

The Turtle Island Heritage Protected Area: The Possibilities and Limits of Trans-border Conservation

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Abstract

The paper looks into the history and culture of conservation that inform the TIHP, with emphasis on the roles of states, institutions, and individuals in the movement for trans-border conservation. It tries to point up to the possibilities of managing a trans-border marine habitat high in biodiversity, how conservation makes possible trans-national linkages, the sharing of knowledges, and the mobilization of various actors and resources for conservation as desired values vis-à-vis the need for settlement and livelihood. It tries as well to show the limits of trans-border conservation obtaining from local conditions that undermine conservation values.

Key Words: trans-border conservation, two-track approach, total protection, regulated conservation.

Introduction

My involvement with conservation began in 2006. Dr. James Alin, faculty of the University Malaysia Sabah (UMS) and my host in Kota Kinabalu during my research on the Illanuns of Sabah, invited me to join a consultancy under him, the SSME Consultancy: "Developing a Business Plan for the Turtle Islands Park, Sabah, Malaysia." The consultancy was part of a larger project, the "Marine Protected Area Management for Turtles: Incorporating Local Knowledge and Business Planning," under the Sulu-Sulawesi Seascape Project of Conservation International-Philippines. It involved a review of eco-tourism in the Malaysian Turtle Islands for the last 10 years in terms of source of funds, cost of conservation, income from ecotourism, and a five-year projection. Its output was a business plan based on documentary data, key informant interview, and survey of tourists. My task was limited to helping conduct the survey from 26-29 September. Corollary to my visit to Sabah, I prepared an overview of conservation in the Philippine Turtle Islands that I presented to the Business and Economics Faculty of the UMS and the Sabah Society. Also in connection with the consultancy, we visited Nunuyan, the island between the Turtles Islands and Sandakan, where I interviewed some informants.

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The paper is based on my involvement in the consultancy, visit to Nunuyan, and lectures. It looks into the history and culture of conservation that inform the TIHP, with emphasis on the roles of states, institutions, and individuals in the movement for trans-border conservation. It tries to point up to the possibilities of managing a trans-border marine habitat high in biodiversity, how conservation makes possible trans-national linkages, the sharing of knowledges, and the mobilization of various actors and resources for conservation as desired values vis-à-vis the need for settlement and livelihood. It tries as well to show the limits of trans-border conservation obtaining from local conditions that undermine conservation values.

The TIHPA

Several islands in the world are designated “Turtle Island.” I use the name to refer to the nine islands located between Tawi-Tawi, Philippines and Sabah, Malaysia (http://www.sabahparks.org.my/swf/tip_intro.swf). Six of the islands belong to the Philippines: Boan, Langaan, Lihiman, Greater Bakkungan, Taganak, and Baguan (<http://whc.unesco.org/en/tentativelists/5032/>). Three islands belong to Malaysia: Selingan, Bakkungan Kechil, and Gulisaan (Salao 2005). The low-lying rocky shoals and coral shingles of the islands are among the largest rookeries of the green (*Chelonia mydas*) and hawksbill turtles (*Eretmochelys imbricata*) in the Sulu-Sulawesi region.

The TIHPA refers to the bi-nation trans-border management of the Turtle Islands, created by virtue of a Memorandum of Agreement (MOA) signed by the Foreign Affairs office of the Philippines and Malaysia on 31 May 1996. It aims to create a centralized database and information network, undertake appropriate information awareness programs, establish marine turtle resource management and protection programs, and engage in appropriate ecotourism programs. The management goals are in line with the criteria set by the IUCN for protected areas in 1978 and as codified in 1985 (Orlove and Bush 1996). The Joint Management Committee functions as the Secretariat of the TIHPA. It is composed of representatives from the Pawikan Conservation Project (PCP) and the Sabah Parks

Possibilities of Trans-border Conservation

Conservation dates back to the game reserves of royalty (Orlove and Bush). In the Philippines (De Leon-Bolinao and Navarro 1996) and Malaysia (Hassan 1999), it has its antecedents in colonial policies that reveal the way 19th century conservationists regarded tropical flora for food and medicines (Berlin 1992). Since the 1950s, the Philippines and Malaysia pursued conservation independently from each others’ efforts to protect endangered marine turtles from extinction. From the 1970s to the 1990s, biodiversity gradually became the

conceptual framework upon which conservation was rationalized (<http://www.tihpa-turtle.sabah.gov.my/>).

