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Governance challenges on the implementation of fisheries co-management arrangements in Malawi

Abstract

This paper reviews some major challenges experienced following a shift in the management of fisheries resources in Malawi from centralised system to co-management in early 1990s. While the policy and legal frameworks governing management of the fisheries resources were established between 1997 and 2000, several key governance processes remain uncompleted. The decentralisation process has been slow while expectations among the user communities remain high. This is especially the case where the government made promises to the user community to establish a revenue sharing mechanism and gear compensation scheme and yet till now that has not yet been fulfilled. With adoption of the decentralisation policy, the institutional support from the local governments devolved functions like licensing, enforcement and extension is far from being secured. In some areas there is power struggle between the traditional institutions that form informal structures and the local level representative Beach |Village Committees. The principles of good governance that include participation and accountability of the representative committees are lacking in some areas, mainly due to how members are elected. The initiation process is another area of concern especially in cases like Lake Malombe where the government took a leading role to introduce the co-management arrangement and made several promises as incentives for participation of the user groups. However, ongoing activities like identifying other relevant stakeholders and their specific roles in a broad-based participatory process, developing constitutions, by-laws and management plans is a positive step towards signing of management agreements.

Key words: governance, co-management, decentralisation, user community, institutions, enforcement

1. Introduction

The capture fisheries sector provides an economic activity and livelihood to many Malawians. Nearly 60,000 people are directly involved in fishing activities implying that an estimated 500,000 family members derive their livelihood from that occupation (GoM 2003). Another segment (not yet estimated but substantial) that includes women is engaged in fish processing and marketing. Ancillary industries such as boat building and maintenance, net manufacturing and servicing of boat engines also offer employment opportunities to some people in both rural and urban areas.

National fish catches, which peaked to around 88,000 tonnes in late 1980s, have now declined by almost 50% to present levels. Of particular concern is the dwindling of catches from Lakes Malombe and Southern Lake Malawi and Upper Shire River located in the district. Several biological issues such as recruitment and growth overfishing and habitat degradation have been considered possible reasons for the decline of some fish stocks especially the Chambo (*Oreochromis* spp.) in Lakes Malawi and Malombe (FAO 1993; Bulirani et al. 1999). However, since 1990, various social issues such as institutional arrangements and governance have also emerged as contributory factors to the resource decline (FAO 1993; Bell & Donda 1993) mainly due to the open access nature and unlimited entry that have characterised the fishing areas. These are some of the problems that common property theorists have advanced to largely contribute to the declines of the commons in many parts of the world.

Berkes (1996) argues that the decline of fisheries is mainly a result of open-access nature of the fisheries, which in many cases were introduced by colonialists. Bromley (1991) asserts that unclear institutional arrangements in form of property rights and lack of embeddedness within the local structures contribute to natural resource degradation in developing countries. Jentoft et al. (1997) agree that the major characteristics associated with challenges to manage common property resources include difficulty to limit access and subtractability, which occur in situation lacking property rights to the resources.

To address these problems, measures to introduce some form of institutional arrangements should be adopted and implemented. These may include state, communal or private property or open access regimes which in part are in response to the popular Hardin's theory, of the 'tragedy of the commons', which recommends adoption of the either the state or private property. One criticism of the theory is that it sidelined the capacity of the community in regulating exploitation of the natural resources (Jentoft 1997). However, some scholars have argued that neither the state nor the private property regimes can contribute to sustainable exploitation levels of natural resources (Ostrom 1990). A further argument is advanced in line with practical aspects whereby a particular management regime for a natural resource may be a result of a mixture of some of them.

In essence, Jentoft et al. (1997) notes that even the community based natural resource management are always associated with state property systems.

