

TIGER TIGER, BURNING BRIGHT: A LEGAL PERSPECTIVE ON THE PLIGHT OF THE MALAYAN TIGER

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ABSTRACT

Today, the Malayan tiger faces an urgent and distressing situation. As of August 2023, there are fewer than 150 of these magnificent animals left in their natural habitat. Despite having in place laws, policies, action plans and various other efforts, the Malayan tiger population continues to show no signs of improvement. Using a qualitative method of an analysis of the relevant literature, this article seeks to analyse the conservation efforts made in Malaysia for the Malayan tiger, primarily from a legal perspective. In order to determine whether these conservation efforts are effective, a few references will be made to the legal regime currently in place in India and southern Africa, which has seen successful conservation numbers of the Bengal tiger and the African elephant, respectively. The findings show that Malaysia severely lacks a comprehensive and holistic legal framework that is catered specifically to the protection of the country's most endangered animal.

Keywords: Malayan tiger, biodiversity, conservation, law, policy

INTRODUCTION

There is no doubt that the tiger is an important symbolic character in Malaysia. It is Malaysia's national animal: two tigers are depicted in Malaysia's National Coat-of-Arms, and the national sports team are often referred to as the 'Malaysian Tigers' wearing yellow uniforms with black stripes (Department of Wildlife and National Parks Peninsular Malaysia, 2008). However, in the lush forests of Peninsular Malaysia, the Malayan tiger faces an urgent and distressing situation. Despite efforts, the stark reality persists: as of August 2023, there are fewer than 150 of these magnificent animals left in their natural habitat (The Star (2023); WWF Malaysia; Clements (2010)). The Malayan tiger is listed in Appendix I of the *Convention for International Trade in Endangered Species* (CITES) prohibiting their international commercial trade, is Totally Protected under the *Wildlife Conservation Act 2010*, and is classified as Critically Endangered under the International Union of

Conservation of Nature ('IUCN') Red List for Threatened Species (WWF Malaysia).

The Malayan tiger is found only on the peninsula and mainly inhabit three landscapes: (i) in the west, the Main Range Landscape (about 20,000 km²) which runs from the Malaysia-Thai border to Negeri Sembilan; (ii) in the east, Greater Taman Negara (about 15,000 km²) which includes Taman Negara National Park, the largest protected area in Malaysia; and (iii) in the south, the Southern Forest Landscape (about 10,000 km²) at the south of the Pahang River which is isolated from both the former landscapes (National Tiger Action Plan, 2008). To maximize conservation efforts, the continued dispersal of tigers within these landscapes is crucial. This can be done by ensuring that 'priority ecological corridors' (National Tiger Action Plan, 2008) are restored, maintained and managed appropriately so as to ensure the connectivity between these landscapes which are the roaming grounds of the Malayan tigers. These corridors include the areas of Belum-

Temengor, Taman Negara-Lebir-Tembat, Endau-Rompin-Mersing, and a narrow strip of forest connecting the Main Range and Taman Negara near the western border of the park in Pahang (National Tiger Action Plan, 2008).

The tiger is the apex predator in its ecosystem, and typically eats up to 20% of its own body weight in one sitting (National Tiger Action Plan, 2008). They are ‘energy maximisers’, which means that they prefer to feed on larger ungulates (hoofed animals) such as deer (barking deer, sambar deer) and wild pigs (bearded pigs) rather than smaller prey (National Tiger Action Plan, 2008; Gani, M. et al (2024)). The key threats facing the Malayan tiger today are habitat loss and forest fragmentation, illegal poaching and wildlife trade, human-tiger conflict, and declining prey base (National Tiger Action Plan, 2008; Ange S.L. Tan et al (2020)), as well as agricultural expansion, opening of new forest compartments for logging and infrastructure development (Clements, 2010) including roads, highways and townships, and other land use conversion (Shevade et al., 2017; Lynam et al, 2007). Research suggests that the North-South highway in western Malaysia connecting Thailand, Malaysia and Singapore ‘effectively eliminated all tigers west of that road’ (Kawanishi, et al., 2010; Kawanishi, et al., 2013). The Malayan tiger’s preferred prey, the sambar and barking deer, have significantly reduced due to illegal and over-hunting (Goldthorpe, 2011), to the extent that a hunting moratorium was issued on these two species of deer until 2021 (Dennis, et al. 2021). Meanwhile, the population of wild pigs including the bearded pig which is also a prey of the Malayan tiger, has also declined in recent times due to the African swine fever plague (Hakim, 2023; Durie, 2024).