Events relating to the creation of the TIHPA disclose the role of states, institutions, and individuals in fostering trans-border conservation. It is traced to Wayne King's proposal, "A Proposal to Establish the First International Marine Turtle Sanctuary," submitted to the IUCN Survival Service Commission in 1976. However, it was only after more than a decade of consultations, negotiations, and reformulations of the conservation agenda that the efforts toward trans-border conservation congealed into the TIHPA. Influential conservationists, international organizations, states and their agencies, the networks that they formed on the international, regional, national, and local levels, and the linkages in and between networks facilitated its creation, with the help of the WWF (Burns 2004). Thus:

1977: the Sabah Parks proposed for the creation of a trans-border marine turtle park to the Chair of Sabah Parks Board of Trustees.

1979: the Sabah Parks presented the idea of a trans-border marine turtle park at the World Conference on Sea Turtle Conservation in Washington, DC.

1981: Manila hosted a Malaysia-Philippine International Marine Turtle Sanctuary technical workshop.

1990: Kuala Lumpur hosted the First Meeting of the ASEAN Working Group on Nature Conservation (AWGNC); Malaysia presented a proposal on trans-border marine turtle conservation to the ASEAN Senior Officials.

1991: Manila hosted the Second AWGNG Meeting; the Philippines through the PCP proposed a regional workshop on trans-border marine sea turtle conservation and management.

1993: Manila hosted the First ASEAN Symposium-Workshop on Marine Turtle Conservation; the PCP proposed for the Protected Areas and Wildlife Bureau of the Philippines (PAWBP) to which the PCP was attached.

1994: the ASEAN Senior Officials for the Environment (ASOEN) approved the proposed conservation and management plan initiated by the PCP in 1991.

1995: Kuala Lumpur hosted the Second Meeting of the Malaysian-Philippines Joint Commission for Bilateral Cooperation (JCBC); the

Philippines proposal for a Joint Technical Working (JTWG) Group to study a draft of the MOA.

1995: Sandakan hosted the First Meeting of the JCBC; the parties representing the Philippines and Malaysia agreed on the Draft MOA for the TIHPA, with technical assistance from the WWF-Philippines.

1996: Manila hosted the Third Meeting of the JCBC on 31 May; the heads of the Foreign Affairs offices of Malaysia and the Philippines agreed on the MOA for the TIHPA.

The original concept underwent reformulations to keep it abreast with the changes in conservation concepts and practices in the world since the 1970s, foremost of which being the shift from species protection to habitat and landscape/seascape protection (Orlove and Bush). International pressure for the protection of a habitat high in biodiversity against over-exploitation by individuals and groups helped impel the creation of the TIHPA. It helped that the TIHPA is a tenable model because it covers a well-defined geographic area (<http://whc.unesco.org/en/tentativelists/5032>).

Urgent conservation concerns override tensions between the countries. I am referring in particular to the effects that the long standing Philippine claim over Sabah creates in Malaysia (Lyon's 1924; Leifer 1968; Marcos 1968; Ariff 1970; Macapagal 1989). The TIHPA illustrates the myriad possibilities that could arise from friendly relations in terms of mutually beneficial projects, including curbing illegal migration and piracy/kidnapping in border waters (Alin et al n.d.).

In Malaysia, the Department of Environment is under the Ministry of Science, Technology, and Environment, an institutional set up that, according to Tan (n.d.), is given to complications between federal and state laws. Unlike Malaysia, the Philippines has a Department of Environment and Natural Resources (DENR), although the institutional set up is also complicated. Marine turtle conservation is under the PCP, the implementing arm of the Wildlife Division of Protected Areas, which is under the Wildlife Bureau (Trono 1991). Given the institutional differences and the problems that may arise from overlapping mandates, it is the competence of agencies (Tan) that helped make the TIHPA possible.

Habitat protection requires state actors and the use of advanced technology, both create new possibilities for research. Models that provide valuable experiences on a wider scale and the lessons that they may provide for larger projects are priority recipients of international assistance. The PCP received funding from the USAID, Smithsonian Institution, World Wildlife Fund-Philippines, and the DENR's Coastal Resource Management Project. The WWF-USA though the WWF-Philippines donated a radio communications equipment, a generator, and an outboard motor and hull to the PCP, besides a research fund

from the US Fish and Wildlife Service (Trono). The communications equipment enable the TIHPA to link all the islands in the area, while plans for a joint aerial mapping in aid of planning are considered.

Conformity with the IUCN criteria enhances trans-border habitat management and the sharing of research data and best practices (Trono and Cantos n.d.). For example, the TIHPA inspired the *Tri-National Sea Corridor Project* between the Philippines, Malaysia, and Indonesia in 2004, which encompasses the assemblages of marine turtle habitats in these countries, with the help of the WWF (<http://conservation.org.ph/sss/AboutUs.htm>).

Limitations of Trans-border Conservation

The TIHPA is a limited trans-border conservation project. It is limited because while the MOA provides the framework for bi-nation management, the Philippines and Malaysia still pursue independent conservation projects in the islands under their jurisdictions based on applicable laws (Tan; *Philippine Laws on the Environment*).