In search for appropriate property systems, there has been a growing realisation of the importance of developing a specific property regime that governs management of a particular natural resource (Bromley 1991). Some form of a combined state and communal management systems in a co-management arrangement appears to have been recommended and adopted in various southern African water bodies since 1990s (Geheb & Sarch 2002). A participatory fisheries management programme (PFMP) was introduced on Lakes Malombe, Chilwa and Chiuta in Malawi between 1993 and 1995 (Bell & Donda 1993; Hara 1997; Njaya 1998). In Zambia and Zimbabwe, the co-management arrangement has been implemented on Lake Kariba since mid-1990s (Hachongela et al. 1998; Malasha 2002), while Mozambique and South Africa are implementing the initiative in selected areas along the coast (Lopes 1998; Sowman et al. 1998). Community participation in decision-making processes regarding resource monitoring and control through formulation and enforcement of fisheries regulations is a key element in these initiatives. On the other hand, the state is involved in promulgation of policy and legislative frameworks and in some cases takes up the role of enforcing fishing regulations.

The emerging interest in community-based natural resource management (CBNRM) initiatives supports an argument for involving communities in natural resources, which is not for maintaining ecological conditions only, but also facilitates dialogue between respective communities. Community participation refers to an active involvement of individuals or groups in an activity (Campbell & Townsley 1996). If management is to succeed, fishers must support management efforts through formulation and enforcement of rules (Wilson et al., 1994). However, the degree of user group involvement may differ from one country to another (Jentoft & McCay 1995).

Co-management is a variant of community based management approach. It is defined as an arrangement where power and authority to manage a fisheries resource is shared between user groups and government (Sen & Nielsen 1996), but in other parts of the world like Asia it involves other stakeholders like non-governmental organisations (Pomeroy 2003). It is recommended that the user groups have to be more actively involved in fisheries management if the regime is to be both effective and legitimate. An argument has been raised in terms of lack of democracy in co-management programmes that involve chiefs (Lowore & Lowore 1999; Robot 2003). In some cases there are limited consultations made with the fishers and that chiefs. Observations in most areas especially east of Lake Chilwa show that BVCs are composed of members that are closely related to the chiefs (Masamba-Mwale pers. comm.) in which case the committee cannot work against the wishes of the chiefs. However these are just isolated cases. Another criticism is that co-management is often related to a “fox in the hen house” metaphor and the free-riding effect (Jentoft et al. 1997). This means that the local community may abuse their rights as custodians of the fisheries resources and some who are not taking part in the co-management arrangement may just enjoy reaping benefits realised from what others have invested.

Apart from co-management, governance appears to be gaining popularity within the realm of natural resource management regimes across many countries in the world. The wider recognition of governance issues over the recent past years is due to the continued overexploitation of fisheries resources. The term ‘governance’ is not popularly used in natural resource management as ‘co-management’ does. In most cases governance is associated with state activities and yet, as of recent, some reviews have indicated that co-management is a result of governance systems (Béné & Neiland 2005). In a broader context, governance refers to ‘how power and decision-making is shared among different components of society’ (Béné & Neiland 2005:7). These components include individuals, community groups and organizations. Specifically, it includes legal, social, economic and political issues applied in managing fisheries resources. This implies that an enabling political environment should be created that allows various stakeholders to exercise their powers and authorities over management of fisheries resources.

Decentralisation is considered as a governance reform and it refers to any act in which a central government systematically and rationally transfers its powers, authority, and responsibility to local government structures or lower level institutions such as districts and community level committees or user groups (Ribot, 2002; Pomeroy & Viswanathan, 2003; Béné & Neiland 2005). Democratic decentralisation reforms give an opportunity for a shift from project-based to legally supported popular participation. Such reforms demand necessary capacity for scaling up these popular participation initiatives (Ribot 2002).

This paper reviews some challenges in the governance of fisheries resources mainly as it evolved from centralized to co-management approaches. It is based on secondary sources and field experience. Béné and Neiland (2005:7) agree that co-management and participation are part of governance, which broadly refers to ‘how power and decision-making is shared among the different components of society (individuals, groups and organizations)’. They clarify further that co-management is a result of governance reform, and participation and accountability are mechanisms for improving governance. It is against this understanding that this paper looks at the processes that led to a shift in the fisheries management approaches in Malawi. It qualitatively assesses progress that has so far been achieved after a decade of implementing fisheries co-management arrangements in various water bodies especially on the level of participation and accountability of both community and district level institutions.

