

GLOBAL CHALLENGES IN RECREATIONAL FISHERIES

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In addition to its importance as a component of the recreational fishing opportunities and local and national economies, competitive fishing, like other competitive sports, is part of the social fabric of Poland. More than one-third of the PAA members participate in fishing competitions in Poland. In recent years (1997–2002) Polish anglers have won numerous individual and team medals at European and world championships (Cichy and Zawadzki-Dominiak 2002), and thousands of Polish anglers have considered this a significant accomplishment.

12.3 Legislative treatment and current status of competitive fishing in Germany

Thomas Meinelt, Robert Arlinghaus and K. Jendrusch

Introduction

Competitive fishing has long been a part of recreational fisheries across the world (Schramm and Harrison this book). For the purpose of this German case study, traditional fishing competitions are events at a particular fishery at one point in time that (1) are organized and conducted by private organizations (mostly angling clubs or associations); (2) allot fishing spots by lottery to contestants who try to catch the highest biomass or the largest (heaviest) fish in a specified time frame; (3) sometimes require entry fees from participants; and (4) award winners prizes either as money, goods or recognition. The most common is the award of a trophy, certificates or fishing tackle. The value of these goods rarely exceeds €1000. The objective of this section is to describe the legal and historical background of traditional competitive fishing in Germany and how the fishing community has adapted to a ban on such events.

Legal background and history of competitive fishing

In the Federal Republic of Germany there are 16 different states. Each has its own responsibility for inland fisheries and set of fisheries laws. These laws share many common characteristics, but there are also some differences, particularly regarding how fishing competitions are explicitly treated. Overarching all fishery laws is the German Animal Protection Act (APA), first established in 1972 and revised multiple times thereafter, which governs accepted ways humans interact with animals, including recreational fishing. This law provides the general justification for recreational fishing. In addition, animals experience protection from inhumane treatment according to the German constitution of 2002, indicating the strong influence of animal welfare on recreational fishing (and other animal–human interactions, Arlinghaus 2007).

Several clauses of the APA are particularly relevant to competitive fishing. In Clause 1, 'nobody is allowed to inflict pain, suffering or damages to an animal without a reasonable reason'. Clause 4 states, '...the killing of an animal is only permitted by somebody who has the knowledge to appropriately kill that animal without causing avoidable pain and suffering'. As a result of Clause 4, throughout Germany special training and an angling examination are needed for each angler to show the knowledge to appropriately kill a fish (von Lukowicz 1998). Lastly, as stipulated in Clause 17 of the APA, 'penalisation by prison sentence up to 3 years or by fine will take place if somebody 1) kills a vertebrate without having a reasonable reason or 2b) causes enduring or repeated pain and suffering to a vertebrate'. Hence, according to the APA there must be a reasonable reason for recreational fishing. Reasonable reasons, however, are not specified by the APA. Several court decisions debated critical practices of recreational fishing, including competitive fishing, with relevance to fish welfare and, therefore, helped to clarify what today is unanimously accepted as reasonable reasons for recreational fishing in Germany: (1) fishing with the intent to harvest fish for personal consumption and (2) fishing to meet ecological management objectives such as to improve the state and structure of fish populations or the provision of other cultural ecosystem services such as water quality (Tierschutzbericht 2003). Hence, traditional competitive fishing, whose sole or primary objective has been competition among participants to determine the best angler and a winner, lacks a reasonable reason and, therefore, violates the APA (Jendrush and Niehaus 2007), particularly if voluntary catch and release is involved (Arlinghaus 2007).

To avoid confusion, it should be noted that the APA was not enacted in response to critical recreational angling practices. Instead, the general regulations set by the APA were interpreted in the stated ways after angling-critical non-governmental organizations and some public prosecutors instituted legal proceedings against selected recreational fishing practices such as competitive fishing and voluntary catch-and-release fishing.

Following the precedent-setting court decisions against traditional competitive fishing in Hamm and Offenbach, Germany (Anonymous 1988; Zemke 1994), prohibition of competitive fishing with the primary objective to determine a winner was enacted into fisheries law in some German states (Braun 2000). However, it is important to realize that not all competitive fishing events are prohibited according to the APA and related fisheries legislation. Particularly, events in which the catch is killed and removed from the system (no catch and release) and that are primarily organized to manage the fish community, such as harvesting overabundant fish stocks, do not currently conflict with the APA, even if the catch is weighed and assessed to determine a winner (Meyer-Ravenstein 1993). This is allowed (or, more properly stated, not forbidden) according to the contemporary interpretation of the APA, because in such situations the fishing has a reasonable primary reason and determining a winner is a subordinate objective of the fishing event (Meyer-Ravenstein 1993). These tolerated events are known

today as management fishing (Hegefischen) or companionship fishing (Gemeinschaftsfischen). These terms are used synonymously; for simplicity, the term management fishing will be used hereafter.

