



Law & Policies on Malaysia's Sharks and Rays

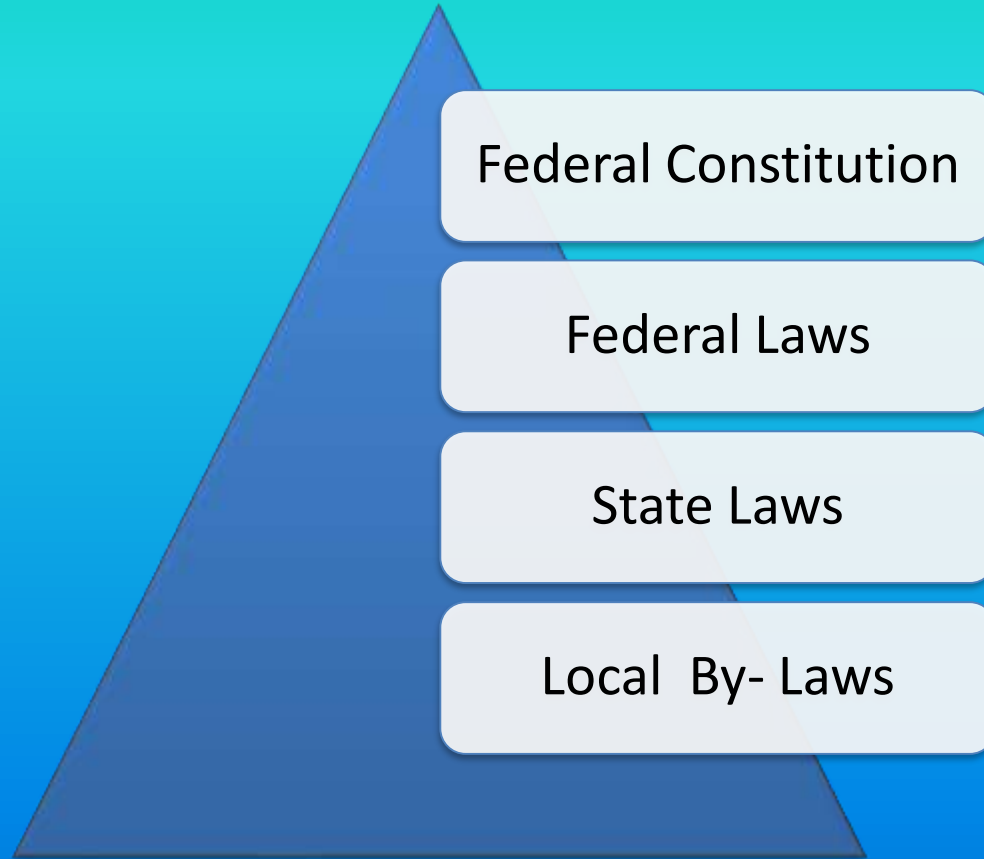
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1,2,3,4,5, once I saw a saw
alive; 6,7,8,9,10, when will
I ever see one again.