This section presents a background to fisheries management policy reforms that have been taking place in some African countries and contextualizes fisheries management and governance. Section 2 looks at the evolution of fisheries management regimes in Malawi. Governance reform challenges are outlined in Section 3, and Section 4 proposes a way forward. Section 5 concludes the paper.

2. Evolution of fisheries management regimes

An evolution of common property resource management regimes in several countries has become a common feature, especially as the role of state with scientific explanation became dominant in the management process and later on, paving way for a social element with recognition of community involvement. Mullner *et al.* (2001) points out that the extent of community consideration of and involvement in resource management decisions has been evolving over the past century. In the early 20thC, the public was generally satisfied with the use renewable resources with development goals and allowed managers to continue making decisions based on scientific research. Figure 1 presents an illustration of how science and community have become integrated into decision-making processes.

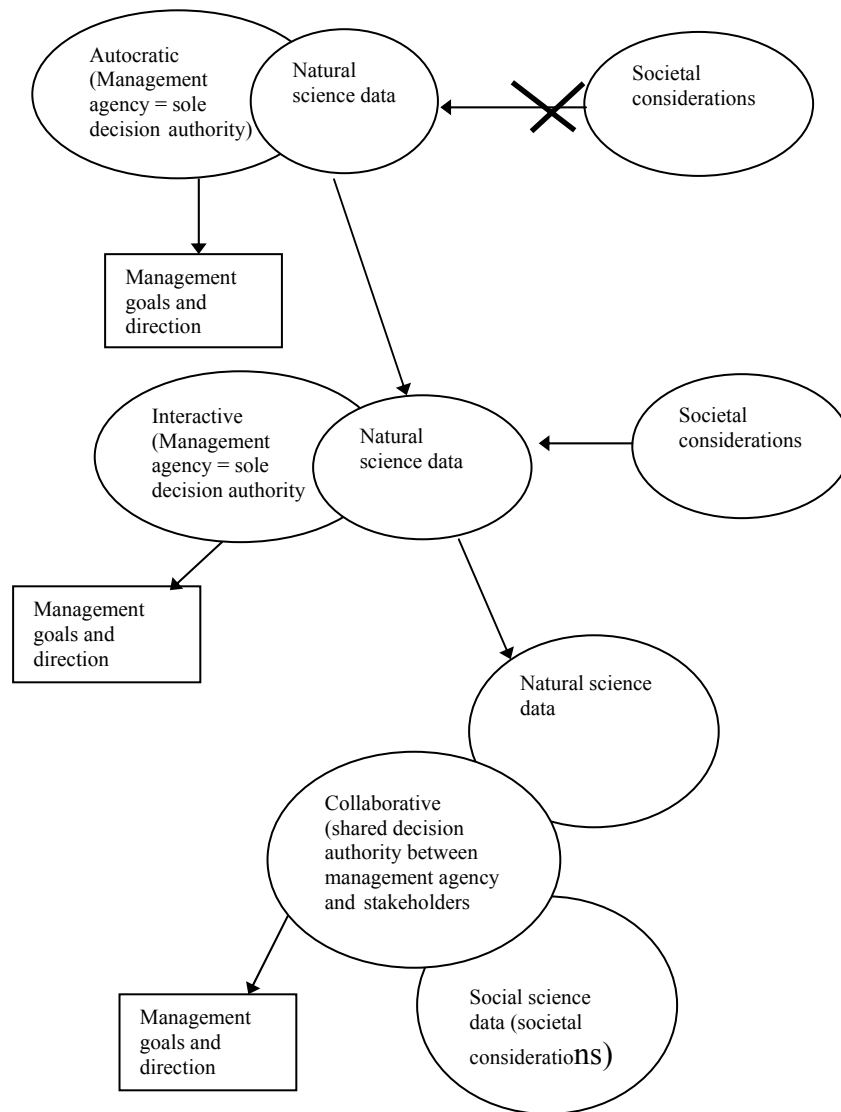


Figure 1: Integration of science into decision-making (Mullner et al. 2001)

This evolutionary process presents an opportunity for practitioners to understand whether concepts such as co-management, community-based natural resource management

(CBNRM) decentralised natural resource management or governance of natural resource are really new concepts or are just being re-introduced in what could be known as ‘re-inventing the wheel’.

