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ANGLING AND THE LAW: A GENERAL OVERVIEW

By

Dato' Abdul Hamid bin Haji Mohamad

Introduction

There are fishermen and anglers in this world because there are fish. Otherwise they will not exist. They might be catching frogs instead as a hobby.

God has created fish and like other creations of His in this world, are for men's sustenance and enjoyment. At the same time He also warns human beings not to waste and not to cause mischief and destruction on land and at sea. (This is a summary from verses of the Quran)

God does not only create fish but also provide a system for their subsistence so that they will not go extinct. So long as men co-exist with that system like the aborigines do, there is no danger of destruction or extinction of God's creation. But once men become greedy, think only of short-term gains, do not appreciate God's gifts, do not respect other creations of God, then the danger of destruction and extinction becomes real.

Perhaps even as late as one hundred years ago, there was still no necessity to control or regulate fishing because the human population was relatively small, the methods of catching fish was still Eco-friendly and most people caught what they required for food for the day.

The earliest known regulation on fishing must have been laid down at least 2000 years ago. We read about it in the Quran, which was revealed slightly over 1400 years ago. That is why I say the regulation must have been laid down at least 2000 years ago. Only one regulation was laid down by Allah on the Israelis and it was not so much for the purpose of conservation but, more importantly, as a religious injunction: the Israelis were prohibited from fishing on Saturdays as Saturdays were/are their Sabbath.

Yet, the Israelis found a way to break that rule. What they did was, they dug trenches on Fridays. On Saturdays the fish would come with the tide and got caught in the trenches when the tide receded. On Sundays they would go and catch the fish. So, "No fishing on Saturdays". (Here again my authority is the Quran).

So, you see that even that one rule was evaded. And that was God's rule, what more the so many rules made by the Fisheries Department!

Nowadays, with more people living on earth, as more sophisticated and destructive methods to catch (or kill) fish are used, as fish habitats are being encroached (sometimes unavoidable), there are no two ways about it: there must be rules and regulations to control and regulate fishing in order to preserve whatever fish we have left.

Priorities

However, in so doing, we must get our priorities right. Otherwise we will be barking at the wrong tree. The rules will only be a nuisance. Nobody will respect it. Even the authorities who make the rules feel shy to enforce it, like the “not-more- than- two –hooks- to-a-line” rule. The problems remain unsolved

Our priorities should be aimed at the most destructive method of fishing. The most destructive method should be the most strictly regulated and controlled. The less destructive method should be less regulated and controlled. And the least destructive methods should be the least regulated and controlled.

Salt-water

I rate bombing as the most destructive and completely unacceptable. The problem is more serious in the waters of Sabah and Sarawak. However in terms of the magnitude of the actual damage done, I think trawlers, in view of their numbers and can cover a wide area, do more damage. Of course bombing is outlawed.

Then comes trawlers. Trawling is quite well regulated. But, the problem is enforcement. I wonder, since the authorities are admittedly unable to effectively enforce the law and since the operators do not seem to care about the law, whether trawler nets should also be banned completely, including the making, importing, keeping, buying, selling, and so on.

But, please do not get me wrong. I am **NOT** saying trawlers should be banned or not. All I say is that since the law does not seem to be respected and enforcement cannot be effectively done, then an objective study should be made by some people who have no vested interests whether trawlers should be continued to be permitted or not. The advantages and the disadvantages, long term and short term, should be objectively weighed.

I do not want to argue for or against trawlers in this speech for lack of sufficient facts and time. May be some of you present here, who have the facts, might want to share their views with us here. More importantly, I seriously hope that someone will undertake to make a study of the issue.

I think the other types of nets used in our territorial waters are quite acceptable but may be further regulated and enforced.

Angling

We now come to angling. Angling is the least destructive of all methods of fishing, the most high-yielding in terms of revenue compared to the real value of the fish caught and the most popular in terms of the number of people involved. Economically, as far as angling is concerned, you can only talk about “value added” and not “value for money”.

I agree that there should be some form of regulation, like outlawing the taking of endangered species and having minimum size limits of some species. But licensing anglers is not the answer. That is barking at the wrong tree.

The authorities should take note of the popularity of the sport or hobby. It should come out with measures to facilitate and regulate its growth, not to stifle it. For years we have been calling for the legalisation of boats that take anglers to go fishing for hire. Because whether you legalise it or not, anglers will have to and will hire boats to go fishing. How many anglers can afford to own a boat, what more to have boats of various sizes to suit the different fishing conditions at a number of ports? (Anglers do not fish at the same spot all his life.) Unfortunately, it is still not done. And hundreds of boats are hired every day for fishing, illegally.