General Legal Structure





Some Key International Commitments

Convention on
Biological Diversity

United Nations
Convention on the
Laws of the Sea

Convention on
International Trade in
Endangered Species of
Wild Flora and Fauna

Coral Triangle Initiative



Legal Jurisdiction

Spatial/ Area Based

Subject
Matter

Federal

State

Concurrent



Spatial/ Area Based Jurisdiction



Inland Waters

Exclusive
Economic Zone

Territorial Sea

State Coastal
Waters

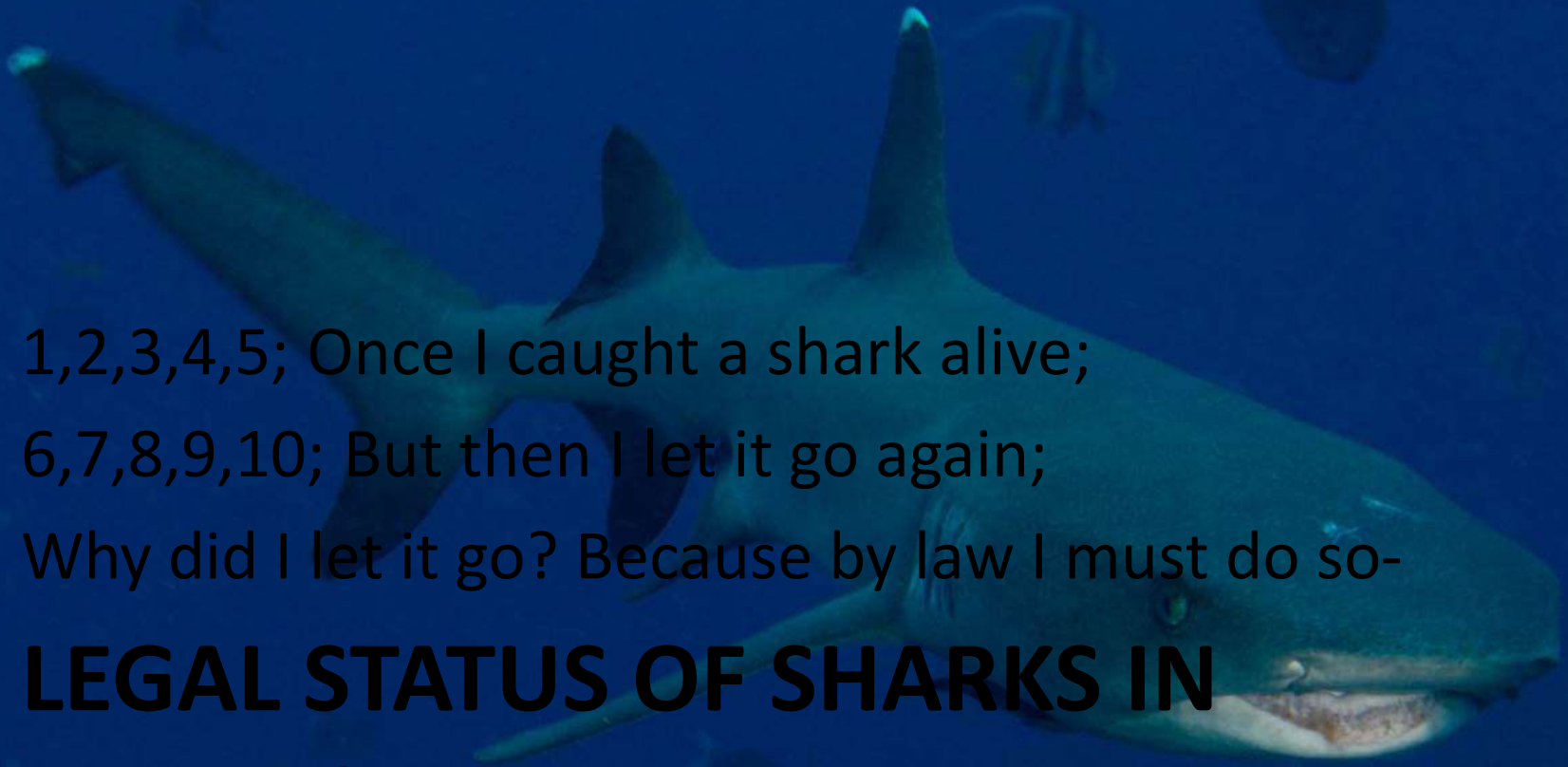
Subject Matter Jurisdiction





1,2,3,4,5; Once I caught a shark alive;
6,7,8,9,10; But then I let it go again;
Why did I let it go? Because by law I must do so-

LEGAL STATUS OF SHARKS IN MALAYSIA





Question

1. Are sharks protected under Malaysian Laws?
2. Are sharks a targeted fishery or bycatch?
3. Which is applicable in Malaysia?
 - i. A Fin Ban
 - ii. A Finning Ban
 - iii. A ban on the killing of Sharks

Fisheries Act 1985

- "fish" means any aquatic animal or plant life, sedentary or not, and includes all species of finfish, crustacea, mollusca, aquatic mammals, or their eggs or spawn, fry, fingerling, spat or young, but does not include any species of otters, turtles or their eggs;