There is a theoretical basis which explains how fisheries management systems have evolved over the past years (Box 1). This is mainly in terms of integration of natural and social sciences whereby involvement of the user community has been considered necessary for supply of local knowledge into the process.

Box 1: Theoretical basis of evolution of management systems

"The process begins when a management philosophy is espoused by authorities. If the philosophy meets the needs of managers, it may be selected and adopted by them to become a management strategy. Application of an adopted management strategy to the task of renewable resource management provides community the opportunity to consider and ratify the management strategy. If the strategy is accepted by community, it evolves into a management paradigm. When a management strategy is acceptable to managers and society alike and becomes a management paradigm, substantial discontent and questioning is needed to consider replacing it. However, any management paradigm can be challenged by proponents of a new paradigm. Understanding paradigm evolution provides a basis for understanding the history of renewable natural resource management" (Mullner *et al.* 2001, pp.39-40).

The basic evolutionary process for the fisheries management strategies in Malawi can be traced from the time when various settled along Lakes Malawi, Malombe, Chilwa, Chiuta and Shire River which are the main fishing areas of the country mainly before the turn of the 18thC. The process of the development of management systems for various lakes in Malawi can also be defined in terms of both political and socio-economic dimensions. There have been changes in political authority from tribal dominated rule in various places to a British colonial rule early 1900s, which later resulted in the Federation of Rhodesia and Nyasaland in 1950s. This is the era that centralised system began as traditional chiefs were asked by government to collect taxes from natural resource appropriators (Chief Mkumbira pers. comm.). The first Ordinance to regulate exploitation of game including fish was formulated in 1933. Section 3: Fishing Rules MP.437 of 1930 was added to the Game Ordinance (Chirwa 1996; Donda 2005). By 1949 these regulations primarily aimed at controlling commercial fisheries through licensing and taxation.

As Malawi became independent in 1964, the centralised system continued for a few years. In 1973 a completely new statute called Fisheries Act of 1973 was introduced which was reviewed in 1997 to come up with the Fisheries Conservation and Management Act which emphasised on community participation in resource management (Donda 2005). However, co-management or participatory fisheries management (PFM) was already introduced on Lake Malombe in 1993 almost during the same time when there was a political change for the country from one-party rule to multi-party democratic state in 1994 (Figure 2). Apparently there has also been a gradual change of the economy from subsistence to cash economy which resulted in increased fishing pressure as maximisation of rents from the fishery became the main objective of fishing as was stipulated in the 1973 fisheries policy. By early 1990s there was a change in policy

from ‘development’ to ‘management’ presumably after some indicators showed a serious decline in some valuable fish stocks such as Chambo. This change was reflected in the ¹IDA funded Fisheries Development Project which was initially based on a development-oriented objective of Lake Malawi fisheries when it was being designed late 1980s to management-oriented in mid-1990s. With research findings about the potential underexploited stocks in deep waters of Lake Malawi (Banda & Tumasson 1996), several interventions have been introduced to promote fishing in that area, as some localised overfishing have been reported the shallow waters especially in the southern part of the lake (FAO 1994; Bulirani et a. 1999). The Department of Fisheries has as of recent been implanting the Lake Malawi Artisanal Fisheries Development Project funded by ADB which aims to increase fish production of deep water stocks. At the same time, the Department has also secured support from ICEDIA to implement the Small-scale Offshore Fishery Technology Development Project (SOFTDP) which focuses on developing appropriate technology to enable small-scale fishers exploit the offshore deepwater stocks. The promotion of deep water exploitation has, however, been criticised as one way of running away from one problem of declined stocks in shallow waters and then creating another by promoting before appropriate strategies that ensure rehabilitated of degraded stocks are put in place (Chiotha in a radio ²interview).

