

Constituting the Commons: Crafting Sustainable Commons in the New Millennium.

8th Biennial Conference of the International Association for the Study of Common Property (IASCP)

Panel:

Misali Island, Tanzania – An Open Access Resource redefined

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Abstract

As with many of post-colonial East Africa's valuable natural resource areas, the fishery of Misali Island, off the West Coast of Pemba, Tanzania, could until recently have been defined as open access common property due to the government's inability to effectively enforce the official system of state ownership. Moves by local community members, government sympathisers and external agents have led to the establishment of a legally recognised communal property resource, centrally managed by a heterogeneous stakeholder group that both co-ordinates control mechanisms inside the area and advocates for the rights of users to higher-level organisations.

Towards the beginning of the decade the traditional users of Misali (an estimated 1640 fishermen from 29 different coastal communities around Pemba) were threatened with exclusion from their livelihood resource through the possible lease of the island to tourism investors. This prompted extensive lobbying of the government of Zanzibar, who agreed that the island would be proposed as a community-managed eco-tourism site in which sustainable, controlled off-take would be allowed to continue.

Stakeholder workshops and advocacy by government and foreign agencies led, in May 1998 to the designation of Misali Island and its surrounding reefs as a protected conservation area. This allowed for the enforcement of controls on extraction by a central Management Committee, made up of resource users, government and NGO representatives. The development of an eco-tourism industry to the island will, through new visitor charges, provide immediate benefits to fishers' communities to offset revenues lost during the move towards sustainable resource use and provide the funds needed for long term protected area management. MICA (Misali Island Conservation Association), an NGO made up primarily of fishermen, has been formed as the organisation responsible for management of the resource, monitoring use of the resource by outsiders such as fishermen from Kenya and the neighbouring island of Unguja as well as distributing tourism revenue to member villages.

Many of the issues raised in the Misali project are of relevance to contemporary questions in common property studies:

- ◆ What has been the trajectory of involvement of higher-level organisations (for example MICA, Ministry of Agriculture, Livestock and Natural Resources) in the management of the resource? How has the involvement of these organisations affected the co-operation between direct resource users? How has advocacy by these organisations changed the management of the resources on the ground?
- ◆ Does the degree of dependence of the different user groups on the resource affect their commitment to co-operation?
- ◆ What are the interactions between different user groups (Kenyan/Ungujan/Pemban fishers/tourists)?
- ◆ Are the user group boundaries becoming redefined as the property regime of the island develops?

This paper traces the evolution of the management regime on Misali Island. It examines some of the questions outlined above, their relevance to other case studies and considers the future management of the resources and its effects on the livelihoods of the users.

Introduction:

Current thinking in common property resource use

Garett Hardin's "tragedy of the commons" (Hardin 1968), states that common or shared use of a resource will inevitably lead to the over use and degradation of that resource, and the only solution is either privatisation or state control of these resources. This theory has been extremely influential (McCay and Acheson, 1987; Wade, 1987; Feeny *et. al.*, 1990; Knudsen, 1995.) and became part of the conventional wisdom influencing policies towards the management of natural resources and the establishment of many state controlled protected areas.

In the last ten years, however, there has been considerable reset effort put in to re-examine this theory. Wade (1987) found it difficult to reconcile this with his own research findings from South India. He found, as did others (McCay and Acheson, 1987), that certain rural communities have been able to develop and sustain locally based rules over restrained access to common property resources.

"My findings, and those of many others contradict this [inevitable destruction]. We have many examples where villagers have established rules, monitored the condition of commons, monitored cheating and assigned punishment. We also have, of course, many more examples of cases where attempts to do this have failed, and where in the absence of state regulation or private property the commons has degenerated. But the successful cases of locally devised rule systems indicate that it is not necessary for regulation of the commons to be imposed from the outside." Wade, 1987

The consensus is, then, that while Hardin made a great contribution to the debate on common property resources, communal management is not only possible, but in many cases a desirable alternative to state control or privatisation as highlighted by these two quotes.