To ensure the continued existence of the Malayan tiger’s habitat and abundant prey, tiger conservation efforts must necessarily include conserving the entire area conducive for the natural propagation of prey

in plentitude to cater as food for the tigers, such as the protection of forested areas, its biodiversity, water catchment areas, and such like. The main objective is to prevent habitat fragmentation and ensure connectivity ‘within a network of forest complexes through green linkages to form a contiguous forest spine for Peninsular Malaysia’ (Hakim, 2023; Durie, 2024), as tigers have been reported to cross roads and lands used by humans (for logging or development activities) to cover their territory, to mate, or locate food sources (Mohd Azlan & Sharma, 2003). Forest fragmentation may lead to insular pockets of tiger habitats, which in turn may lead to inbreeding; the lack of genetic diversity connotes vulnerability to extinction (Mohd Azlan & Sharma, 2003; Allberry, K., *et al.* (2024)).

However, despite having in place laws, policies, action plans and various other efforts, the Malayan tiger population continues to show no signs of improvement. This article seeks to analyse the conservation efforts made in Malaysia for the Malayan tiger, primarily from a legal perspective. In order to determine whether these conservation efforts are effective, reference will be made to the legal regime currently in place in India and southern Africa which has seen successful conservation numbers of the Bengal tiger and the African elephant, respectively.

INTERNATIONAL CONVENTIONS

THE CONVENTION ON THE INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (‘CITES’)

CITES remains the most immediate international answer aimed directly at ensuring that no species of wild fauna and flora becomes or remains subject to unsustainable exploitation because of international trade. At the moment, there are 184 member Parties and trade is regulated in more than 38,000 species. The CITES works by subjecting international trade in

specimens of selected species to certain controls. All import, export, re-export and introduction from the sea of species covered by the CITES has to be authorized through a licensing system (Articles III, IV, V and VI). Each Party to the Convention must designate one or more Management Authorities in charge of administering that licensing system and one or more Scientific Authorities to advise them on the effects of trade on the status of the species (Article IX).

The species covered by the CITES are listed in three Appendices, according to the degree of protection they need (Article II). Appendix I includes species threatened with extinction. All tigers (*panthera tigris*) are included in this list. Trade in specimens of these species is permitted only in exceptional circumstances. Although paved with good intentions, CITES comes with its own weaknesses (World Wildlife Crime Report, 2020) such as bribery and corruption at sourcing, transit and export stages; it does not address domestic trade; limited investigations and enforcement due to the fact that the trade must have an international character; and it is not comprehensive in covering all species of flora and fauna.

UNITED NATIONS CONVENTION ON BIOLOGICAL DIVERSITY ('CBD')

Ratified by 196 nations, the CBD was inspired by the world community's growing commitment to sustainable development. It represents a dramatic step forward in the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising from the use of genetic resources. The CBD covers biodiversity at all levels: ecosystems, species, genetic resources and biotechnology, for example through the Cartagena Protocol on Biosafety and the Nagoya Protocol on Access to Genetic Resources and Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity. In fact, it covers all possible domains that are directly or indirectly related to biodiversity and its development, ranging from

science, politics and education; to agriculture, business, culture and much more.

CONSERVATION EFFORTS IN INDIA AND SOUTH AFRICA

INDIA AND THE BENGAL TIGER

Just like the Malayan tiger, the Bengal tiger (*Panthera tigris tigris*) (indigenous to India, Nepal, Bangladesh and Bhutan) also once stared extinction in the face. However, India has managed to increase the Bengal tiger population through a series of actions, most notably the political will of the highest authority, followed by comprehensive legislation. Today, India has recorded an average total of 3,682 tigers - making it the home of 75% of the world's wild tigers, with an annual increase of about 6% (Armstrong, 2023).

At the Tenth General Assembly of IUCN held in New Delhi in 1969, the then Prime Minister of India, Indira Gandhi, declared a ban on the export of tiger and leopard skins, and on safari hunting (Rangarajan, 2001). In 1970, India imposed a total ban on tiger shooting, and in 1972 the Wildlife Protection Act ('WPA') was enacted (Khoshoo, 1997). The Act empowered any State Government to declare areas as sanctuaries or protected areas (WPA Chapter IV). In 1973, Project Tiger was launched, and began with nine tiger reserves: today there are 53, covering a range of protected habitats (International Union of Conservation of Nature (IUCN), 2023) covering nearly 5% of India's geographic area (Rastogi, et al., 2012). Bengal tiger numbers in India have grown from 1,411 in 2006 (the first year in which camera traps were used to estimate numbers) to 3,682 recorded in 2022 (Rastogi, et al., 2012).