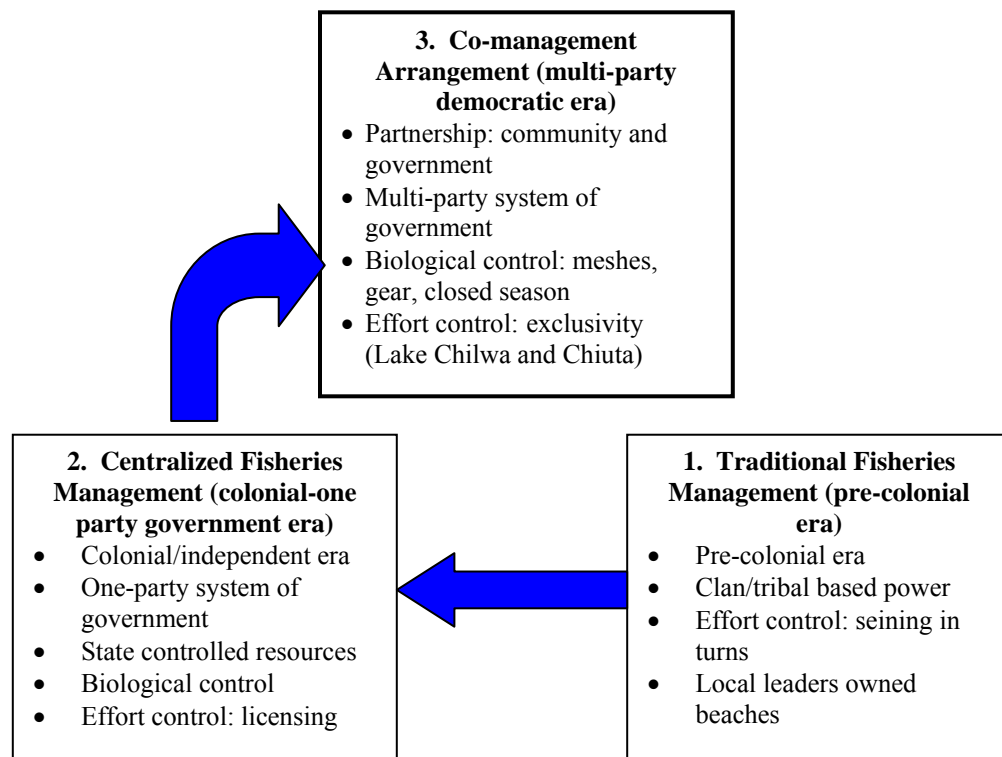


Figure 1: Evolution of fisheries management regimes in Malawi

¹ Apparently the author coordinated the US\$ 15.5 million project from 1998 until when it phased out in 2000.

² The interview was aired on Malawi Broadcasting Corporation Radio 1 in response to provision of loan to a fisheries cooperative based in the northern waters of Lake Malawi for offshore deep water fishing

2.1 Introduction of fisheries co-management in Malawi

Community based natural resource management or co-management is not an informally new concept in Malawi, especially in the development projects during the one-party rule. It was formally introduced in the 1990s to entrench popular participation as a democratic principle and as an alternative management system to the centralized regime. Pomeroy (2003) agrees that the idea of active participation of local resource users and communities in development and management is not a new idea as it has been part of the development process in certain parts of the world including Malawi since 1960s. The traditional and informal governance systems for fisheries have been historically practised in many African countries (WHAT 2000). With such recognition of traditional management, it is apparent that introduction of any management regime should take into the role and participation of the resource users.

There are several reasons why the ‘co-management’ or participatory fisheries management (PFM) as it is popularly known in Malawi was formally introduced. Principally, it was argued that the centralised management system that was based on biological recommendations had failed to address fish resource decline problems, for example, in Lake Malombe where Chambo stocks had seriously declined from 8,000 tonnes in 1980s to less than 500 tonnes in early 1990s (FAO 1994). Apparently, on a political front, there was a wind of change on democratisation of several states in Africa which did not spare Malawi. There was advocacy on popular participation and accountability as some of the key principles of good governance (Béné & Neiland 2005).

