

Adat System in Mediating Community-based Conservation- Case study of Tagal System

by

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Presentation

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- 2.0 The “TAGAL SYSTEM”
- 3.0 Planning on “ Tagal SYSTEM”
- 4.0 Enforcement of Tagal system
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Importance Of Rivers

- * River as a natural resource is a common right
- * The river will continue to remain an asset
- * River serves as a :
 - * Flood flow path.
 - * channeling drainage.
 - * The main source of water supply.
 - * Waterways for transportation and communication.
 - * Essential for life on earth.
 - * Great potential in the development of recreational , tourism and environmental sustainability.
 - * Food resources (fish).

River Deterioration

- * As a result of the negligence of human and natural events of nature , the river can cause disasters such as floods.
- * The importance of the river would be threatened.
- * Unsustainable fishing- Fish and aquatic life population decline and become extinct(use of poison, fish bombing, electrical)

River Deterioration

- * This realization and as a result of the negligence of human and natural events of nature on rivers has led village communities to implement resource management systems called “Tagal System” or “Bombon”.

The “TAGAL SYSTEM”

- * Conservation efforts have been done in a traditional way and has been a culture that has been passed down from generation to generation.
- * The empowerment to manage section of the river is to ensure the protection of the fish from the poachers, overfishing, illegal fishing and any other activities that pollute the river system.
- * Tagal system is a system that prohibits anyone to catch fish in the river that has been designated by the community itself until a time (usually one year) for the harvest of fish resources.

The Tagal System

- * To ensure success of Tagal system- proper rules must formulated, collectively agreed, enforceable and can not be challenge by third parties.
- * The local communities are empowered by the State Government under Section 58 of the Sabah Native Courts Rules of 1995 (Native Customary Law) and Section 36 of Sabah Inland Fisheries and Aquaculture Enactment (2003)

Planning for Tagal System

- * of managing the river system by way of:
- * identifying section of the river;
- * Zones(restricted-red zone and season harvesting)
- * Traditional tool, ban of use of illegal fishing tools
- * MOU with Department of Fisheries and Villagers

Planning For Tagal System

- * Sign MOU DOFS-JKKK.
- * Considering other users.
- * Consultation.
- * SOP - Limit length of the river , sharing tagal system , composition committee, limit of facilities and assistance , zoning, enforcement and penalties .

Enforcement of Tagal system

- * Tagal Area is common property of the village
- * Reinforce their sense of ownership, they are the guardian of the areas
- * Anyone found violating terms of the Tagal system will be fined in accordance with the Rules of the Native Court (Native Customary Law) and customs.
- * Customary law is regulated under Natives Court Enactment 1992

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- * Native Courts Enactment 1992 which is integral part of legal system in Sabah and it governs all aspect of conflicts between the natives
- * The village head is empowered by Native court to mediate conflict between the natives
- * In Tagal system all the villagers become eyes and ears
- * Any breach committed in the area is adjudicated by Village head

Why Natives court and Not civil court?

- * Cost effectiveness- civil court procedure is costly
- * Under civil law- process is too long
- * Rules of Tagal are embedded with local traditions and beliefs. Any breach is indirectly violating the custom or adat resam of the local community
- * The hearing is conducted in the village-sense of guilt to the violator







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