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CITES and ITESA

- CITES Appendix I
 - • Sawfish (seven species) (Pristidae)
- CITES Appendix II
 - • Manta Rays (Manta spp.)
 - • Basking Shark (Cetorhinus maximus)
 - • Whale Shark (Rhincodon typus)
 - • Great White Shark (Carcharodon carcharias)
 - • Porbeagle Shark (Lamna nasus)
 - • Oceanic Whitetip Shark (Carcharinus longimanus)
 - • Scalloped Hammerhead (Sphyrna lewini)
 - • Great Hammerhead Shark (Sphyrna mokarran)
 - • Smooth Hammerhead Shark (Sphyrna zygaena)
 - • Mobula (Devil) Rays (Mobula spp.)
 - • Silky Shark (Carcharhinus falciformis)
 - • Thresher Sharks (Alopias)
- ITESA-
 - Appendix I lists 6 species of saw fish [the seventh species, a fresh water species is listed in Appendix II]
 - Additionally Appendix II lists:
 - • Freshwater Sawfish (Pristis microdon)
 - • Basking Shark (Cetorhinus maximus),
 - • Great White Shark (Carcharodon carcharias), and
 - • Whale Shark (Rhincodon typus).
 - 7 species of Rays

Fisheries [Control of Endangered Species of Fish] Regulations 1999]

- Whale shark
- 7 species of saw fish



Existing Legal and Policy Instruments

Mechanism	
Permits	Could limit catch to sustainable levels but not ban exploitation
Gear Modifications / Specification	Reduce bycatch but does not ban all exploitation
Finning Ban	Regulates method of shark killing Deters wastage
Restriction on killing or trade for specific species	Protection of Endangered Species
Marine Reserves/ Totally Protected Areas	Generally no exploitation of fishery resources
Shark Sanctuary	Generally no commercial exploitation of sharks
Fiscal incentives	- Objective to deter IUU and encourage landing of commercial fish species



List of Laws

Federal Laws

- Territorial Sea Act 2012
- ITESA 2008
- Customs Act- Prohibition of Import/ Export
- Fisheries Act 1985
- Merchant Shipping Ordinance 1952

State Laws

- Parks Enactment
- Wildlife Conservation Enactment
- Land Ordinance
- Town and Country Planning Ordinance



Some Key National Policies

- National Agro Food Policy
- National Plan of Action (NPOA) for the Conservation and Management of Sharks
- National Plan of Action on the Coral Triangle Initiative
- National Plan of Action on Preventing and Eliminating Illegal Unreported and Unregulated Fishing
- National Policy on Biological Diversity



NPOA : Sharks

- Main Goal: to conserve, rehabilitate and sustain sharks and rays resources in Malaysia
- Action Plan:
 - i. Improvement of Data Collection
 - ii. Rectifying the Negative Perception on Sharks and Rays
 - iii. Intensifying Capacity Building
 - iv. Strengthening Management and Conservation
 - v. Strengthening Law and Enforcement
 - vi. Comprehensive and Coordinated Research
 - vii. Securing Funding