There was a wide support in terms of donor funding for a concept development, baseline and socio-economic surveys, and extension and income generating activities by DFID, GTZ and UNDP/FAO in the pilot phase of Lake Malombe participatory fisheries management programme. On Lake Chilwa, the process which started in 1995 after the lake dried up with a joint initiative from local traditional leaders and DoF later got support from GTZ, DANIDA and COMPASS in terms of capacity building and enforcement. The Fisheries Development Project (1991-2000) funded by IDA supported mobilization of communities into beach management units (BMGs), capacity building and infrastructural development in various fisheries district stations along Lake Malawi. From 1989-1994 a concept of a fisher club was disseminated in the northern waters of Lake Malawi mainly on Likoma and Chizumulu Islands and north of Nkhata Bay.

However, on Lake Chiuta, it is a different story. The shift was from community or traditional based with a gradual change towards a co-management initiative (Dissi & Njaya 1995). It was an initiative from the resource users seeking legal support from DoF to exclude seine fishers from exploiting fisheries resources in Lake Chiuta. This shows that apart from Lake Chiuta and to some extent Lake Chilwa, co-management arrangements in the other areas were introduced in response to donor influence and hence were implemented in accordance with the predetermined designs. The consequence of donor pull out by early 2000 on Lakes Malombe, Malawi and Chilwa has led to a confused situation which may take time to adjust especially in cases where participants

like BVCs expected monetary rewards from the donor funded projects for attending meetings and performing other duties (Hara 1996; Hara et al. 1999).

In Lake Chilwa, the governance system has been dynamic responding to ecosystem condition. The lake dries up periodically like in 1968 and 1995. Coincidentally, when the lake dried up, there has been collective action among the communities and resource users and Department of Fisheries. A strategy that is put in place to facilitate recovery of the fishery after refilling of the lake is to suspend exploitation of any fish stocks in lagoons and isolated poundings of water along major rivers (Njaya 2002). In this context it can be argued that co-management is not a new concept to the area only that it is just a term that is used to make it like a ‘resource management paradigm’.

On the southern Lake Malawi, there were a number of fishing communities that were mobilised into beach management groups (BMGs) with facilitation of fisheries extension workers. The BMGs were considered precursor to the BVCs with informal arrangements between the DoF and the user groups. On the lake, there are some places like Mbenji Island and Chilumba where some form of traditional fisheries management based on customary and traditional values is still in existence. Of course with co-management there is some input from the government but the overall picture is that there is dominance of control of resource access by chiefs. They have resisted total change to their governance system that is grounded in their traditional values. Commercialisation of the fisheries on Lake Malawi and other water bodies is always attributed to weakness of the traditional systems.

With the new National Fisheries and Aquaculture Policy of 2000 that recognises community participation, all water bodies are now undergoing governance reform and it is yet to be expected what sort of co-management outcomes will be achieved. A summary of the co-management initiation process is shown in Table 1.

Table 1: Description of various co-management initiatives in Malawi

Water body	Size	Fishers (2003)	When co-management started	Key partners	Who initiated the process	Why it started
Lake Malombe	390km ²	3,200	1993	<ul style="list-style-type: none"> DoF and BVCs (30% fishers and 70% non-fishers) in 1993 No local leader influence and later on recognising role of local leaders and by 2005 involving district assembly in a scaled up arrangement 	DoF	<ul style="list-style-type: none"> Chambo stock decline Regulation compliance problems
Lake Chiuta	200km ²	1,045	1995	<ul style="list-style-type: none"> BVCs (>90% indigenous fishers) and DoF, majority of the fishers operating on part- or full-time basis 	<ul style="list-style-type: none"> Indigenous fishers (pressure groups by community) BVC concept by DoF in 1996 	<ul style="list-style-type: none"> Conflict resolution with exclusion of seine fishery Seek support from DoF for legal recognition of the lake Winds of change on community participation Fish resource

