



## REPORT ON THE MARINE TURTLE CONSERVATION SEMINAR AND WORKSHOP IN MALAYSIA, 1ST - 3RD SEPTEMBER 2015

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A report based on Watts and Migraine (2015).

### BACKGROUND

Green (~2,400 nesting turtles annually), hawksbill (~500 nesting turtles annually), leatherback (<10 nests per year), and olive ridley (<10 nests per year) sea turtles nest in Malaysia. Some nesting populations of green and hawksbill turtles are believed to be stable, but severe declines in leatherback (99%) and olive ridley turtle (95%) populations have been observed since the 1960's. The size and status of foraging populations are largely unknown, although feeding green and hawksbill turtles have been observed in Malaysian waters (Liew, 2002).

Threats to sea turtles in Malaysia include: unintentional fishing bycatch; illegal, targeted poaching of turtles at sea; trade and consumption of eggs by humans; habitat degradation, disturbance and increased coastal development; and, natural predation of eggs such as through lizards, crabs and birds (WWF-Malaysia, 2016). The IUCN Red List of Threatened Species categorises global leatherback (Wallace *et al.*, 2013) and olive ridley (Abreu-Grobois & Plotkin, 2008) turtle as 'Vulnerable', green turtles as 'Endangered' (Seminoff, 2004), and hawksbill turtles as 'Critically Endangered' (Mortimer & Donnelly, 2008). However, the West Pacific Ocean subpopulation of leatherback turtles is regarded as Critically Endangered (Tiwari *et al.*, 2013); this is the only species of sea turtle found in Malaysian waters for which a subpopulation assessment has been completed and the Red List category for other species in this region may also differ from that of global populations.

Concerns about declining sea turtle population numbers and inadequate legislation to protect sea turtles were underlying factors for holding the seminar and workshop. Legislation to protect sea turtles in Malaysia is inconsistent among states. (Malaysia is a federal state

comprising 13 states and three territories divided into two regions, Peninsular Malaysia (11 states and two territories) and Borneo (two states)). Under the Malaysian Federal Constitution, legislation may be enacted either by the Federal Government through the Parliament or by State Governments through State Legislative Assemblies. The Federal Constitution specifies which topics fall within federal (Article 74(1)), state (Article 74(2)) or joint authority (Federal, State and Concurrent Lists). Article 75 provides overriding power to laws made by Federal Parliament in the event of inconsistency between federal and state laws. Under the Federal Constitution, sea turtles are included in Item 12 on the States' list of mandates, so legislation, therefore, falls under the mandate of state governments. However, the Fisheries Act 1985 makes the federal government responsible for the conservation and management of sea turtles in waters within the Federal Territory of Kuala Lumpur and Labuan, as well as in areas outside the jurisdiction of any state in Malaysia (nine nautical miles from the shore).

Malaysian States can, therefore, enact legislation either through the States' Legislative Assemblies (with reference to the States' list of mandates), or with reference to section 1 of the Fisheries Act 1985, where relevant. In Borneo, both Sabah and Sarawak have listed marine turtles as totally protected under the Sabah Wildlife Conservation Enactment 1997 and the Sarawak Wildlife Protection Ordinance 1998, respectively. Two states on Peninsular Malaysia have enacted legislation on turtles: Terengganu and Perak. The Terengganu Turtle Enactment 1951 (amended 1987) prohibits the killing and taking of turtles and regulates the collection of turtle eggs via a licensing and tender system; however, there is no mention of the conservation of turtle habitats and the Enactment uses local Malay names with no definition at species level. The Perak River Rights Enactment 1915 only applies specifically to the Perak River within this State. The Enactment prohibits the

killing of turtles, but does not describe conservation of turtle habitats. The Sultan is given an exclusive right to collect turtle eggs laid within a specifically defined area.

Five states (Melaka, Penang, Johor, Negeri Sembilan, and Kelantan) have enacted Rules pursuant to the Fisheries Act 1985. Both the Melaka Fisheries (Turtles and Turtle Eggs) Rules 1989 and the Penang Fisheries (Turtles and Turtle Eggs) Rules 1999, which use the term “marine turtles” only with no definition of species, allow for state authorities to create marine turtle conservation reserves and provide for a licensed egg collection system. The Johor Fisheries (Turtles and Turtle Eggs) Rules 1984, Negeri Sembilan (Turtles and Turtle Eggs) Rules 1976, and Kelantan (Turtles and Turtle Eggs) Rules 1978 all use order *Chelonia* and local names with no definition of species, and allow licensed egg collection and tourism at turtle nesting areas, as well as the killing of turtles with the payment of a RM100 (USD23) fee.

#### MARINE TURTLE CONSERVATION SEMINAR AND WORKSHOP

The IOSEA initiated the sea turtle conservation seminar and workshop in Malaysia, 1<sup>st</sup>-3<sup>rd</sup> September 2015, which was organised by the Office of the Scientific Adviser to the Prime Minister of Malaysia and held at the University of Malaysia Terengganu. Three preparatory Stakeholder sessions, involving government representatives, marine scientists and conservationists, occurred prior to the seminar to develop the programme.