Current form and social benefits of accepted fishing competitions in Germany

All over Germany, management fishing events that typically have competitive elements associated with them are today allowed, as long as the primary reason for fishing is reasonable. To account for the differences between traditional competitive fishing and management fishing, the German Sport Fishing Association (VDSF), one of the two German umbrella organizations lobbying for recreational fishing, developed criteria of management fishing that were acknowledged officially, hence nationwide, in the most recent report on animal welfare in Germany (Tierschutzbericht 2003). According to these criteria, the catch needs to be killed and utilized, for example, for pet or human nutrition. There should be no continuative character associated with management fishing, that is, winners should not qualify for further events. Further, management fishing must contribute to the management of fish stocks, such as the reduction of overabundant zooplanktivorous fish, which in many cases falls within the realm of the fishing rights holder's (e.g. an angling club) management responsibility as laid down in fisheries legislation. Hence, any competitive motivation must be secondary to serving the fishing rights holder's duty for sustainable fisheries management and conservation (reasonable reason for fishing recreationally).

This fisheries management duty known as Hegepflicht is the main reason for the replacement of the traditional fishing competition model by what is known today as management fishing. Many different stakeholder groups such as anglers, boaters and swimmers express their dissatisfaction with overabundant zooplanktivorous stocks in eutrophied ecosystems because these stocks can exert high predation pressure on herbivorous zooplankton, which in turn relaxes phytoplankton using top-down control and contributes to decreased water clarity and quality (Mehner *et al.* 2004). Hence, there is the socially constructed perception that reducing populations of zooplanktivores is one of the primary component of good managerial practice within the generic fishing rights holder's management duty to improve fish stock structure. In fact, no other stakeholder group can effectively reduce zooplanktivorous fish as the right to catch and harvest these fish in angler-exploited water bodies belongs exclusively to fishing rights holders, for example, angling clubs and associations. Moreover, alternative approaches to improve water quality (e.g. chemical binding and fixation of the in-water phosphorus pool) or seining of zooplanktivorous fish are cost intensive or logistically challenging and therefore rarely pursued in practice on larger scales. Hence, angling clubs and associations regularly organize management

fishing events to harvest zooplanktivores because they have a vested interest in contributing to the reduction of zooplanktivorous fish stocks through angling mortality. There is some evidence that the majority of the biomass of zooplanktivorous fish removed from angler-exploited systems is indeed originating from management fishing events. For example, in 2002, 58 metric tons of coarse fish were harvested by members of the German Anglers' Association (DAV) of Brandenburg, of which 34 tons of fish were harvested in management events (K. Piesker, personal communication). This means that 85% of all harvested zooplanktivorous fish by members of the DAV Brandenburg were caught in management fishing events that fulfilled a dual role in reducing overabundant zooplanktivorous fish and providing opportunity for anglers to experience a competitive environment.

It is not known whether this fish harvest significantly reduced the abundance of zooplanktivorous fish and hence had a measurable impact on water quality. Fisheries management theory and practice developed through biomanipulation experiments suggests that harvest of zooplanktivorous fish needs to be substantial to noticeably improve water clarity (Mehner *et al.* 2004). Research is needed to test the effectiveness of removing zooplanktivorous fish through management fishing in terms of influencing water quality and clarity. Nevertheless, fish harvest contributes to removal of phosphorus fixed in fish biomass from the highly eutrophied water bodies in Germany, and Arlinghaus (2004) estimated that German anglers were net removers of phosphorus from lake and river ecosystems nationwide.

By organizing management fishing events, angling clubs and associations also comply with the historic interest in competitive fishing of a specific segment of the angling public in fishing. A nationwide survey of German anglers found that approximately 20% of all organized anglers (anglers that are members of the German Anglers' Association, DAV, or the VDSF) surveyed preferred management fishing in a competitive environment (management fishing) over other types of fishing (Arlinghaus 2004). In contrast, only 6.6% of non-organized anglers preferred competitive fishing over other types of fishing. Hence, anglers who prefer to fish competitively are most likely those who become club members and most social and economic benefits associated with competitive fishing (see Schramm *et al.* 1991; Schramm and Harrison, this book for details) as likely to accrue to angling clubs at the local level.

Discussion and future outlook

An important aspect of the legal and social legitimatization of what is known as management fishing is that catch and release is not involved, which is in stark contrast to the traditional German fishing competition model where fish were usually released alive after the weighing procedure and holding in keep-nets.