"My argument is only that (a) the propensity to descend into anarchy or destruction is neither as strong nor as general as the Prisoner' Dilemma model and its variants imply, and (b) that where a situation looks promising for collective action according to the above criteria, government officials should treat this option as seriously as the other two". Wade, 1987

"Hardin's model is insightful but incomplete. His conclusion of unavoidable tragedy follow from his assumptions of open access, lack of constraints on individual behaviour, conditions in which demand exceeds supply, and resource users who are incapable of changing the rules. Actual common property arrangements so not conform to all four of these assumptions" Feeny *et al.* 1990.

Wade (1987) outlines the possibility that governments could instead of hindering community-based management could in fact enhance that management.

"The government can help those local systems by providing a legal framework, and perhaps technical assistance. The legal frameworks should make it possible for local collective action organisations to obtain legally enforceable recognition of their identity and rights within the society, and to call upon the state as an enforcer of last resort." Wade, 1997.

This case study examines the case of Misali Island, Zanzibar, Tanzania, where arising out of threats to the resource, from both "outsiders" and "insiders", government institutions have supported the (re)establishment of communal management arrangements. The state-endorsed process of collective action have been supported and facilitated by external development agencies. The result, therefore, is the initiation a "partnership common resource " being a partnership between user communities, government, international agencies and potentially the private sector. The impact of negative

stakeholders is reported, as is efforts towards ecological, financial, institutional and social sustainability.

Global trends in biodiversity and protected areas

Natural areas are becoming increasingly scarce resources (Dixon and Sherman, 1990). Many of the most valuable natural areas remaining are located within the borders of developing countries, especially those in the tropics. East Africa is one of the most diverse tropical areas on the planet (McClanahan and Young, 1996). Tanzania is classified as one of 20 "megabiodiversity" countries. Within Tanzania is one of the 25 most important of the globes so-called "biodiversity hotspots". This is the Eastern Arc and Coastal Forest Centre of Endemism, of East Africa. Zanzibar falls within this centre of endemism. In terms of marine biodiversity, East Africa is also important and the Western Indian Ocean is an area of marine endemism.

An increasing part of the world's population live close to coastal areas, hence proper management of these resources is vital to have sustainable future (Balakrishnan et al, 1984). For example, twenty five percent of Tanzania's population lives in the coast (Richmond, 1997). Marine and coastal protected areas are recognised as an important component of sustainable development of the coastal (Francis *et al.*, 1999). There are now over 1100 marine protected areas (780 are marine parks) around the world (Agardy, 1991). There is concern, however, that many of these marine protected areas are merely "paper parks" with little functional value. One reason for this is that planners did not incorporate local desires and requirements, together with the national and international aims. (Agardy, 1991).

Misali Island, Pemba the study area

Zanzibar¹ is itself endowed with a rich marine and terrestrial ecosystem. Its coasts are additionally among the most beautiful in the world. Misali Island² (location map is shown below) is located approximately 10 km of the West Coast of Pemba Island. The Island is 0.9 km² in extent, and is composed of ancient raised coral reef (coral rag limestone) and is forested. It is surrounded by a 9.4-km ring of coral growth varying from extensive reef formations to areas of patches bommies (Horrill 1992 in Arnold, 1998). The marine biodiversity is high with 42 hard coral genera and over 244 fish species from 43 families. The forest is relatively undisturbed example of coral rag forest, which is becoming increasingly rare in Zanzibar and Tanzania. Endemic Pemban forest species found on Misali are; the Pemba Sunbird, the Pemba white-eye and the Pemba Flying-fox. Misali therefore possesses unique and diverse terrestrial and marine environments, which are still undisturbed when compared to other coastal areas in Zanzibar (Horrill *et al.*, 1994).