In 2006, the WPA was extensively amended to include the establishment of a centralised National Tiger Conservation Authority ('NTCA') (WPA Chapter IVB). The NTCA has representation from both the

Federal and State Governments (WPA, s. 38L). Some of the more important powers and functions of the NTCA include to provide measures for addressing conflicts of men and wild animals, emphasizing on co-existence in forest areas outside National Parks, sanctuaries or tiger reserves (WPA, s. 38O(d)); to provide information on protection measures including future conservation plans and estimation of tiger population, prey, habitat, disease, mortality and patrolling (WPA, s. 38O(e)); to ensure that tiger reserves and areas linking one protected area or tiger reserve with another protected area or tiger reserve are not diverted for ecologically unsustainable uses (WPA, s. 38O(g)); and to ensure critical support be it scientific, information technology and legal support for better implementation of the tiger conservation plan (WPA, s. 38O(i)). The NTCA is accountable to India's Parliament (WPA, ss. 38S and 38T).

The WPA also obligates the State Government, on the recommendation of the NTCA, to notify an area as a tiger reserve (WPA, s. 38V), and to prepare a Tiger Conservation Plan including staff development and deployment for the proper management of the tiger reserve (WPA, s. 38V(3)), whilst at the same time ensuring the agricultural, livelihood, developmental and other interests of the people living in tiger bearing forests or a tiger reserve (WPA, s. 38V(4)). The boundaries of a tiger reserve cannot be altered, except on a recommendation of the NTCA and the approval of the National Board for Wild Life (WPA, s. 38W & s. 5A). A Tiger Conservation Foundation is also set up under the WPA, to among others 'augment and mobilise financial resources', to promote eco-tourism and to involve local stakeholder communities (WPA, s. 38X.). Finally, the WPA also establishes a Wild Life Crime Bureau, which is among others, empowered to co-ordinate the actions of various officers, State Governments and other authorities in connection with the enforcement of the

provisions of the WPA (WPA Chapter IVC, s. 38).

Over the years, many protected areas (managed by State Governments) were re-designated as tiger reserves (managed by the NTCA, a Federal agency) (Rastogi, et al., 2012). This was reinforced with increased staffing for patrol and enforcement purposes supported through increased infrastructure, which successfully increased the detection of poaching incidences (Rastogi, et al., 2012). It should be remembered that India is a federalist country with clear delineation of powers between the Federal and State Governments, just like Malaysia. Nevertheless, through sheer political will, and the ardent desire to preserve the Bengal tiger, the WPA and the NTCA managed to garner much success in conservation efforts through the cooperation of all relevant parties, including the Federal and State Governments, as well as the local communities. Research has shown that there were successful tiger reserves with healthy tiger populations even in areas with high human population densities (Post & Pandav, 2013).

Further, the designation of tiger reserves ensured special federal funding 'to enhance protection and management capabilities' (Gubbi, et al., 2017), as well as addressed the livelihood issues of local communities dependent on tiger habitats.

In short, India's success in its conservation of the Bengal tiger is from a myriad of concerted effort from the Federal Government's intervention in terms of management, funding and enforcement, to the State Governments' cooperation, as well as the local communities that are willing to coexist with the tiger.

SOUTHERN AFRICA AND THE AFRICAN ELEPHANT (*LOXODONTA AFRICANA*)

Elephants have long been poached for their tusks. The ivory trade was widely recognised as the single most important cause of substantial elephant declines (Stiles, 2004).

In Africa, poaching for ivory increased in the 1970s and 1980s, and again in the 1990s and early 2000s (Stiles, 2004). This, coupled with loss of habitat due to agricultural expansion, land use conversion and habitat fragmentation and isolation (Aarde, Jackson, & Ferreira, 2006). led to a drop in about 111,000 African elephants in a span of a decade in 2016 (World Wildlife Fund for Nature (WWF), 2018). This is in stark contrast to the 10 million strong population of African elephants roaming the African continent in the 1930s (WWF, 2018).

