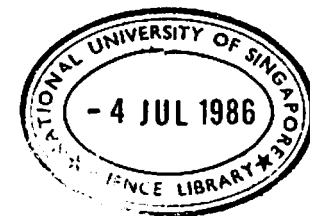


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## PROTECTION OF WILD LIFE IN THE FEDERATION OF MALAYA

By

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The need for the protection of wild life in the Federation of Malaya† has been felt since the end of the last century, but positive action has been slow and gradual over the years and the need today is greater than ever. The intervening period has seen the clearing of much jungle and the depletion of numbers of the larger mammals, and many a herd of elephant has been wiped out simply because it had nowhere to go. However, rather than dwell upon the sadder side of the picture, it may be more enlightening to follow the path of the efforts made on the side of protection.

### Legislation

The first laws to be promulgated in defence of Malayan wild life were incorporated in the Straits Settlements‡ Ordinance No. 111 of 1894 which was of limited scope and afforded protection to certain wild birds only. These 'wild birds' were classified as such by not being included in the incorporated schedule of thirty-three birds consisting of game birds such as snipe, green pigeon, quail, curlew, doves, jungle fowl and pheasants, and eight species of hawk. This ordinance remained in force until the Wild Animals and Birds Ordinance of 1904, which gave power to the Governor in Council to establish a close season and prohibit the killing or taking of any specified wild animal or bird. Under this Ordinance elephant, rhinoceros and tapir were given full protection towards the end of 1924 in the Dindings (ceded back to the State of Perak in 1935), and in January 1930 the shooting of green pigeon was totally prohibited in the Settlement of Malacca. The netting or snaring of snipe and of green pigeon had previously been prohibited throughout the Straits Settlements in 1914 and 1924 respectively. There was no provision in any of these enactments for the creation of sanctuaries or reserves.

In 1880, the State of Selangor adopted the 1894 Ordinance of the Straits Settlements *mutatis mutandis* and that of Perak passed an order for the protection of wild birds of bright plumage.

The next State to take action was Pahang when in an ordinance protecting 'Products of State Land' it was stated that "any person not

\* Chief Game Warden, Federation of Malaya, 1957-60..

† See page 248 for clarification on the history of the eleven States that now comprise the Federation of Malaya.

‡ The Colony of the Straits Settlements comprised the territories of the Dindings, Malacca, Penang Island, Province Wellesley and Singapore Island. The first four now form part of the Federation of Malaya.

licensed or authorised in that behalf, who shall cut, dig, destroy, or take away from any state land any product of such state land, or capture, kill or wound any elephants, seladang or rhinoceros (except in self defence in case of attack) shall be liable to punishment". Any person convicted under this section was liable to a fine not exceeding \$200 or imprisonment of either description not exceeding one year, or both. All powers were invested in the Resident, and offenders could be arrested without warrant by a police officer or officer of the Land Department. Licences to shoot or capture elephant, rhinoceros or Seladang, valid throughout the locality stated in such licence, could be issued by any Government revenue collector authorised by the Resident.

In November 1902, the States of Selangor and Perak took another step by publishing a more comprehensive enactment to provide for the Protection of Wild Animals and Birds. Licences to shoot big game or wild birds could be issued only by the Resident, and this example was followed in January 1903 by the State of Negri Sembilan.

The 1902 Enactment, however, did not satisfy the public and a new enactment was passed in 1904 in Perak, Selangor, and Negri Sembilan. Pahang, however, remained aloof until 1911 when an Enactment embracing all four Federated Malay States was passed. This Enactment although more elaborate than any of its predecessors still did not provide for any organisation to enforce the law.

It may be mentioned here that the only outstanding feature of the 1902 Enactment was the creation of the Chior Game Reserve in Perak on the 24th of March 1903, Malaya's first Game Reserve, an important step indeed in the days when wild lives were held even more cheaply than now. The laws generally were very lax, and although it had been an offence from 1904 to shoot an immature elephant or rhinoceros, no standards of maturity were laid down until 1922!

