaysia, and the Philippines at the *Sulu-Sulawesi Marine Ecoregion* (SSME) level as well as the government-led *Coral Triangle Initiative* (CTI) level to promote bilateral and multilateral cooperation on the issue. However, a recommendation for Malaysia to sign the *Indian Ocean – South-East Asian* (IOSEA) *Marine Turtle Memorandum of Understanding* received mixed feelings from the stakeholders.

In addition, it was also mentioned that the issue of poaching could be raised at the diplomatic level, either bilaterally or multilaterally. For instance, this can be carried out at the *Association of Southeast Asian Nations* (ASEAN) or *Asia-Pacific Economic Cooperation* (APEC) levels. Another suggestion was to search the multilateral conventions such as the *Convention on Biological Diversity* (CBD), and *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (CITES) for relevant provisions that can be used to counter the poaching threats.

It was encouraging to note that the stakeholders concurred that urgent action is needed to protect the endangered turtle population and their willingness to work close to fight the problem of

foreign fishing vessels poaching turtles in our waters. They also agreed on the need to adopt a holistic, multi-pronged approach to fight the problem not only at sea but also on land where the root is. As long as there is demand for turtles and their products, poaching will continue. As such, it was reiterated that stricter enforcement on land is needed. NGOs are urged to step up activities on raising awareness and educating the public on the importance of preserving these creatures. Only through a comprehensive and sustained approach that include enforcement, scientific technology, socio-economic, education and diplomatic dimensions can the problem of poaching by foreign fishing vessels be eradicated, safeguarding these endangered species from their biggest threat - humans.