However, in recent times, it has been reported that the African savanna elephant population has stabilised in southern Africa, with a slightly increased population of 227,900 elephants in the region as at October 2022 (WWF, 2023). Southern Africa's success in rejuvenating the African elephant population is due in part to strict enforcement, but a large part is due to the concept of 'Community Based Natural Resource Management' ('CBNRM'). CBNRM empowers local communities to take charge of naturally occurring resources in their locality to enhance their livelihoods, thereby directly shaping one's own world, including hunting for survival and reporting illegal poaching activities which would be detrimental to that community's way of life (Blackie & Sowa, 2019). The CBNRM recognizes that local communities could be motivated 'to adopt benign and sustainable wildlife management practices' (Khandelwal, 2005). The idea is to confer communal stewardship where local communities have rights to the forests they manage, which gives them the incentive to protect the forest and use its resources sustainably.

South Africa has translated CBNRM into legislation via the *National Environmental Management: Protected Areas Act 2003* ('NEMPAA'). The objectives of the NEMPAA include: to provide for co-operative governance in the declaration and management of protected

areas; to provide for a representative network of protected areas on state land, private land and communal land; and to promote participation of local communities in the management of protected areas (NEMPAA, s. 2.) The declaration or withdrawal of a protected area can only be done after compulsory public participation from local communities, whose representations must be given due consideration (NEMPAA, s. 33). The NEMPAA also recognises CBNRM (NEMPAA, s. 41), and allows for protected areas to be co-managed either with another organ of state, a local community, an individual or any other party as appropriate (NEMPAA, s. 42). The management of protected areas is monitored by way of performance indicators (NEMPAA, s. 43), thereby ensuring that results of the management of a protected area is measurable and real.

Further, the Government of Botswana (in southern Africa) has also put in place certain extra-legal measures to bolster conservation efforts, such as drilling water points for wildlife so that they do not stray outside protected areas, as well as utilising the canine unit to assist in operations and investigations of elephant poaching (Blackie & Sowa, 2019).

In short, the success in the increase in the African savanna elephant population in southern Africa is once again, a concerted effort including strict and measurable enforcement and management measures, coupled with local communities' cooperation.

MALAYSIA'S EFFORTS IN TIGER CONSERVATION

INTERNATIONAL COMMITMENTS

Malaysia acceded to the CITES on 20 October 1977, and ratified the CBD on 24 June 1994. Therefore, at least on the international front, Malaysia appears

committed to conserving and protecting its biodiversity.

DOMESTIC LAWS

1. Federal Constitution

In Malaysia, Item 3 of the Concurrent List (List III) of the Ninth Schedule to the Federal Constitution allows for the protection of wild animals and wild birds, as well as the establishment of National Parks. This means that laws to protect both flora and fauna may be passed by the federal government as well as state governments. The protection of terrestrial wildlife in Peninsular Malaysia falls under the purview of the Department of Wildlife and National Parks ('PERHILITAN').

However, land, forests and water sources are State matters, as provided in Items 2, 3(b) and 6 of the State List (List II) of the Ninth Schedule to the Federal Constitution. States have a persistent conflict between protecting the environment and natural resources on the one hand; and developing the State for economic prosperity on the other hand. Since they have limited sources of revenue, there is always a conflict between exploitation and development.

The existing constitutional arrangement clearly shows that the division of powers between the Federal and State Governments is not clean. Whilst wildlife protection is under both the Federal and State Governments' responsibility, their habitats (land, forests and water sources) are solely within the State Government's responsibility. This overlap in powers and jurisdiction is not always good in terms of biodiversity protection.

2. International Trade in Endangered Species Act 2008 ('INTESA')

In giving effect to the CITES within Malaysia, the INTESA was passed. In accordance with the CITES, a Management

and Scientific Authority is set up under the INTESA (INTESA, Part II, ss 4-9). The Lead Management Authority is stated to be the Ministry responsible for natural resources and environment (INTESA, s 4). Section 10 of the INTESA limits the export and import of scheduled species (INTESA, s 3) via the use of a permit issued by a Management Authority under s 16(2) of the INTESA, failing which it is an offence. The scheduled species are listed in the Third Schedule to the INTESA.

Section 11 of the INTESA provides penalties for any person who re-exports (export of any scheduled species that has previously been imported) any scheduled species without a certificate issued by a Management Authority under s 16(2) of the INTESA. It provides different penalties depending on whether the offence is committed by an individual or by a body corporate. Section 12 of the INTESA penalizes any person who has in his possession or control; sells, offers, exposes or advertises for sale; or displays to the public any scheduled species. Section 13 of the INTESA provides for the requirements for scheduled species in transit in Malaysia, such as a valid export or re-export permit, licence, certificate or written permission; failing which it is an offence. Section 14 of the INTESA requires any person who produces captive bred animals or artificially propagated plant or animal of any scheduled species for commercial trade purposes to be registered with a Management Authority; failing which it is an offence. It provides different penalties depending on whether the offence is committed by an individual or by a body corporate (INTESA, s 14(1)(a)(b) & s 14(2).