In 1921, after much effort on the part of conservationists, proposals for a new bill for the Federated Malay States were put forward. This Enactment, which became law in January 1922, included provision for the appointment of State Game Wardens; no money, however, was provided for payment of salaries and the law was enforced by Honorary Game Wardens. The first paid appointee was W. E. McNaught, who was appointed Game Warden, Perak on 14th October, 1927. Negri Sembilan followed suit by the appointment of H. H. Banks on 1st January 1928, and on 20th September of that year A. H. Fetherstonhaugh became Assistant Game Warden, Pahang. H. H. Banks died in June 1929, and it was many years before the vacancy was filled. Selangor has never had a full time Game Warden, always sharing an appointment with Negri Sembilan and Malacca.

Further changes took place as time went on. The Enactment of 1921 was amended in 1928 and superceded in 1925. Amendments to "The Wild Animals and Birds Protection Enactment, 1925" were introduced in 1928 and 1931 and there the matter rested until Chapter 193 of the Laws of the Federated Malay States 1935 was published. This Enactment was in effect the compilation of the 1925 Ordinance complete with amendments. The elephant and the Sambur Deer were both declared "Unprotected animals" in July 1929, though the former was again brought under protection in May 1931.

In the unfederated Malay States, Johore lead the field with Enactment No. V of 1912, which remained in force until 1923. This ordinance gave protection to big game, deer and birds, and licences to shoot could only be issued by the Sultan or by an officer authorised by him in writing. The fees were high and this in itself assisted in preserving wild life. There was no provision for close seasons, and 'deer' included 'wild pig'. In 1923 new legislation, based on the 1922 Enactment of the Federated Malay States, was passed which provided for the appointment of a Game Warden. Amongst other oddities there was no protection for snipe or green pigeon and this state of affairs remained until June 1927, when the first five months of the year were declared to be the close season. In 1928 the retrograde step of rescinding all "Game Reserves" in the State was taken, and it was decided in future to limit the activities of the Game Warden and his Rangers to certain jungle areas, which included the main Forest Reserves, east of the railway line.

In Trengganu the first laws were passed in the form of Enactment No. 1 of 1342 (13th August, 1923). The only animals protected were all elephant, rhinoceros, Seladang and tapir, there being no protection for deer or game birds until two years later when the killing or taking of female Sambur or Barking Deer was prohibited, but with a penalty of only \$20 for each head. In the same year the shooting or taking of Argus or Fire-backed Pheasants was prohibited except under licence at \$5 per bird. The penalty in this instance was a maximum of \$50 or one month in gaol. Measures taken to enforce these laws were, however, practically non-existent.

In Kelantan an order was passed in 1921 protecting elephant, rhinoceros, Seladang and tapir, all of which could be shot on licence. No restriction, however, was put upon the shooting or killing of immature big game or deer of any sex, and no Game Rangers or other officers were appointed to enforce the law. Another advance was the Enactment of August 1930 which controlled the trapping and export of doves and other popular cage birds.

Kedah and Perlis had no conservation laws until the 1st of January 1956, but there has been an Assistant Game Warden, Kedah for many years and in 1956 his authority was extended to cover Perlis. The State Forest Officer, Kedah, who was first appointed in 1921, was also Game Warden in that State until 1948 and exercised authority under the Forest Enactment.

A very big step forward was made in March 1955 with the enactment of the "Wild Animals and Birds Protection Ordinance, 1955" by the Federation of Malaya Government. This ordinance came into force on the 1st of September, 1955 in the States of Malacca, Negri Sembilan, Pahang and Selangor, on the 1st of January, 1956 in the States of Kedah, Perak and Perlis, on the 1st of October, 1956 in Penang, on the 1st of April, 1957 in Kelantan, on the 15th March, 1958 in Trengganu and on the 1st of November, 1959 in Johore. Thus it was not until the end of 1959 that satisfactory legislation existed over the whole Federation of Malaya, sixty years after the passing of the first wild life ordinance in the Straits Settlements.

This Ordinance gave protection to Monitor Lizards, which had hitherto been ruthlessly exploited for skins, and provided the means for giving protection to any other animal declared to be "a reserved animal". These animals could only be taken on a licence granted by the Game Warden. In addition a schedule of "Totally Protected Animals" was introduced, which gave absolute protection to rhinoceros, Pangolin or Scaly Anteater (*Manis javanica*), Binturong or Bear Civet (*Arctictis binturong*), Slow Loris (*Nycticebus coucang*), gibbons (*Hylobates* spp.) and tapir (*Tapirus indicus*). Bear (*Helarctos malayanus*) for some obscure reason was elevated to the status of "Big Game", which included elephant, Seladang (*Bibos gaurus*) and Banteng (*Bibos sondaicus*). The bear is not a sporting animal nor of great value as a trophy, while the Banteng, if indeed it still existed in Malaya at the time of the introduction of the Enactment, must have been one of the rarest of Malayan animals! A further improvement was the giving of protection to mouse deer for the first time.