The historical context

In understanding the development of common property on Misali is necessary to understand some of the historical context. Omani and other Arabic influences have been felt along the East African coast for millennia. The oldest mosque on Zanzibar dates to 1107CE. Following 200 years of Portuguese rule, the Omani Arabs pushed the Portuguese out of East Africa in the 1690s. Thereafter, followed Omani colonisation and settlement of the East African coast, as well as trade in slaves, spices and gold. In 1844 Zanzibar became the seat of Omani rule and The Sultan of Zanzibar ruled an area stretching from Oman to Mozambique and had influence up to the Great Lakes. Zanzibar Swahili culture is therefore a mix of African traditional culture and Arabic culture and religion. Over 98% of Zanzibaris are Muslim and Islam is devoutly by the majority. British and German competition for the East African coast, and the control of slavery lead to the British protectorate status on Zanzibar in 1860's. While the Sultans remained as constitutional monarchs, the British largely ran the government until independence in 1963. Shortly after independence was a socialist revolution, and union with Tanganyika to form Tanzania shortly followed. Thereafter followed a period of socialism, isolation and economic decline from which Zanzibar emerged in the 1980s. As Zanzibar opened to the outside world, three main influences came to the islands. Firstly liberalisation of trade and economic reform, secondly the event of the tourist industry, and thirdly the increase of development assistance, including conservation and

¹ Zanzibar, is a semi-autonomous part of the United Republic of Tanzania, and consists of two main islands; Unguja and Pemba and a number of other small islands and islets. The population of Zanzibar is currently estimated at 870,000. (pplekmsq?)

² Misali Island is centred at 50 E 15's and 39 E 36'W.

the advent of Zanzibar's participation in the conservation dialogue and participation in various conventions and protocols.

Zanzibar's conservation policy and participation

Despite Zanzibar's rich biodiversity it was not until recent time that the conservation of natural resources in received attention. While the islands had a number of forest reserves established in the 1940's and 1950's these were aimed at timber production. In the early 1990's, the emphasis began to shift towards conservation. Although there had been calls for Misali to become a protected area the first marine conservation area, Chumbe Island Coral Park, was not established until 1995.

Also in the early 1990's there was a policy shift towards by the Government of Zanzibar to encourage the active involvement of local people in sustainable planning, management and conservation of natural areas through community conservation programmes. The new forestry and environment policies and legislation of 1996, allow for the effective participation of local communities. New fisheries legislation is under development, will similarly include significant roles for communities in protected area management.

Weaknesses of protected area management

Due to weakness of the Zanzibar economy government funds assigned for the conservation areas are very significantly small. Consequently even basic patrolling is not carried out. Illegal and destructive fishing techniques, such as Kigumi, dynamite fishing and beach seine are causing considerable destruction to the marine environment. A study by Horrill and Kalombo 1994 has shown that 10% of 93 reefs surveyed in Zanzibar as a whole had been destroyed and about 75% were in poor to moderate state due to use of dynamite and other poor marine practices. These practices until recently have been carried out at Misali.

History of common property at Misali

Little is currently known about the management of Misali prior to the 1980s opening of Zanzibar to outside influences. It is likely that low levels of fishing pressure meant that there was no need for communal management. Different villages do however, use different techniques. Whether this is a result of historical allocation to different communities by technique, or just historical quirk is hard to tell. As far as is known there was no community based management structure. The island does ancestor healing/divination sites, looked after by particular families from one of the Misali villages. It also a Holy Island under local Islamic tradition. Under this tradition certain taboos are in place, mostly related to personal behaviour on the island (women were not allowed to sleep on the island and intercourse was prohibited)

Apart from patrolling the Fisheries Department exerted little influence over the management of the Pemban fishery. At Misali and other small islands, even patrolling was neglected, due to their remote locations and limited financial resources. It was at this time that the Misali Island fishery became a virtual open access resource.

Values and threats

During the late 1980s the new values of Misali began to be recognised. In 198x it was recommended as a protected area and its conservation values were recognised. Likewise its tourist potential was also seen and a number of hotel developers saw Misali as a potential hotel site. In the World Tourism Organisation's landmark report of 1983 on the future of tourism in Zanzibar, suggested that Misali should be designated a nature reserve.