The Malaysian Experience. Malaysia observes total protection in the Turtle Islands and eco-tourism. The government purchased the islands from their owners in 1977 (*Marine Turtle Newsletter* 1977), declared the island group a bird sanctuary, prevented human presence and fishing close to the islands, banned blast fishing, and prohibited the exploitation of the turtles. Total protection arrested the over-hunting of the turtles, maintains biodiversity, and keeps the islands as the breeding grounds of fish. The fishing grounds benefit the Badjau of Nunuyan even as the presence of soldiers makes fishing safer by deterring piracy since 1984 (Alin et al).

It is argued that the success of conservation partly depends on the participation of the people. It is premised on the idea that the indigenes and/or locals of protected areas are stakeholders in conservation (Little 1999). This is difficult to pursue because little is known about human presence in the islands. Historical sources from the 19th century do not mention the islands (Moore 1968), and by the end of WW II the islands were private properties. By then the Jama Mapuns (Badjau), who originally came from Cagayan de Sulu (Casiño 1973), had settled in Nunuyan, fished in the surrounding waters, hunted turtles, and harvested turtle eggs. It was the over-exploitation of the turtles that compelled the government to purchase the islands and place them under total protection.

“Local” refers to Malays who work as tourist guides, employees in the tourism facilities in Selangan, operators of boats that ferry passengers to and from the islands, rangers who help manage the hatcheries, and the soldiers. Since employment requires literacy and facility in English, the tourist guides and the rangers come from Sandakan, while only a few of those who work in the

restaurant and chalets come from Nunuyan. The participation of the locals in eco-tourism applies to these occupations.

The trend for eco-tourism in the world, the promotion of eco-tourism by Malaysia, the conformity of eco-tourism in the Turtle Islands to the IUCN criteria, the promotion of Sabah as an eco-tourist destination, the presence of investors, and the favorable peace and order situation make eco-tourism feasible. The Sabah Parks and the various travel and tourist agencies promote the Turtles Islands as pristine (Little). The islands are well-maintained, the notion of “pristine” convinces, and conservation values seem to combine well with the motive for profit. Profit from eco-tourism helps defray the cost of conservation, and the construction of a chalet in Bakkungan Kechil attest to profitability. Profitability implies sustainability, which legitimizes state control over protected territory (O’Connor 2003).

The expensive cost of visiting the islands does not deter tourists from coming, making eco-tourism a frivolity of rich visitors (Krieger cited in, Iltis 1979). The high cost could be viewed as a control mechanism because of the limited carrying capacity of Selingan. Nevertheless, it privileges the affluent and simultaneously alienates the locals from nature and from learning conservation as situated practice. The sectioning of a piece of territory into a natural enclave accessible only to the rich abets notions that eco-tourism is a Western and urban value (O-Connor). It also confines conservation to specialists and inhibits conservation from becoming a national and local value.

The Philippine Experience. The Philippines does not engage in eco-tourism because the unpredictable peace and order situation discourages investors, and the islands are difficult to supply because of distance. It adopts a two-track approach: total protection in Baguan; and regulated conservation in the five other islands. Baguan was placed under total protection because it has the largest number of nesters (Trono). Egg collection was prohibited since 1984, eggs hatch in natural conditions, and eggs laid in inundated areas are transferred to hatcheries.

Regulated conservation is a pragmatic approach because of the presence of fishing communities (*Philippine Census 1995*), mostly Jama Mapun. Fishing is allowed in the surrounding waters, the hunting of turtles is prohibited, and egg harvesting is under strict control. Three to four times a year, the PCP awards about 168 permits for egg harvesting through lottery in Taganak. Locals 18 years old and above regardless of gender could apply for permits; however, priority is given to those without permits for the last four years. Permit holders harvest as many eggs for five days, 30% of which they give to the PCP for the hatcheries and 10% for sale by the PCP to help finance conservation.

The PCP conducts education and information programs to encourage the cooperation of the communities. Each year, it invites students and teachers to

stay overnight in Baguan to observe and experience conservation work – tagging the nesters, transplanting eggs to the hatcheries, and releasing the hatchlings. Twice a year, the community helps clean up the shore of debris that may block the movement of nesters. The rangers are all locals trained in hatchery management. People's participation refers to these activities.

Regulated conservation has mixed results. Although it is posited that the exploitation of turtles are historically and culturally linked to life in the islands, there is no research into such links through the centuries. Instead, the view that the need for settlement and livelihood pose threats to the survival of the turtles occludes the understanding of such relationships. Recent rapid population increase (*Philippine Census 1948, 1970, 1980, 1995*) due to migration from nearby islands leads to a rise in settlement on the coasts. It creates a range of problems – from decrease in nesting areas as settlement expands to increase in denudation as more land is put to cultivation.