The "Game Birds" schedule remained more or less unchanged but in place of "Common Birds" a schedule headed "Birds which are neither Game Birds nor Totally Protected Birds" was introduced. All birds not included in either of these schedules were totally protected.

Licences to carry on the business of a taxidermist, game dealer and dealer in animals and birds were introduced. These helped greatly to control illegal traffic and dealings in wild life, both alive and dead.

Laws governing the import and export of animals and birds were also introduced. Unfortunately owing to an ambiguity any licence holder could import or export any number of animals for the basic fee of \$2.

It was also most unfortunate that there was inadequate provision to deal with steel wire snares and the misuse of sodium arsenite, two of the greatest killers of wild life known.

In 1958 steps were taken to revise the ordinance and it is hoped that this version when gazetted will at last be adequate.

### Game Department

Retracing our steps a little, it is important to remember that with the appointment of T. R. Hubback in 1928 as Honorary Chief Game Warden, Federated Malay States, and Honorary Adviser in the Colony of the Straits Settlements and in the Unfederated Malay States, an indelible landmark was established in the field of wild life conservation. Hubback was the father of the present day Game Department and to him we owe the creation of Malaya's National Park.

The second major landmark was the setting up of a Wild Life Commission of Malaya in 1930. T. R. Hubback was appointed Commissioner and G. Hawkins his Assessor. Their report which appeared in three volumes in 1932 is the complete reference book to the history of conservation in Malaya up to that date, and the author makes no apologies in recognising it as the source of all the pre-1932 information provided in this paper. This report is unfortunately out of print and copies are extremely difficult to obtain.

In this report Hubback recommended the following:— the appointment of a Commissioner for Wild Life and of a Commissioner for National Parks (initially one officer to cover both posts); the passing of two enactments, one for the "Preservation of Wild Life" and the other for "National Parks"; the establishment of a "Wild Life Fund"; the constitution of Sanctuaries under secure tenure, and including the establishment of the Gunong Tahan National Park and the raising of the Krau Game Reserve to the status of a National Park; the declaration of open seasons for shooting or killing game; the total prohibition of the commercialism of Wild Life; the creation of Wild Bird Refuges; the appointment of Honorary Deputy Game Wardens to assist the Game Wardens provided for in the Wild Life Preservation Enactment; and the conservation of the riverine fish.

This report led to the secondment of Capt. A. T. A. Ritchie from Kenya in 1937 at the request of the Federated Malay States Government. He soon organised a Game Department with a staff consisting of a Chief

Game Warden, three Deputy Game Wardens, two Control Officers, and a Superintendent for the King George V National Park, now known as Taman Negara and which was created in 1938. The first Chief Game Warden after Capt. Ritchie was E. O. Shebbeare who was a founder member of the Malayan Nature Society and its first President. Today the Game Department has grown to an establishment of a Chief Game Warden, seven Game Wardens, ten Assistant Game Wardens and ninety-nine Game Rangers, but unfortunately the delay in filling up some of the senior vacancies during the past ten years has made the enforcement of the existing laws difficult.

### Game Reserves

The first Game Reserve, as mentioned earlier, was the Chior Game Reserve in Perak which was gazetted in 1902. Twenty years lapsed before the next reserve or sanctuary was proclaimed, but then in the short space of eighteen months six Game Reserves were created. These were Frasers Hill, Kuala Selangor, Bukit Kutu, the Golf Course at Kuala Lumpur (all in Selangor), Serting (Negri Sembilan) and Krau (Pahang). Sungei Lui and Gunong Tahan Game Reserves, both in Pahang, were proclaimed two years later in 1925, Sungkai (Perak) in 1928, three small islands off Port Dickson (Negri Sembilan) in 1926 and an area in Kelantan in 1929. The latter together with the Gunong Tahan Game Reserve, and adjacent areas in Trengganu and Pahang became the King George V National Park in 1938, now known as Taman Negara. The two adjoining Game Reserves of Serting and Sungei Lui were revoked in 1929, and Krau Game Reserve, the most important sanctuary for Seladang in Malaya, was nearly lost at the same time. Other small reserves or sanctuaries include Weld Hill Forest Reserve in the heart of Kuala Lumpur, the grounds of the Forest Research Institute at Kepong (Selangor) some ten miles north-west of Kuala Lumpur and a small area for green pigeon near Pekan, Pahang.