Threat from Hotel development and its resistance

Several investors particularly, from South Africa and Europe, attempted to access Misali Island for exclusive hotel development. The investors tried to convince the government, by showing how much foreign exchange an hotel would earn and also how well they would protect the environment of the Island. In 1993 the Government of Zanzibar leased the Misali Island to private company for hotel development. At this point the fishing community realised the value of the fishery and island to them and started to speak out. They joined with conservation groups to present a case to the government against leasing the island out.

Prior to any development, however, the government reversed its decision partly because of the local community opposition, partly because of the advocacy of the Ministry responsible for the environment, and partly because of the fear that terrestrial quality tourism would be less likely in Southern Pemba if Misali was given to a sole proprietor.

Misali Island a new common

The reversal of the hotel development lease led the way to establish Misali a community based marine protected area. To examine how this developed a closer look at the fishing groups operating within the area.

Pattern of fisherman use

There is no permanent human habitation on Misali Island, fishermen from various parts of Pemba, however, camp on the island for two to three weeks per year. Most come from the southern part of Pemba which include the shehias³ of Makombeni, Wambaa, Weshu, Muambe and in the Northern Pemba which are mainly from Kojani and Micheweni villages.

The Misali fisheries are artisanal, fishermen using traditional vessels and methods. The common fishing equipment used includes: traps, nets, beach seining, hand lines, gill netting, seine netting, and pointed sticks for octopus. Some of these fishing practices are destructive and wasteful

Fishing around Misali has been described by Horrill et al (1994) and Soley (1997a; 1997b), and is of the principal types indicated in Table 1 (Soley, 1997b):

Table 1. - Description of Misali fisheries by technique (Lim, 1999)

Technique	Boat types	Fishery by species
1. Troll-line	Ngalawa 90%	Large pelagics: Kingfish, Tuna, Shark
2. Handline (& longline)	Ngalawa 63%, Mtumbwi 32%	Demersal: Emperor, Rabbitfish, Grouper, Parrotfish, Spinefoot, Goatfish, Unicornfish, Trevally, Snapper
3. Traps	Mtumbwi 85%	Demersal: (above)
4. Drift gill net	Mashua (sail) 56%, Mtumbwi, Ngalawa, Dhow	Large pelagic: (above)
5. Fixed gill net (small mesh)	Mtumbwi 82%	Demersal: (above)
6. Fixed gill net (large mesh)	Mashua (sail) 42%, Mtumbwi 26%, Ngalawa 18%	Ray, Rabbitfish, Mackerel, Silver biddy
7. Light	Mtumbwi 70%	Small pelagic: Sardine, Herring, Anchovy, Silver biddy
8. Lobster/Sea cucumber diving	No boat 50%, Ngalawa 40%	Lobster, Sea cucumber
9. Octopus light tackle	No boat 70%, Mtumbwi 16%, Ngalawa 14%	Octopus

It is estimated that at least 1640 fishermen fish in Misali water each year, with this figure, about 1148 are thought to be full-time, it is further estimated that about 7260 people directly depend on Misali-given the family size of 5 people per household (Soley, 1997).

³ The shehia is the lowest administrative unit within Zanzibar, and consists of 1-3 villages. It is headed by a government official or headman called a sheha.