						<ul style="list-style-type: none"> decline Social tensions between seine and indigenous fishers
Lake Chilwa	1,870km ²	8,656	1995	<ul style="list-style-type: none"> Traditional leaders and DoF, recognition of selected fishers based on gear operated 	Both DoF and traditional leaders	<ul style="list-style-type: none"> Recession Facilitate recovery by conserving remnant stocks in lagoons and pools of water along rivers Winds of change of community participation
Lake Malawi south (Mangochi)	18,400km ²	14,087	Late 1990s	<ul style="list-style-type: none"> DoF and BVCs (variable number of fishers and non-fishers) with Local leader influence at the time of process initiation No district assembly recognition till 2005 in a scaled up arrangement 	DoF	<ul style="list-style-type: none"> DoF seek support from local leaders to exclude certain gear types (<i>nkacha</i> and <i>ngongongo</i>) DoF seeking support from community through local leaders to promote community participation policy

2.2 Policy and legislation frameworks that support participatory fisheries management

At national level, Malawi has put in place enabling conditions for the implementation of CBNRM or co-management arrangements in what is generally referred to as the Participatory Fisheries Management (PFM). Some of the key policies and statutes are shown in Box 2. The objective of the Malawi National Fisheries and Aquaculture Policy of 2001 is to manage the fisheries resources for sustainable utilization, protection, and conservation of aquatic biodiversity. The policy provides an integrated policy framework for fisheries and aquaculture development in Malawi. It aims at the optimal exploitation and utilisation of the fisheries potential of Malawi's water bodies and the promotion of investments in both capture and culture-based fisheries. Its most outstanding feature centres on local community participation. This agrees with the view that successful co-management initiatives should be based on the establishment of supportive policy and legislative frameworks, clearly defined rights and power structures (Pomeroy 2003).

Box 2: Some useful legal instruments supporting fisheries co-management in Malawi

National Environment Policy of 1996: Following the National Environmental Action Plan that was launched in 1994, the National Environment Policy (NEP) was developed to provide an overall framework against which relevant sectoral policies such as fisheries, forestry, wildlife, water and land can be reviewed to ensure their consistency with the principles of sustainable development. Among others, the policy seeks to promote co-operation between Government, local communities, women groups, non-governmental organisation and the private sector in the management and utilisation of the natural resources and the environment.

National Fisheries and Aquaculture Policy of 2001: It represents an integrated policy framework for both fisheries and aquaculture in Malawi. The policy goal generally aims at "maximising the sustainable yield from the national waters of Malawi and man-made water bodies. Among its specific objectives, the

PFM goal aims to establish the co-management of fisheries resources between the Department of Fisheries and key stakeholders”.

Fisheries Conservation and Management Act 25 of 1997: This came into force in 1997 after the proposed Fisheries Conservation and Management Bill was enacted in Parliament. The Act has Part III that deals with “Local Community Participation”. It also highlights the importance of signing a fisheries management agreement between the DoF and Fisheries Management Authority (FMA).

Local Government Act 42 of 1998: It makes provision for District Assemblies (DAs) to take responsibility for management of forests, fisheries and wetland within a district, including the formulation and enforcement of by-laws relating to natural resource management. The traditional authorities are ex-officio members of the DAs.

Fisheries Conservation and Management Rules of 2000: This document spells out fisheries rules and their subsequent penalties. It also elaborates on duties of BVCs and association and outlines conditions of fisheries management one of which is the need for a management plan.

In an ideal situation, a policy would be the first to be approved and then followed by the legislation. However this has not tended to be case (Allison et al. 2002). Some policy analysts have observed some discrepancies between some policy goals and the provisions in the principal statute. For example, there is a mention about the role of traditional authorities in the policy and yet that is silent in the Act (Trick 2000). At international level, the country is party to various conventions and protocols that support co-management of fisheries resources. Some of them include the SADC Protocol, RAMSAR Convention and FAO Code of Conduct for Responsible Fisheries.