Once again I take this opportunity to call on the authorities to legalise the hiring of boats for fishing. You will be helping the inshore fishermen, you will reduce the activities of the trawlers, you will generate income for many people along the line, you will be able to supervise the operators through the imposition of conditions, especially regarding safety. But, again, the conditions must be reasonable.

Another point I would like to bring to your attention and also the attention of the authorities is this. Last August, one of my association's Committee Members reported that trawlers in Penang hauled in tons of jenahak in two days in Penang water. He could not say whether the trawling was done within or outside the prohibited zones. The fish were all with eggs.

Let us assume that the trawling was done outside the prohibited zone and, therefore, legally. I still think it should give us some food for thought and action. What does that mean? It means that at a certain time of the year the jenahaks swim through Penang water to go somewhere in the area, probably Pulau Kendi, to spawn. I am sure a study can be made by the experts of the time and the route of their movements. Trawling and netting, or even angling, should be totally prohibited along the route during the period, i.e. the period before spawning. But on their return trip, catch them by all means.

Fresh Water

The problem regarding fresh water fishing is more serious. The biggest enemy is pollution. Method of fishing is second.

Pollution of our rivers, lakes and ponds has reached a very serious stage. The biggest causes are logging, pig farming, discharge from factories, earthworks and dumping by contractors and developers, to name some of the most prominent ones. There is no shortage of law, billboards and press releases. But what we really need is more stringent enforcement. The biggest polluters are not the most ignorant. They are usually the big guys. They know what they should and should not do. They know that they should not do what they do. But they do it to save cost and to make more profit. So, don't waste taxpayers' money on billboards. It only makes the contractors rich and eventually cause more rubbish. Collect the money from the polluters in the form of fines.

Regarding methods of fishing, of course poisoning, including tuba, is prohibited in most States that have legislated the Riverine Fishing Rules. Unfortunately, a few still don't. Even in States that have made such law, we read more often about thousands of fish found dead than someone being prosecuted.

I am of the view that we should move towards outlawing the use of all nets, except tangkul and jala, in inland waters. At the same time we should move towards converting fresh water fishermen into fishing operators and guides. As I always say, "they should catch anglers, not fish".

There are provisions in the Riverine Fishing Rules for areas to be gazette as no-fishing zones for a certain period. I think the authorities should identify such areas and gazette them as such. Let us see the results. I urge anglers to give their full co-operation if that is done.

Inland salt-water ponds

There is a new craze now similar to the snooker craze about fifteen years ago followed by the karaoke craze prior to the economic downturn. It is commercial pond fishing. It looks as if when the share market goes down people go fishing.

Be that as it may, commercial fishing ponds grow like mushrooms. It has many good points in its favour. But, I fear that greed will spoil the sport and ecology. First, from the prizes that they offer, is no longer fishing as a sport, hobby or recreation. It is getting closer to a lottery draw.

Secondly, when you artificially turn fresh water ponds into salt-water ponds, I think somewhere along the line, something is going to go wrong. It may not happen so long as the business is good. But when the business slows down and is no longer profitable, I fear that the ponds will be left behind, unattended and anything can happen. Personally, I do not like to see a repeat of the J-E kind of incident. I am not talking about the virus. I am talking about the people responsible for it.

What can anglers do?

As Aziz Daud says, "All I want to do is to go fishing and may be catch a few fish." Sorry, Aziz if I quote you wrongly. No harm done, I believe.

To be able to go fishing and catch a few fish, there must be some fish. We are not earning a living catching fish. We are spending our hard-earned money, foolishly some might say. Never mind. Everybody has to do something foolish sometimes. Otherwise he is too perfect, so it seems, but he may eventually turn out to be more shocking than foolish.

So, we must set a good example: do not waste, do not destroy or damage and do not be a nuisance. It saddens me when I read articles in fishing magazines locally about anglers proudly proclaiming themselves to be "kiasu anglers". I think we should not encourage such culture. Such articles should either not be published or should be edited. It is not a matter of freedom of expression. It is simply bad manners.

Lastly, I urge all anglers to show good examples by not being destructive, by assisting in whatever way they can in conservation, by not being a nuisance and by reporting to the authorities of any illegal activities of the public affecting fish and fishery. And, of course I hope that the authorities will reciprocate by taking the appropriate actions. Anglers are friends of the Fisheries Department, not enemies. So, let us all work together. Hopefully, if and when the next economic downturn comes again (I hope it will not), there will still be fish so that people who have nothing better to do can at least turn to fishing while waiting for the economy to recover.

Thank you.

9th. November 1999.