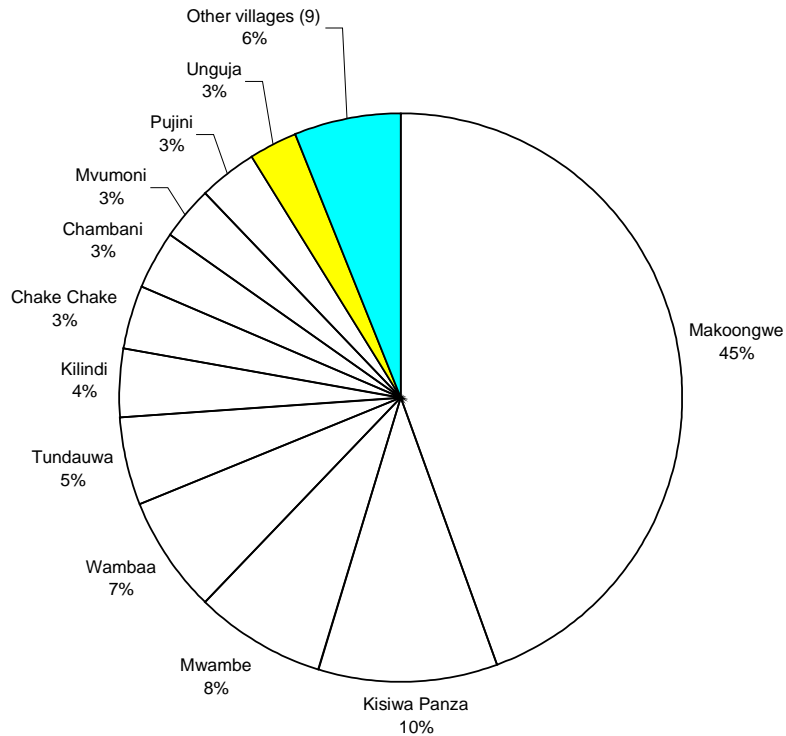


Figure 1 Number of Fishers Arriving at Misali Island and Place of Origin (15 September 1998 – 12 August 1999), N.B. includes many repeat arrivals (Lim, 1999).

Destructive fishing and negative stakeholders

The Misali fisheries have been threatened by various activities in past. Destructive fishing processes such as dynamite fishing and kigumi, together with the use of small mesh nets have taken their toll.

Of particular interest is the kigumi fishing technique which was locally developed by the Kojani village and used by them and the related village of Micheweni. Using large numbers of fishermen with poles and snorkelling gear a patch of reef is encircled by a weight seine net. Fishermen beat the and break the coral scaring the fish into the net. Once closed the contents are extracted with an extremely fine mesh such that even fry are caught. Once sorted the large by catch is discarded. This indigenous traditional technique is described by some to be even more destructive than dynamite!

Misali Island Management History

Conscious management of the Island started in 1996 when Misali Island Conservation Project was established. This was a project of the Commission for Natural Resources supported by the Environment and Development Group (EDG) a UK based conservation consulting firm, with funds from the European Union. The aim of the project was to establish the Island as a self-sustaining conservation area, with fully involvement of local communities. The diversity of interest groups, their needs and aspirations makes the management of Misali fishery and conservation area a potentially difficult task (Horrill et al, 1994). An important starting point was a stakeholder analysis and consultation, with the view developing a zoning plan to overcome conflicts between users.

The establishment of Misali Island Marine Conservation Area (MIMCA)

A process of meetings and consultations between the local fishing communities, the government and donor agencies confirmed the need to conserve the environment of Misali and its surrounding resources

and later maximise economic return accrued from the area. Fishermen still fearful of loss of the island to private interests insisted it remain as government property, and support the idea that it be declared a marine conservation area. This was with the condition that fishermen still had access. Out of this process a government instrument including a general management plan was submitted to Government. The Misali Island Marine Conservation Area was established on 22 May 1998 under both Forestry and Fisheries legislation. The establishment of this Misali order allowed the formulation of controls of the area by a central Management Committee made up of resource users, government and non-government representatives.

The establishment of Misali Protected Area has similar objectives to most Marine protected Areas, which are designated to conserve the biodiversity and maintain the productivity of marine ecosystem. Social economic development of the Misali surrounding communities are promoted by zoning and multiple use mechanism of the area. Appropriate tourism development and the sharing of tourist revenues.

Fishermen and women participate in the management of Misali Island Conservation Programme through three levels of committee. Firstly at Shehia level, secondly at district level and finally in the Misali Island Management Committee. The district committees send nine fishermen (the majority) to the fifteen-member committee. The Management Committee meets every six months and is the main decision making organ of the protected area. The management committee can nominate an individual, or organisation to manage the protected area currently called the Misali Manager. Currently the Misali Manager is an individual fisheries officer.