The enactment of the INTESA in fulfilment of Malaysia's international obligations as a member State of the CITES is definitely a step in the right direction. However, its effectiveness in curbing illegal international trade of endangered species remains questionable. There is no doubt that

illegal poaching and trading of wildlife is an ongoing issue in Malaysia, exacerbated by the demand of some body parts of the wildlife to be used as medicine. For example, it has been reported that in 2018, 70% of Chinese medicine shops in Peninsular Malaysia openly sell bear bile products (Koshy, 2020). Additionally, according to the *2016 Wildlife Justice Commission Report*, Kuala Lumpur was reported to be the port of wildlife illegal trade and deemed to have lesser cost to move the contraband in KLIA and KLIA 2 compared to the Bangkok Suvarnabhumi Airport (Koshy, 2020). It was highlighted that due to the corruption practices by the authorities, Malaysia has been listed as one of the easiest and cheapest ports for smuggling and trafficking (Sim Leoi Leoi, 2018). The INTESA is therefore an example of good legislation being ineffectively enforced or administered.

3. Wildlife Conservation Act 2010 ('WCA')

The WCA was enacted for the protection and conservation of wildlife. This is done by way of a licencing or permit system in relation to the different classifications of wildlife. The WCA classifies wildlife into three separate categories: (i) protected wildlife (First Schedule of the WCA), (ii) totally protected wildlife (Second Schedule of the WCA), and (iii) controlled species or wildlife (Fifth Schedule of the WCA). The WCA is administered by the Director General of Wildlife and National Parks ('DG') and he is assisted by Deputy DGs, Directors, Deputy Directors, Assistant Directors, Rangers and other officers (WCA, s 4). All officers appointed under the WCA are public servants (WCA, s 4(4)). Under the WCA, enforcement officers include any officer appointed under the WCA, any police officer not below the rank of Inspector, any proper officer of customs, and any public officer authorized in writing by the DG (WCA, s 3 & s 90). Every offence under the WCA is a seizable offence (WCA, s 89). The powers of enforcement officers under the WCA include the power to investigate (WCA, s 92), arrest

(without warrant) (WCA, s 93), search a person (WCA, s 96), enter land (WCA, s 97) or premises (WCA, s 98), access computerized data (WCA, s 99), set up obstruction or roadblock (WCA, s 100), search and seize with warrant (WCA, s 94), search and seize without warrant (WCA, s 95), stop, search and seize conveyance (WCA, s 101), require the attendance of (WCA, s 106) and examine (WCA, s 107) person(s) acquainted with the case, and require the production of records, documents or identification document, and make enquiries (WCA, s 115).

All activities in relation to wildlife identified under the WCA must be done via a licence, permit or special permit, depending on its purpose (Part III of the WCA). For totally protected wildlife, a special permit is required for the following activities:

- (a) hunt, take or keep including any part or derivative thereof;
- (b) import, export, or re-export including any part or derivative thereof; and
- (c) carry out the business of dealing including any part or derivative thereof (WCA, s 11).

Under the WCA, different amount of penalties are prescribed for offences in relation the different categories of wildlife i.e., protected, controlled and totally protected wildlife; and again, different penalties for the females and young of these categories of wildlife.

Despite the offences and penalties provided under the WCA, there are certain exceptions sanctioned under Part VI of the WCA. This includes carrying out conservation activities (WCA, s 50), aboriginal hunting (WCA, s 51), the hunting of wildlife by officers when the wildlife is a danger to human life or property, or to prevent undue suffering on the part of the wildlife (WCA, s 52), the capturing or killing

of wildlife for protection of crops (WCA, s 54), and the killing of wildlife which is an immediate danger to human life (WCA, s 55).

Section 47 of the WCA allows the State Authority, after consultation with the Minister, to Gazette any State land to be a wildlife reserve or a wildlife sanctuary and designate the officers to have control of the same. The State Authority may define and alter boundaries for such reserves and sanctuaries, and also specify certain animals (not identified as wildlife under the WCA) as protected or totally protected wildlife within a wildlife reserve. Once this has been done, no person may enter a wildlife reserve or sanctuary without a written permit (WCA, ss 48(1) and 48(2A)). A permit is only allowed for the purposes of 'art, science and recreation' (WCA, s 48(2)). and is only valid for a month, which may be renewed for periods of up to one month at a time (WCA, s 48(3)).