However, it is unclear whether the new format of fishing competitions will withstand social, in particular animal-welfare-related pressure in the future. Some public prosecutors, for example, proclaim that any fishing activity with a competitive component is illegal, reasonable reason notwithstanding (unpublished court decision document 2006). This argumentation poses a serious risk to all types of fishing events, including management fishing, in which anglers gather and contrast each other's level of angling skill. This line of argumentation is relatively recent and was initiated in course of an (unsuccessful) lawsuit against a particular form of management fishing (king fishing) in Hannover (Germany). It remains to be seen whether such legislative perspective will spread throughout Germany. It partly depends on how successful the angling community will be in raising its profile and public acceptance by pointing to the multiple social and economic benefits associated with competitive and management fishing. However, according to the current interpretation of the APA, any anthropocentric (i.e. angling-centred) arguments justifying fishing other than personal consumption of fish and fisheries management are subordinated to the nationwide objective of avoiding fish welfare impairments whenever possible. This severely limits the options fisheries managers have in providing opportunities that match the interest of the angling public (Arlinghaus 2007). To reach compromise solutions, one could argue that provided that fishing competitions are conducted environmentally friendly and by minimizing fish welfare impacts, for example, by applying appropriate gear, handling techniques and weigh-in procedures, there are possibilities to reconcile angling interests with fish welfare issues (Arlinghaus *et al.* 2007).

One can only speculate about reasons why animal welfare thinking was successful in gaining priority over angling interests and practices such as competitive fishing. Retrospectively, one can assume that this success was probably possibly because of four mutually interrelated reasons: (1) strong animal welfare attitudes among the German public, (2) lack of social priority of recreational fishing facilitated by poor political influences of angler associations and clubs, (3) disperse representation of angling interests spatially segregated at a state level and further broken down to independent local angling clubs, and (4) avid roles of a minor number of key people in the process of highlighting the need to incorporate animal welfare issues into local angling practice. Altogether, this has over time shifted the relationship between animal welfare issues and angler interests into a new stable state, in which a proper justification for recreational fishing overall is the prerequisite for being allowed to pursue particular angling activities such as competitive fishing. Proper justification of competitive fishing is currently not achieved through emphasis of the social and economic benefits associated with this activity. It is debatable whether this perspective, which reduces the recreational fishing equation to acceptable fishing = fishing for food (subsistence), is timely in the twenty-first century (compare Arlinghaus *et al.* 2007), and it is worth noting that many industrialized societies that have developed a radically different attitude towards competitive fishing. It is, for example, currently

unthinkable that competitive fishing including catch and release would be refrained from being acceptable practice in the US. Our case study, nevertheless, highlights the importance of animal welfare reasoning in profoundly shaping the socially accepted ways of interacting with fish. This can have important implications for recreational fisheries and fishing-dependent industries.

12.4 From the inside looking out: a tournament organization's perspective on growing competitive fishing

Charlie Evans

Founded in 1979 in Gilbertsville, Kentucky, USA, FLW Outdoors is a private corporation that today is the world's largest fishing tournament organizer. The company serves people who make a living as full-time professional anglers, as well as anglers for whom tournaments are part of a vocational mix and anglers who simply enjoy the thrill of competition and see tournaments as an opportunity to expand and improve their fishing skills. This year the company will provide more than 93,000 anglers an opportunity to compete in 241 tournaments that comprise 12 different tournament circuits targeting black bass, *Micropterus* spp., walleye, *Sander vitreus* (Mitchill), red drum (redfish), *Sciaenops ocellatus* (Linnaeus), king mackerel (kingfish), *Scomberomorus cavalla* (Cuvier), and striped bass, *Morone saxatilis* (Walbaum). In sum, these tournaments will offer nearly \$43 million in awards in 2007 alone. FLW Outdoors is also a media company producing television programming, magazines and a Web site that serve tournament anglers, fishing enthusiasts and would-be anglers alike.

The rise of competitive fishing

Organized tournament fishing in the United States dates back to 1959. Today's professional-level fishing tournaments are different in many respects from the first World Series of Sport Fishing held by Hy Peskin in 1959. Unlike most early tournaments, which were multi-species events, today's professional tournaments are organized around circuits (a series of similar events governed by a consistent set of rules held at different locations) dedicated to a single species or species group (e.g. black bass). Today's tournaments have also carved out a significant and growing place in the public psyche, thanks to sustained media coverage on a national, and in many cases, an international stage. This media coverage has helped transform the sport from a regional marketing tool for boat, motor and tackle manufacturers into a marketing juggernaut supporting organizations as large and as diverse as Wal-Mart, Chevrolet, Procter and Gamble, BP and the National Guard.