

LAW REGARDING TRAWLING ACTIVITIES IN MALAYSIA

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## **ABSTRACT**

The main objective of this research is to improvise the law concerning trawling activities in Malaysia. As all of us aware, the division of the power regarding marine is stated under the Federal Constitution, so it will give more precise concept on how to govern this issue as the Federal Government has a power over fishermen under the Department of Fishery. The primary legislation with regard of trawling is the Fisheries Act and its subsidiary legislations which have more specific provisos on regulating trawling. The enforcement agency such as the Malaysian Maritime Enforcement Agency (MMEA) will be studied as well since the jurisdiction of power is necessarily to be discussed in order to give better pictures how authorities come up with approaches to curb illegal trawling issues within Malaysian waters. We also will cite legal and factual obstacles faced by them during their operation from.

Besides, the research also will cover on the International Law of Sea like the United Nation of Law of Sea (UNCLOS) which had been ratified by Malaysia. This is crucial since the incorporation the International Law is a must once the country had ratified particular treaties and conventions hence giving effects towards our fisheries' laws. The increase of trawling in Malaysia also had been contributed from some factors like loose enforcement by authorities, licensing-procedurals, fisherman's ethical codes and non-abidance of certain regulations set up by the Department of Fisheries as had been roughly discussed in newspapers. To encounter all these weaknesses, in this research, we also provide the solutions that can be done in order to strengthen the integrity of authorities in enforcement and suggests a few of amendments to make the fisheries' law become more restrictive law.

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## CHAPTER ONE: INTRODUCTION

### 1.0 Introduction

This research proposal will focus on how to improvise the existing law governing trawling in Malaysia in order to make it become more restrictive as well as a systematic benchmark to control trawlers. The research will be divided into eleven elements, namely the research background, problem statement, research question, research objectives, research methodology, scope of study, limitation, significance, literature review, references and the Gantt Chart. We will focus on how to regulate trawling activities in Malaysia by referring to Australia's laws in managing trawling.

### 1.1 Background

Trawling is defined as a method of fishing which using a bag-shaped net whose mouth is kept open by otter boards or head beams is by far the most efficient method of catching demersal fish. The net is dragged along the sea-bottom by a steam-powered trawler.<sup>1</sup> In most cases, the trawl net is called as a dragnet to illustrate the act of dragging the net by vessel done in large-scales. Then, there are several types of trawling net which have been used by most trawlers and, of course, each of net possessed their own advantages and impacts towards our ocean and environment. According to the Food and Agriculture Organization of the United Nation, they classified trawl nets into several types which are bottom such as beam, otter and pair trawls and mid-water trawls such as otter and pair trawls.<sup>2</sup> All of these nets are capable to catch huge amount of fish and other marine life in a single haul. Over the years, the fish products in Malaysia had been depleted due to excessive trawling activities.<sup>3</sup> Then too, trawling also is the issue of internationally-concerned where

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<sup>1</sup> Goh Cheng Leong. (1972). *Human and economic geography*. KL, Singapore, London, NY, Melbourne: Oxford University Press.

<sup>2</sup> (2012), The Food and Agriculture of the United Nations

<sup>3</sup> CAP. (2013). ban trawl fishing now to prevent the collapse of our fisheries. Retrieved from <http://www.consumer.org.my/index.php/development/environment/506-ban-trawl-fishing-now-to-prevent-the-collapse-of-our-fisheries>