Within a wildlife reserve and wildlife sanctuary, it is prohibited to hunt any wildlife, animal or bird; take, disturb, damage or destroy the nest or egg of any wildlife, animal or bird; or disturb, cut, remove or take any soil, timber or vegetation (WCA, s 49(1)). However, there is an exception for permit holders conducting research, study or science (WCA, s 49(2)).

4. National Parks Act 1980

This Act provides for the establishment and control of National Parks in Malaysia. Although all National Parks in Malaysia are located within state boundaries, this Act is said to apply throughout Malaysia, except in the states of Sabah and Sarawak. This Act is also not applicable to the State Parks of Kelantan, Pahang and Terengganu, which collectively constitute the Taman Negara as described in the Schedule to the Taman Negara (Kelantan) Enactment 1938 and First Schedules to the Taman Negara (Pahang) Enactment 1939 and Taman Negara

(Terengganu) Enactment 1958. Under Section 4, National Parks are established, among others, to preserve and protect wildlife as well as plant life in the designated areas.

5. Other Acts

There are also other Acts in Malaysia which indirectly contribute to the conservation of wildlife in general. These include the Access to Biological Resources and Benefit Sharing Act 2017, the National Forestry Act 1984, and the Town and Country Planning Act 1976, to name a few.

DOMESTIC POLICIES

1. National Policy on Biological Diversity 2016-2025

To fulfil her commitments as a member State of the CBD, Malaysia has put in place a policy known as the Malaysia National Biodiversity Policy 1998, which has since been revised as the National Policy on Biological Diversity 2022-2030. The objective of this policy is to conserve Malaysia's biological diversity, promote its sustainable use and ensure fair and equitable sharing of the benefits arising out of the utilisation of biological resources.

2. Other policies

There are also other policies in place which indirectly play a role in conserving wildlife in general. These include the National Physical Plans, the National Forestry Policy 2021 and the National Policy on the Environment 2022. However, it should be noted that policies are not binding and only meant to serve as guiding principles.

OTHER EFFORTS

In Malaysia, a number of initiatives were undertaken to enhance the quality of the ecosystems in terrestrial areas. These initiatives include the *Gazetting* of protected

areas under the Central Forest Spine, and identifying green linkages to connect the four increasingly isolated forest complexes that are (i) Banjaran Titiwangsa-Banjaran Bintang-Banjaran Nakawan; (ii) Taman Negara Banjaran Timur; (iii) South East Pahang, Chini and Bera Wetlands; and (iv) Endau Rompin Park-Kluang Wildlife Reserves (Department of Town and Country Planning, 2005).

Further, efforts in wildlife conservation, including the establishment of wildlife sanctuaries and conservation centres have also increased. For example, the National Tiger Conservation Centre, covering an area of 40 hectares in Lanchang, Pahang was established in 2019 to complement the existing National Wildlife Rescue Centre in Sungkai, Perak (The Star, 2019).

With particular regard to the Malayan tigers, the National Tiger Conservation Action Plan 2008-2020 was put together by PERHILITAN in collaboration with the Malaysian Conservation Alliance for Tigers (MYCAT), the Malaysian Nature Society, TRAFFIC Southeast Asia, the Wildlife Conservation Society and WWF-Malaysia. The measurable target of the Plan was to increase the population of the Malayan tiger 'about up to 1,000 wild tigers surviving on wild prey in the Central Forest Spine by the year 2020' (National Tiger Conservation Plan 2008-2020).

Operasi Bersepadu Khazanah, launched in 2019, is a strategic collaborative operation between the Royal Malaysian Police (PDRM) and PERHILITAN. This operation is supported by several government agencies and non-governmental organisations to curb encroachment, poaching and illegal taking of wild fauna and flora. Its success may be observed in their achievement in the 2020 Asia Environmental Enforcement Awards, where they were named one of the winners after arresting 87 wildlife offenders, seizing illegal wildlife

products to the value of RM2.7 million, and destroying 460 snares (Shamsul Anuar Nasarah, 2021). As at 19 February 2023, it has been reported that this operation had arrested 11 wildlife offenders (including one foreigner) and seized illegal wildlife products amounting to a whopping RM4.96 million (Berita Harian, 2023). As this operation involves the knowledge, experience and manpower of the PDRM and other enforcement agencies, *Operasi Bersepadu Khazanah* is undoubtedly one step toward the establishment of a dedicated wildlife crime unit in Malaysia.

