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*Ocean Governance:*

# MALAYSIAN POLICIES AND PERSPECTIVE

Marine Coastal And Delta Sustainability for Malaysia



Faculty of Science and Marine Environment



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# CONTENTS

## INTRODUCTION

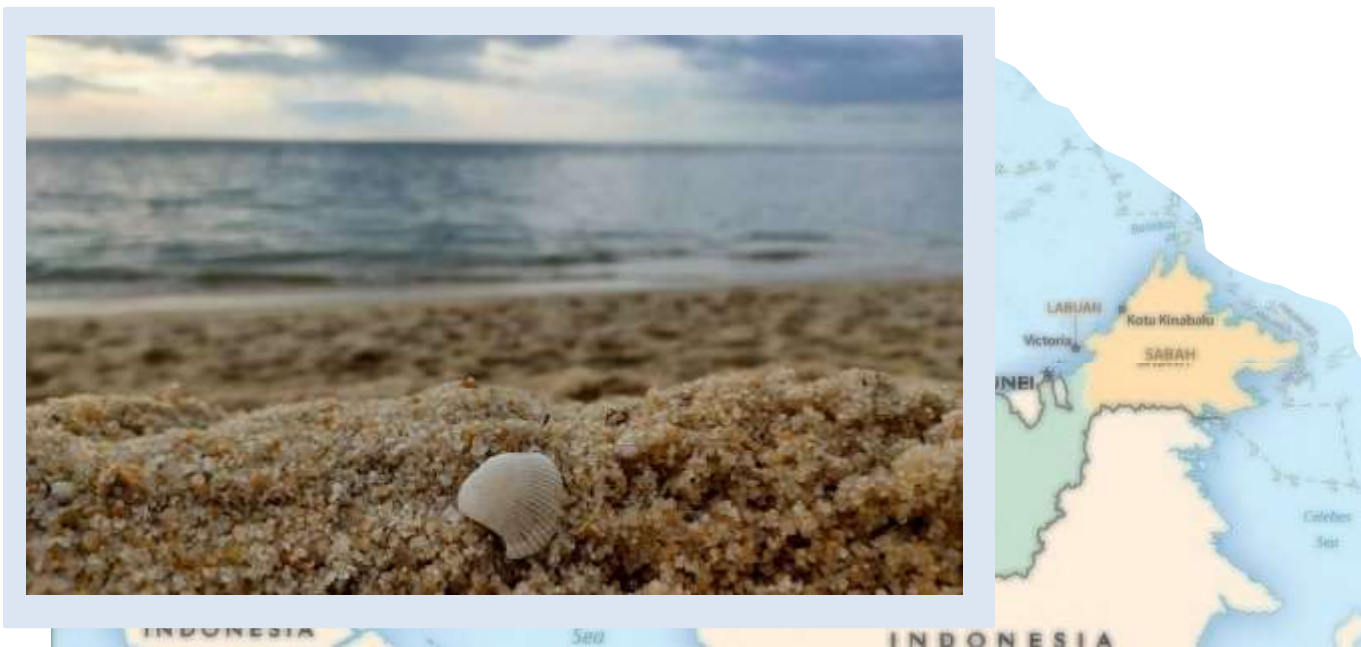
Law and policies of ocean was enacted to protect the ocean in Malaysia from human-caused damaged.

There are several agencies involved in monitoring human activities in Malaysian waters, among them are Marine Department Malaysia, Malaysian Maritime Enforcement Agency, Department of Environment Malaysia, Department of Irrigation and Drainage Malaysia and Ministry of Water, Land and Natural Resources.

All these agencies monitor, survey, and enforce the law and can even take action if any individual trying to against the law that could cause damage to the sea.

### **United Nations Convention on Biological Diversity 1992 (UNCBD), Enabling Instruments Include the National Policy on Biological Diversity.**

The Convention on Biological Diversity (CBD) main objective is to conserve the biological diversity and lead to a sustainable future (United Nation, 1992). Malaysia has formulated the National Policy complemented Malaysia's obligation under United Nations Convention on Biological Diversity as Malaysia recognized the challenges that threatening the biodiversity in Malaysia.