Population growth makes regulated egg harvesting difficult. It is associated with increase in incidence of cheating, poaching, and harmful fishing. Since some permit holders change their names to qualify for another permit, the PCP takes their photographs to prevent cheating. The need for more income and the good price for eggs in Sandakan encourages poaching in unguarded areas that yield more eggs, against which the PCP relies entirely on the military (Pilcher et al 2008). Because of poaching, some permit holders “sell” their permits to middlemen who hire men and arm them with guns to guard the nests.

Harmful fishing includes the use of sessile gears, such as nets and traps, blast fishing, drag fishing, and long line fishing (Chan 2006; Chan et al 1988; Chan et al 2002). Although the *Fisheries Code of 1998* prohibits trawl fishing within 15 miles from the shore, town official allow trawlers to operate within 10 to 15 kilometers from the shore (Trono). Even if they do not, the law is ineffective since gravid turtles forage within 40 kilometers from the shore. However, the Turtle Excluder Device (TED) minimizes the damage that trawling causes on turtles. The “super lights” of fishing boats attract predators that feed on hatchlings, while bright lights from houses cause disorientation among hatchlings as they make to the sea.

The PCP conducts basic research and monitoring on hatchery management, detection of diseases, and inter-nesting and remigration patterns. It also engages in collaborative research with the WWF-Philippines and some universities on genetics, island ecology, and biodiversity. Notwithstanding gains along inter-nesting and remigration, the behavior of the turtles is not yet fully understood (Papi et al 1995). Turtles migrate to as far north to Luzon, south to New Guinea, and east to Palau, which shows not only the wide range of turtles but also partly explains the low remigration rate.

It is believed that the rapid decrease in turtle population began with mass slaughter during the Japanese Occupation for food, uncontrolled egg collection from the 1950s to the 1970s, and the continuing slaughter of gravid turtles at sea. However, from 1984 to 1994, the number of nesters and eggs laid has begun to stabilize due to conservation, though they are far below the 1951 figures (De Vera, cited in Trono). The number of nesters in Greater Bakkungan and Lihiman has increased since 1951, while the number of nesters has increased in Taganak for the same period. Data from 1984 to 1993 that show the number of nesters and eggs from Taganak, alone, has stabilized. Despite this, it is predicted that unchecked increase in human population and harmful activity will intensify and lead to a decline in turtle population. It is also held that the contributions of the hatchery program to conservation and the links between regulated conservation and total protection are difficult to determine.

It is asserted that that sustainable conservation partly depends on making education and health services more accessible to the inhabitants and the introduction of new livelihood. The idea obtains from the tendency of the PCP to appropriate information from the World Bank funded *Integrated Protected Areas System Project* (IPAS). Among other things, IPAS recommends the introduction of alternative livelihoods. It appears that frustration with the local conditions vis-à-vis the best practices in Baguan and Malaysia makes the PCP consider total protection in the entire Philippine group. The PCP uses the IPAS findings that the islands are among the major turtle rookeries in the world to justify the call for total protection while the conditions in the islands are still pristine and the marine life diverse. Meanwhile, it is working on the Turtle Islands Wildlife Sanctuary, a long term conservation and management strategy for natural treasures, in cooperation with the DENR through the Conservation of Priority Protected Areas Program (CPPAP) and Region IX.

Conclusion

Determined actions by various actors and networks made possible the creation of the TIHPA. Two decades of negotiations, consultations, and reformulations of the conservation concept kept the idea of the project alive and abreast with the changes in conservation concepts and practices from around the world. Although the original idea focused on species protection, it aimed for trans-border conservation in a scale larger than what the TIHPA covers. Trans-border conservation promotes friendly relations between countries, creates opportunities for cooperation, and the creation, reproduction, and sharing of knowledges and best practices. In addition, the desistance of Indonesia from the TIHPA and its joining a larger project, the Tri-National Sea Corridor, demonstrates one of several possibilities of trans-border conservation.

Policy options differ according to local conditions. Total conservation is the preferred option where possible, including eco-tourism, despite its pandering to

the needs of the wealthy. Eco-tourism manifests the alliance between capital and the state and the inscription of the motive for profit on conservation values. The drive for profit to partly defray the cost of conservation challenges the resilience of states to keep in place the strictest regulations in favor of nature (O'Connor).

Despite pragmatic goals that benefit the locals, regulated conservation is difficult to enforce because the needs of the locals for settlement and livelihood conflict with conservation values. Everyday resistance, such as cheating and poaching, undermines conservation. It intensifies with increase in human population and harmful activities, which show that making conservation a national and local value is still a long shot. It is suggested that detailed ethnographic/historical studies be done, especially those that probe into the ancient links between human beings and the environment, in order to understand more how human behavior could be made more compatible with nature now and in the future (Frazier 2004).

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