Meanwhile, yet another successful collaboration is the *Menraq Patrol Unit* formed by the Tiger Protection Society of Malaysia (Rimau) (a non-governmental organisation) in collaboration with the Perak State Parks Corporation (Koshy, 2021). A unique feature of this task force is that it comprises of the local indigenous Jahai community members to patrol the Royal Belum State Park and ensure a safer environment for Malayan tigers through the removal of snares (Koshy, 2021). Apart from patrolling, the Menraq Patrol Unit also help educate villagers on the importance of protecting the forests and its wildlife (Koshy, 2021).

The establishment of these task forces are indeed heartening as it can help stem the decline of vulnerable animals such as the Malayan tigers. Further, the collaboration between non-governmental organisations and government agencies should be encouraged and strengthened because the protection of wildlife is a monumental and arduous task, involving vast areas of jungles and forests, which task becomes more achievable if the burden is shared.

However, despite all these laws and efforts undertaken for the protection of wildlife in general in Malaysia, it would appear that wildlife in Malaysia (including the Malayan tiger) is still under significant

threat due to poor enforcement, systemic corruption, and the overall lackadaisical attitude towards wildlife trading and protection.

THE WAY FORWARD

In 2012, the then Chief Justice of Malaysia, Tun Arifin bin Zakaria, at the Opening of the Legal Year 2012 stated:

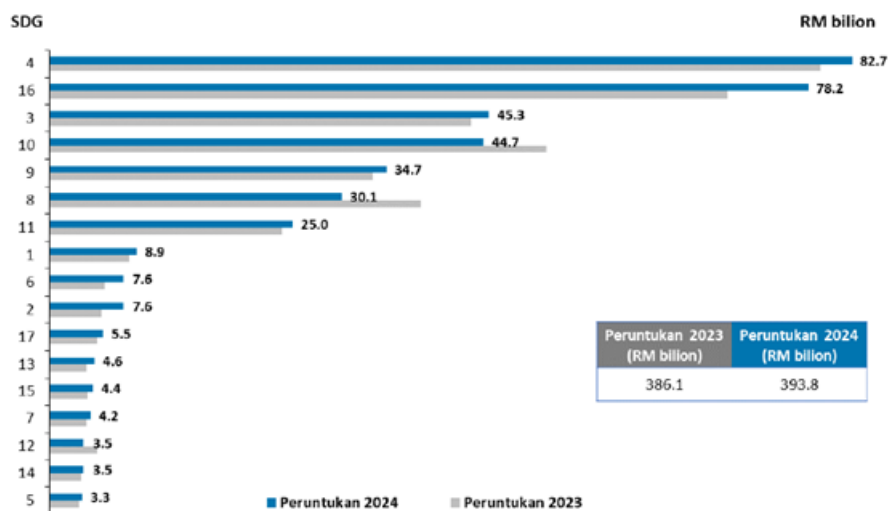
“Environmental crime is a threat to our very existence. We must be serious in protecting our Mother earth. For that we should not let any lack of sensitivity in the past to continue into the future. The lack of such sensitivity is clearly demonstrated by the following 2 cases. In 2005, a man in Tumpat, Kelantan, was found guilty by the Magistrate’s Court for illegal possession of a dead tiger, a protected animal, and walked out as a free man after he paid the fine of RM7,000. In contrast, in another case, a man who was convicted for theft of 11 cans of “Tiger beer” and “Guinness Stout” worth RM70 in 2010, was sentenced to five years imprisonment. Clearly our values were misplaced. Surely

our tigers are worth more than the 11 cans of beer.”

Fourteen years have since passed and nothing seems to have changed since then. Implementing successful wildlife conservation and protection strategies necessarily requires the concerted effort of all relevant stakeholders, and is essential in ensuring not only the survival of Malaysia’s most endangered animal that is the Malayan tiger, but also in sustaining healthy ecosystems that are conducive to all wildlife.