In National Policy on Biological Diversity 2016-2025 includes the conservation of terrestrial habitat, coastal and marine habitats and flora and fauna diversity conservation.

Fisheries Act 1985 (Act 317), Amendment 2012, Section 27, Aquatic Mammal or Turtles in Malaysia Fisheries Waters mentioned that no person should disturb, harass or catch any aquatic mammals or turtles which found in Malaysian waters.

If any of this aquatic mammals or turtles was accidentally caught, need to be released immediately or if it is dead, need to report to the fisheries officer. If any individual catch or disturb these aquatic mammals or turtles, can be fine maximum RM5,000.



Source: Berita harian, 2020

Also, mentioned in Wildlife Protection Ordinance 1998, Amendment 2008, Section 29, Totally protected animals and protected animals that any person who hunt, kill or sell any protected animals shall be guilty and can get penalty according to individual's guilt.

In July 2020, an article reported a man was fined for RM5,000 for processing 214

turtle eggs without the permission from the Controller of Wildlife and was arrested during carried out the selling session at a market in Kuching, Sarawak.



Source: The Star, 2015



## International Convention for the Prevention of Pollution from Ships (MARPOL)

This notice is to inform shipping community that Malaysia was confirmed International Conventions for Pollution from Ships (MARPOL) 73/78, Annex IV : Regulations for the Prevention of Pollution by Sewage from ships on 27th September 2010. This regulation applied to Malaysian and foreign ships while in Malaysian waters and the ship equipment and sewage discharge need to follow the regulation according to the MARPOL Annex IV (Marine Department Malaysia, 2011).

As mentioned in Section 29, Prohibition of Discharge of Waste Into Malaysian Waters, Environmental Quality Act, 1974 (Act 127), no person can discharge waste into Malaysian waters unless licensed. Any individual breaking the law, can be fined not more than RM500,000 or can be imprisoned not more than five years or both (Environmental Act, 1974).



Source: New Straits Times, 2020

On 12<sup>th</sup> October 2020, multiple reports were received regarding oil spill in water of Pantai Cermin in Port Dickson, Negeri Sembilan and the near Tanjung Tuan, Melaka. The case was investigated under Environmental Act 1974 and the individuals can be charge of RM500,000 or not more than five years jail or both (“Authorities Clean Up Oil Spill in Port Dickson”, The Star News, 2020).



## Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal, 1989



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Basel Convention objective is to protect human health and environment from any hazardous wastes that can be discharge in land or waters (Basel Convention, 1989). In October 1993, Malaysia became a party of Basel Convention as Malaysia recognized the importance of Malaysia's environmental and economic well-being. Specific guidelines being used to assist any individuals involved in the import or export of hazardous waste in Malaysian land and waters (Department of Environment, 2004).

Environmental Quality Act 1974, (Act 127) Amendment 2006, Section 34B, Prohibition Against Placing, Deposits, and others of Scheduled Wastes mentioned that no person can place, disposed or cause or

permit to place, deposits except prescribed premises only on Malaysian land or waters. Any individual who against it can be fined not more than RM500,000 or maximum jail period of five years or both.

In June 2020, Malaysian Authorities discovered 110 shipping containers of waste that containing hazardous by-product of steel production and toxic elements such as lead and chromium at Port of Tanjung Pelepas. Malaysia is sending back the wastes to Romania and asking investigation of Interpol ("Malaysia Finds 1,800 Tonnes of Illegal Toxic Waste Dumped at Port", CNN news, 2020).



Source: CNN News, 2020



## FISHERIES ACT 1985

An act relating to fisheries, including the conservation, management and development of maritime and estuarine fishing and fisheries, in Malaysian fisheries waters, to turtles and riverine fishing in Malaysia and to matters connected therewith or incidental there to.

(Laws of Malaysia,  
Fisheries Act 1985)

### FISHING WITH EXPLOSIVE, POISONS MATERIALS

In Malaysia, there are fishermen that still using destructive fishing method and gear such as fish bombing for easy earning of fish. This method can cause destruction of mangrove and disappearance of certain species. In Sabah, fish bombing was happened at protected area which is Tunku Abdul Rahman Marine Park early this year.