Misali Island Conservation Association (MICA)

To speak with an equal voice under these new arrangements it was recognised that fishermen needed an institutional framework within which to operate. During the initial meetings to discuss the establishment of the conservation area, the idea of a Misali association was agreed. Misali Island Conservation Association (MICA), an NGO was subsequently established to influence, encourage and assist the communities to protect, develop and conserve Misali island and to enhance the livelihoods of the communities using the island. The structure of MICA is such that it is open to any person, however, the association was primarily formed with representatives from those Shehias which most use the island. In 1999 MICA held its first elections. The Misali Manager was elected to be the Director of MICA. A number of other government official, and ex. government staff have joined MICA. Currently under preparation is the management of Misali by MICA. The management Committee will charge MICA through a memorandum of understanding to manage the protected area. The role of the Commission for Natural Resources will be supervisory. For this to be effective the management committee of MICA will need to be strengthened by government advisors.

Joint Management and institutional structures

The monitoring of management activities is carried out as a collaboration between the Commission of Natural resources and MICA. Local communities through MICA play an important role in law enforcement particularly in controlling destructive fishing techniques and unplanned woodcutting of the area.

Zoning:

The conservation area covers 21.58 km² in total, with the marine area making up 20.68 km² and the terrestrial area, 0.90 km² (Muhando *et al*, 1997). The conservation area is divided into 2 main zones a non-extractive use zone (core zone) and an extractive use zone. The non-extractive use zone is 1.4 km² in area on the west side of the island and includes important turtle nesting beaches and coral reefs. This area makes up 8.5% of the total area and is necessary to ensure that fish stocks are given a chance to replenish. Within the no use zone no extractive uses are allowed, however, non-extractive activities such as diving, snorkelling, swimming, boating and scientific research are permitted. The implementation of this zone has only just started as the fishermen do not really fully understand the purpose of the zone.

In the extractive use zone of 19.3 km² (89.9%) all legal fishing is permitted. The main patrol effort since the beginning of the project has been to control illegal fishing within the area. This largely has been achieved, although kigumi fishing goes on in the more remote areas of the conservation areas.

Misali is probably the only fishery on Pemba (and much of Unguja) where fishery law is enforced. There is a need for further zoning and control of fishing and by laws and closed seasons and the negotiations with the fishermen on these are only just beginning. Forest and marine patrolling is one among the management activities performed in Misali as a daily exercise.

Fishermen camping sites:

On the island two areas have been designated as fishermen's camping areas, these include, Mbuyuni and Mkwajuni. In all two areas, fishermen are allowed to build their own temporary camping huts, camping in other areas particularly on western side beaches of the Misali Island is strictly prohibited.

Turtle nesting beach:

The entire beach on the West side of Misali Island community known as Mpapaini is set as a turtle conservation area in which no camping disturbance of vegetation or other activities are allowed.

Tourism

Misali Island is a developing well-known dive location and is becoming the centre of the Pemba dive based tourist industry. Basic information is provided at the island but this needs considerable development. Nature trails have been both marine and terrestrial have been developed.

Misali Future Prospects

It would be desirable to strengthen Misali's legal status and several individuals and institutions have recommended park status. It is expected that strong conservation measures as well as eco-tourism development facilities will be established and well implemented in order to achieve the desired conservation goals. Environmental education program will also play an essential role in the success of the Misali Conservation Area. Local communities need to be educated on the importance of conservation areas as well as their high level participation in the program. The success of Misali Conservation program will also depend on the involvement of other institutions, both NGOs and CBOs

For any conservation program to be success, government support particularly on provision of resources is needed. The incapability of Zanzibar government to provide financial resources for natural conservation programs has been a major setback in achieving conservation policies. In Zanzibar this is evidenced by the fact that most of the activities related to natural resources conservation are only carried out when there is external donor providing financial support. Both government and local community participation in Law enforcement is needed in order to fulfil and strengthen the conservation objectives. At Misali research is underway into the use of Islam to strengthen communal management. It is likely that this will have considerable impact within these communities.