Effectiveness of Existing Mechanisms

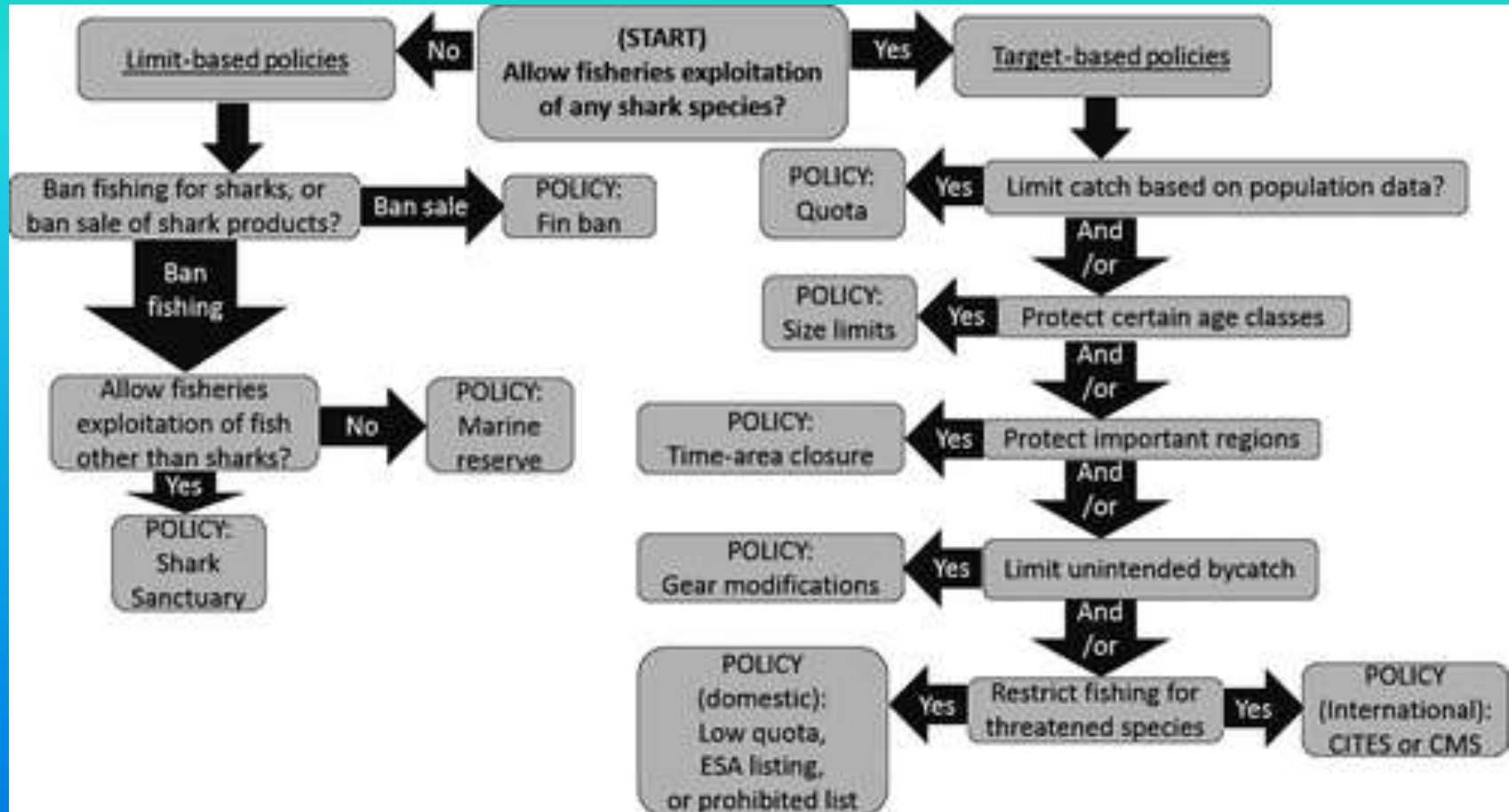
Activities Impacting Sharks	The Role of Laws and Policies in mitigating such threats	Remarks
Bycatch	Low	Generally no restriction on landing of shark bycatch Generally no means to manage demand for shark bycatch
Domestic Trade	Low	Generally no regulations on trade and consumption of shark products
International Trade	Medium	General restriction on import and export of CITES listed species
Shark Finning	Medium	Whilst wastage is minimised and how sharks are killed is regulated, it does not curb the exploitation of sharks
Habitat destruction	Low/ medium	Laws establishing marine protected areas exist but impact not fully understood



What policies and laws need to be strengthened?

- Is the Fisheries Act 1985 compatible with EAFM principles?
- Are there sufficient bycatch related laws and policies?
- How do other sectoral policies complement efforts in conserving and managing shark and rays?
- Are fresh water sharks and rays adequately protected?
- Should more species be protected under the 1999 Fisheries Regulations Control of Endangered Fish Species?
- Do we need more Marine Protected Areas?

Shark conservation and management policy: a review and primer for non-specialists





Enabling Conditions for Better Conservation and Management of Sharks

1. Scientific data at the species level
2. Enforcement of Laws
3. Resources for implementation of commitments under policies/ NPOAs and laws-
4. Political will
5. Timely review and updating of policies and laws



Thank You

WWF Malaysia

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