News Straits Times, 2020



News Straits Times, 2020

Fisheries Act 1985 (Act 317), Part VI explained that if any individual using or trying to use any explosive substances, poisons or any gear that use electric current, to kill fish aims for easy earning fish catch will be charge RM100,000 for every member of the ship and in other case, the individuals will be charge not more than RM20,000 or will be imprisoned not more than 2 years or both.

Malaysian Maritime Enforcement Agency or any related agency can take action if any individuals trying to use any harmful method during fishing. Function of this law is to control of fishing by foreign fishing vessels in Malaysian fishing waters, offences, prohibitions and control of certain methods of fishing so that it will protect the marine life including the coral reefs from being destroyed by the explosive substances.

### **ENVIRONMENTAL QUALITY ACT 1974**

An Act relating to the prevention, abatement, control of pollution and enhancement of the environment, and for purposes connected therewith.

(Laws of Malaysia, Environmental Quality Act 1974)

### **WATER POLLUTION IN MALAYSIA**

Recently in Pasir Gudang, Johor Bahru, an incident occur regarding waste material released from a tyre factory that cause water pollution. Water pollution problems is one of the biggest problem in Malaysia. From one river that have polluted, it can affect the ecosystem and also the water from the river will flow to the sea, and affecting the marine life

To handle this water pollution problem, Environmental Quality Act is the main law that being used until now.

Environmental Quality Act 1974, (Act 127), Section 25, this act prohibit any individual from releasing, or put in any hazardous substances into any inland waters in Malaysia or will be charge not more than RM100,000 or will be imprisoned not more than 5 years or both with an additional fined of RM1,000 every day of the offense continued.

Agency that can take action are Department of Environment Malaysia and other agencies that are related. Function of this law is to control and prevent any hazardous substances released to the water and pollute the water quality and the ecosystem.



## **MALAYSIAN QUARANTINE AND INSPECTION ACT 2011**

An Act to provide for the Malaysian quarantine and inspection services for the purpose of providing integrated services relating to quarantine, inspection and enforcement at the entry points, quarantine stations and quarantine premises and certification for import and export of plants, animals, carcasses, fish, agricultural produce, soils and microorganisms and includes inspection of and enforcement relating to food and for matters connected to it.

(Laws of Malaysia, MAQIS Act 2011)

### **WEAKNESS OF LAW**

- The fine for protected animals is too low compared to the market price selling the protected animals. The seller can pay the fine and do the same activities as the price of the animals is higher than the fine and higher profit for them.
- There still some part that are not covered in the law such as the livestock that escaped from the aquaculture activities. As we know, there are some species cannot easily released to the open water.
- Poor restriction at Malaysia's boarder make it is easier for illegal containers containing wastes to enter Malaysia and dump the waste, and there is no further actions were take after the waste returned to the origin country.
- No strict laws to against oil pollution that pollute the environment and patrols need to be more stricter especially at the busiest route for ship to pass near Malaysian waters.

NO.	LAW	AGENCIES INVOLVED
1.	Fisheries Act 1985	Department of Fisheries MalaysiaForest Department SarawakDepartment of Malaysian Quarantine and Inspection ServicesMalaysian Maritime Enforcement Agency
2.	Environmental Quality Act 1974	Department of Environment MalaysiaDepartment of Irrigation and Drainage MalaysiaDepartment of Fisheries
3.	MAQIS Act 2011	Department of Malaysian Quarantine and Inspection ServiceDepartment of FisheriesRoyal Malaysian Customs Department



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Oceans are getting sicker,  
it's our responsibility to  
save it.



The future belongs to  
those who prepare for it  
today.



We know that when we  
protect our ocean, we are  
protecting our future.

Stop pollution quick.  
Don't make the water sick.



The belief that someone  
else will save it was the  
greatest danger to our  
planet. Why don't you ?



The more we treasure the  
ocean, the more we will  
find those beauty in it