During the three-day program 85 representatives from government, scientific institutions and NGOs discussed the most important policy and legal interventions to enhance sea turtle conservation in Malaysia. Prof. Zakri, Scientific Adviser to the Prime Minister, emphasised that the discussion on sea turtle conservation in Malaysia had been occurring for more than two decades and that urgent action was needed and should result from this seminar. Presentations by the Executive Secretary of the Convention on Migratory Species (CMS) and the Coordinator of the Indian Ocean South-East Asia Marine Turtle Memorandum of Understanding (IOSEA MoU) explained the objectives, functioning and benefits for Malaysia to be a party and Signatory to the relative agreements, as Malaysia is currently a Signatory to the IOSEA MoU but not a party to CMS.

A detailed account of current laws and policies relate to marine turtles in Malaysia was followed by a number of presentations by government officials from different Malaysian States and NGOs. The presentations indicated that a number of strong conservation efforts are currently

occurring, but that overall legislation was too disparate and weak to stop the decline in sea turtle populations. This was reconfirmed during the break-out sessions when participants reviewed Malaysia’s National Plan of Action for Marine Turtles. Meeting participants were also given the opportunity to visit the Pulau Redang Turtle Sanctuary in Chagar Hutang, Kuala Lumpur.

#### KEY RECOMMENDATIONS

Participants at the seminar and workshop recommend that the Government of Malaysia:

- Review Malaysia’s current National Plan of Action (NPOA) on Marine Turtles and update the document for the years 2016-2020. The document should incorporate a clear policy direction and priority issues identified with a monitoring mechanism and timelines stipulated for the achievement of each action to be undertaken. This task is to be completed by December 2015;
- Reactivate the Malaysian Sea Turtle Working Group (MSTWG) by November 2015 with multi-stakeholder membership and its Terms of Reference spelt out;
- Introduce a nation-wide ban on the selling of marine turtle eggs, as well as marine turtles and other derivatives by December 2016;
- Establish a dedicated multi stakeholder task force to re-examine the legal framework on turtles, and propose amending current legislations or create a new legislation to strengthen the governance of marine turtle conservation in Malaysia. This task force should complete its work by June 2016; and
- Take immediate actions for Malaysia to accede to the Convention on Migratory Species, subject to reservation if need be, by April 2016.

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## REPORT ON THE SUB-REGIONAL WORKSHOP TO ESTABLISH THE NORTHERN INDIAN OCEAN MARINE TURTLE TASK FORCE (NIO MTTF), 11-12TH OCTOBER 2015, MALÉ, MALDIVES

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A report based on documents and statements arising from the sub-regional workshop to establish the NIO MTTF available at the IOSEA website ([http://www.ioseaturtles.org/content.php?page=NIO-MTTF\\_Reports](http://www.ioseaturtles.org/content.php?page=NIO-MTTF_Reports)).

### BACKGROUND

Five species of sea turtle nest in the Northern Indian Ocean (NIO): green, hawksbill, leatherback, loggerhead, and olive ridley. The IUCN Red List of Threatened Species categorises global olive ridley (Abreu-Grobois & Plotkin, 2008) turtle populations as 'Vulnerable', green turtles as 'Endangered' (Seminoff, 2004), and hawksbill turtles as 'Critically Endangered' (Mortimer & Donnelly, 2008). The global population (Casale & Tucker, 2015) and East Indian Ocean subpopulation (Casale, 2015) of loggerhead turtles are both regarded as 'Critically Endangered'. Global populations of leatherback turtles are categorised as 'Vulnerable' (Wallace *et al.*, 2013); however, the Northeast Indian Ocean subpopulation of leatherbacks is categorised as 'Data Deficient'. Subpopulation assessments have not been completed for all species in the NIO, so Red List categories for olive ridley, green and hawksbill sea turtles in this region may differ from that of global populations.

Discussions during the seventh meeting of signatory

States to the Indian Ocean and South-East Asia (IOSEA) Memorandum of Understanding (MoU) in 2014 identified the need to establish a dynamic Task Force for implementation of the IOSEA MoU in the NIO region. Hence, a two-day regional workshop was held from the 11-12<sup>th</sup> October 2015 in Malé, Maldives. The workshop was hosted by the Government of the Maldives and organised by the Marine Research Centre. Participants included governmental and non-governmental representatives from Bangladesh, India, Maldives, Pakistan and Sri Lanka, regional experts and resources persons, and the IOSEA Secretariat.

Presentations by a representative from each country highlighted the greatest threats to sea turtles in the NIO, which were described as bycatch, habitat destruction, beach illumination, poaching of sea turtles and eggs, nest predation, and potential impacts of climate change. The forthcoming expiration (early 2016) of the moratorium to kill sea turtles in the Maldives was also noted. Current conservation actions to address these concerns range from bycatch monitoring, seasonal fishing bans, predator control, awareness and education programs, and law enforcement. A presentation about ghost gear in the Indian Ocean, a threat which effects sea turtles