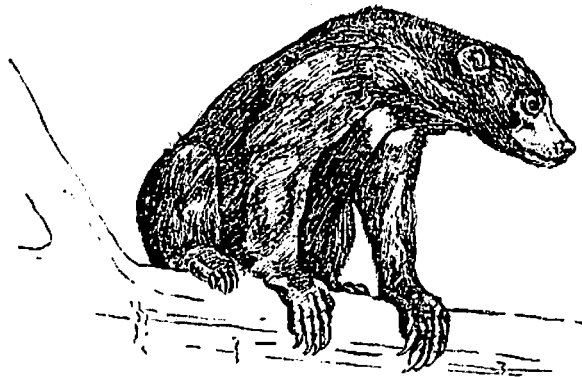
In Johore three large areas are often shown as Game Reserves on maps; they are the Segamat Wild Life Sanctuary, the Endau-Kluang Game Reserve and the Endau-Kota Tinggi Game Reserve. The situation, however, in these three areas is anomalous since they have never been properly constituted under the provision of any Wild Life Enactment and their boundaries include, apart from large commercially exploited Forest Reserves, much alienated and occupied land. They owe their position to the very strict shooting laws in force in Johore under the late Ruler, His Highness Sultan Ibrahim ibni Almarhum Sultan Abu Bakar.

In addition to the above Reserves very large areas of Malaya have been gazetted as Forest Reserves, but at present they can in no way be considered as satisfactory sanctuaries for the larger game. However, as

the pressure for land increases there is no doubt that if a sensible overall land use policy for Malaya is to be instituted and one in which the conservation of wild life is to play its part, it will be absolutely essential for both the Forest Department and the Game Department to work closer together than in the past and to provide comparatively small strict sanctuaries for wild life in carefully chosen localities within existing large Forest Reserves.

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## WILD LIFE CONSERVATION IN NORTH BORNEO

By

P. F. BURGESS

The colony of North Borneo, with about eighty per cent of its 29,388 square miles still under evergreen rain forest, may be conveniently divided for purposes of discussion here into the West Coast and Interior Residencies, and the Sandakan and Tawau Residencies. Extensive shifting cultivation is practised in the hilly West Coast and Interior Residencies and little primary forest remains there; the population density averages about thirty-one persons per square mile. In the less mountainous Sandakan and Tawau Residencies man has until recently made little impact on the forests and the population density is less than six persons per square mile.

The island of Borneo lies on the Sunda Shelf and in prehistoric times was connected to the mainland of Asia. The fauna of the Malaysian region (that is the Malay Peninsula, Sumatra, Java, Borneo and the adjacent small islands) has affinities largely with the Indo-Chinese sub-region and a western and an eastern drift from that sub-region can be recognised. In the western drift many mammals reached Borneo through Malaya and Sumatra, with the notable exception of the tiger, Malayan tapir and the common Malayan wild pig. The banteng and the Ferret Badger (which are absent from Malaya and Sumatra) reached Borneo from the Indo-Chinese sub-region on the eastern drift, and the Proboscis Monkey also has strong affinities through that drift with the Indo-Chinese sub-region. The Megapode or Incubator Bird is an interesting example of a species which has crossed Wallace's Line from the Australian region. Borneo being a continental island with no longer any connection with the mainland of Asia, has a fauna which is particularly vulnerable; should any species become extinct through man's activities there is no possibility of natural recruitment from the mainland of Asia.

#### Legislation

The Wild Animals and Birds Preservation Ordinance, 1936, contains the main legislation for the protection of wild life; elephant, rhinoceros, banteng, tarsier, orang utan, gibbon and Proboscis Monkey are all protected and the maximum penalty for shooting, killing, capturing, wounding or keeping any of these without a licence is a fine of up to \$500 and imprisonment for six months. Shooting deer with a blowpipe is not controlled, but if firearms are used a licence is necessary. Game licence fees are \$100 per head for elephants and \$20 and \$5 respectively