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ANNEX 1 - RESOLUTIONS OF MISALI ISLAND WORKSHOPS

RESOLUTIONS OF MISALI WORKSHOP HELD FROM 3rd TO 5th MARCH, 1997 AT GOMBANI - PEMBA (Translated from the original kiswahili)

RECOGNISING the richness of the natural resources of Misali island which make it important socially economically and environmentally

NOTING that the island is the habitat of endangered species like turtles and the Pemba flying fox

RECOGNISING that most fishermen from the various areas of Pemba depend on the island for their natural resources and that they are low income earners and depend on fish as food and for revenue

CONCERNED that there are some indications of destruction of the island's resources due to bad use and lack of any conservation programme

NOTING that Misali is one of the areas which most tourists like

AWARE that private investors want the island for themselves

THEREFORE we the Workshop participants meeting at Gombani Stadium whose names and signatures appear below DECLARE

We ask the government to announce officially Misali as a protected area and initiate a special programme which will make sustainable use of resources in accordance with our recommendations in the workshop
That we agree the recommendations attached to this declaration.

RECOMMENDATIONS

- Misali should remain in public ownership
- There should be a conservation programme including management activities that should involve the community
- The importance of Misali should be declared both nationally and internationally
- Management should involve a zonation reflecting the importance of different areas for different activities
- Boundaries should be marked and infractions penalised
- Tourists should be required to pay a fee
- Some of the revenues should be invested in a community development programme
- Fishermen camping in Misali should obtain permission for a particular camping site
- Fishermen using Misali should observe the rules and regulations to avoid degradation of the environment
- Tourists and other visitors should also require permission
- There should be an educational programme for island users on the importance of the conservation of the island and other areas
- Some fishermen should be employed on the island to act as watchmen

- A telecommunications system between Misali and the mainland should be installed
- Fishermen themselves should not be required to pay any fee for access to Misali.

**RESOLUTIONS OF MISALI WORKSHOP HELD FROM
11 TH. TO 13 TH. AUGUST, 1997 AT GOMBANI - PEMBA
(Translated from the original kiswahili)**

1. The drafted management plan presented in the workshop should be used as proposed by the project.
2. Existing permit system for fishermen to camp (dago) on Misali Island should be continued. Permits should be initially requested from Sheha, through Commission for Natural Resources or other institute concerned with protection. Also fishery, tourism and other activities should be controlled.
3. Misali Island conservation project should plan specific programmes of conservation education particularly for Misali users.
4. Community initiatives which aim to bring development to the Community and continue to conserve Misali Island should be aided by the Misali Island Project.
5. Camping should not be allowed at Misali with the exception of permitted fishermen, students and researchers.
6. Mpapaini beach should be set aside as a turtle breeding zone.
7. As Mbuyuni beach is used for camping (dago) and tourism, it should be prohibited for anyone to leave any type of garbage.
8. All forest areas on Misali should be protected. Cutting should only be allowed for fuel wood and construction purposes for use on Misali by permitted users only. No forest materials should be taken off the island.
9. The project should have an information centre on Misali to control all activities and revenues collection.
10. Tourism fee should not be less than 10 dollars per person per day.
11. Tourists should be guided by Misali conservation officers (rangers).
12. Tour operators should have a licence to take tourists to Misali.
13. Research should be done on the fishery and forestry etc. in order to control destruction.
14. Boundaries should be set as proposed by the Project.
15. Open and closed seasons for species or for areas of Misali should be planned and agreed by the district committees.
16. Misali users committee structure should be based on districts and members of central Committee should be selected according to the number of fishermen going to Misali from each district.
17. Rangers should be trained to interpret management measures for all users.
18. Misali conservation project should prepare nature trails for tourists.