First of all, there must be firm political will to save the Malayan tiger. In terms of budget allocation for each of the Sustainable Development Goals in Malaysia, SDG15 which deals with Life on Land, is placed at 5th from the bottom, with a total of RM4.4 billion for 2023 and 2024, as shown in Figure 1:

FIGURE 1. *Anggaran Perbelanjaan Persekutuan 2024*, Ministry of Finance Malaysia, 13 October 2023



Source: <https://belanjawan.mof.gov.my/pdf/belanjawan2024/perbelanjaan/ringkasan.pdf>

This allocation is for *all* life on land, not specifically for tiger conservation. It has been stated that in nations where people’s basic needs are not secured, it would be difficult for the government to commit itself to saving wildlife before saving its people (Dinerstein, et al. 2007). However, it is

submitted that to save the Malayan tiger from total extinction, it is exactly this high level commitment that is most needed and which, unfortunately, is sorely lacking.

Second, there must be cooperation from all levels of government, which in

Malaysia involves both the Federal and State Governments. The cooperation of all levels of Government is needed to protect wildlife corridors, restore degrading habitats, build mitigation structures, or even to buy land along corridors (Dutta, Sharma & DeFries, 2018). India with 28 States and 8 Union Territories still managed to enact the WPA with a central role played by the Federal Government in tiger conservation activities. This is what is much needed in Malaysia, together with increased funding for more enforcement personnel on the ground, especially PERHILITAN enforcement officers, for patrolling activities to deter illegal poaching. A concerted effort necessarily means cooperation from other governmental agencies as well such as the police including the canine unit, armed forces, Jabatan Sukarelawan Malaysia (RELA), customs officers, and such like. Any additional assistance from non-governmental organisations would be more than welcome, but this must only be to *complement* government efforts, because saving the Malayan tiger must remain the primary responsibility of the Malaysian government, which responsibility cannot be diverted, delegated or shirked.

Third, there must be more community-based management from the indigenous and natives whose forests are their homes. Their experience, culture, heritage and assistance are pivotal not only in helping us learn how to co-exist with nature, but in guiding us by way of traditional knowledge as to the best ways of ensuring the survival of the Malayan tigers. These include, among others, identifying strategic locations of their habitat and prey, which may warrant modern infrastructural modifications in line with sustainable development for example the building of bridges, fences and viaducts to ensure wildlife corridors remain connected, whilst at the same time reducing human-wildlife conflict (Dennis, 2021).

Fourth, there could be better legislative reforms made for example to the

WCA to include a specific task force for tiger conservation (as is done in India) or for community-based management and participation (as is done in South Africa). However, this again would entail the cooperation of the States as land, forests and water are all State matters in Malaysia (Items 2, 3(b) and 6 of List II, Ninth Schedule to the Federal Constitution).

Fifth, perhaps it is time for the world, including Malaysia, to ban *all* forms of hunting for sport. It is an archaic sport of a bygone era, and only serves to perpetrate the false anthropocentric notion that mankind is superior to all living creatures in this world. If, in the event there is an over-abundance of a certain species, authorised governmental personnel can be empowered to kill these species for the sake of population control. However, it is submitted that there is no longer any legal or moral basis to support the fallacy of hunting for sport.

Lastly, whilst it is acknowledged that appropriate pressure from all levels should be placed on countries housing endangered species (including Malaysia vis-à-vis the Malayan tiger at present) there should also be equal pressure from all quarters, especially the international community, strongly condemning rogue countries that are known perpetrators for continuously having a demand, and consequently importing (legally or otherwise) tiger parts for whatever perverted and non-scientific reasons, such as China and Vietnam (Khanwilkar, Sosnowski & Guynup, 2022; World Wildlife Crime Report, 2020). Whilst the international outcry for conservation is prevalent, the same cannot be said for condemnation of countries demanding endangered animals or parts thereof.

CONCLUSION

In order to successfully save the Malayan tiger from extinction, a very close Federal-State relationship is needed for effective conservation, because land, forests and water

are State subjects. The survival of the Malayan tiger has to be a concerted effort not just involving law and policy makers, but also the latest scientific knowledge in sustainable conservation practices and the cooperation of all enforcement agencies be it Federal or State.

A long-term strategy is not merely to increase the number of tigers, but also to ensure their survival in perpetuity. In the end, saving the Malayan tiger 'is a moral issue, an act of conscience, to which each country must make a sincere national commitment' (Schaller, 1967). Hence, above all, there must be sustained political will and commitment from the highest level of government regarding the conservation of the Malayan tiger.

If Malaysia continues to ignore the plight of the Malayan Tiger by prioritising other matters above conservation efforts, this magnificent beast, significant to Malaysia in so many ways, will inevitably go extinct in the very near future, and burn bright 'in the forests of the night' (Blake, 2009) only in the annals of our history and imagination.

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CONFLICT OF INTEREST

The author has no conflict of interest to declare.

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