2.3 Decentralisation process

In Malawi, there is a long history of decentralisation as it started during the colonial era (Sholto & Kutengule 2001). During that time the colonialists introduced the policy of indirect rule, which was fairly effective system of local government that was based on chieftaincy. There was devolution of chiefs’ administrative, judicial and developmental functions. The chiefs who were reporting to their respective District Commissioners were given powers through Chiefs Councils that were formed as provided for in the Native Administrative Ordinance of 1933. They were mandated to collect revenue and make rules for administering their respective areas. This meant that the chiefs were more accountable to the government than to the people they were governing. In a search for solutions to this problem of accountability, a District Council Act was passed in 1953 and it was reviewed in 1962 with an Act. This meant that more powers and responsibilities were devolved to the district councils which were given powers to collect revenue for funding additional activities. It was generally felt that the local authorities performed their functions effectively and the presence of line government departments and ministries was not prominent (GoM 2001).

After the country became independent in 1964, the system was changed which resulted in centralisation of power. In 1967 the government introduced District Development Committees (DDCs) which were working in a similar way as the local authorities that were composed of elected members. Two major problems were highlighted in this system

during the one-party government rule. Firstly was a dual system that was introduced at the district level whereby the DDCs could be supported more than the local authorities. Secondly politics played a major role as the party controlled both the central and local governments.

In the multiparty system of government, democracy became a key element in the process. This resulted in devolution of powers for governance and development to lower levels to promote popular participation of local communities in decision-making processes in relation to their developmental plans.

The National Environmental Policy was adopted in 1996 to guide formulation of appropriate measures for sustainable environmental management in line with the principles of sustainable development. However, implementation of these measures has been constrained in part by the governance system which was centralised and at present being shifted to participatory natural resource and environmental management. The Government of Malawi (GoM) approved and adopted the Decentralisation Policy and the Local Government Act (LGA) in 1998. The decentralisation policy aimed at devolving certain powers from the central government to local government, specifically to the established structures called district assemblies.

The decentralisation policy is justified in the sense that the centralised approach that characterised environmental and natural resource management in Malawi did not recognise local knowledge through community participation in the policy formulation, planning and design of interventions which could enhance ownership and increase environmental awareness. It is also envisaged that decentralisation will facilitate empowerment of local communities to actively participate in natural resource management according to drawn up District Environmental Action Plans (DEAPs) which are integrated into National Environmental Action Plan (NEAP) as an input into the Poverty Reduction Strategy Paper (PRSP), which is the basis on which the national development budget and donor or government funding would be made. The responsibility of the district assemblies is to administer central government policies and development plans including those developed at community levels according to needs of the communities. The technical officers from various line ministries and departments are responsible for implementation of the policies at the district assembly level.

Therefore decentralisation of natural resources and the environment was introduced to meet the following objectives outlined in the Decentralisation Policy (GoM 2001):

- (a) Create a democratic environment and institutions for governance and development at the local level that will facilitate the participation of grassroots in decision-making;
- (b) Eliminate dual administrations (field administration and local government) at the district level with the aim of making public service more efficient, more economical and cost effective;
- (c) Promote accountability and governance at the local level in order to help Government reduce poverty;
- (d) Mobilise the masses for socio-economic development at the local level.

2.4 Status of fisheries co-management initiatives

There are several studies that were conducted to assess patterns of interactions outcomes of co-management in various water bodies of Malawi. Some of them centred on the patterns of interactions involving the key partners and their associated outcomes based on IFM/ICLARM institutional analysis framework (Hara et. al 1999; Njaya et al 1999; Donda et al 1999) while others were not (see De Gabriele 1997; Lowore & Lowore 1999; Mohamed 2002; Hara & Jul-Larsen 2003; NARMAP 2001). However, not much has been done to assess progress on co-management as a result of a governance reform including decentralisation and devolution processes. There is need to analyse the context of co-management by looking at laid out principles and procedures stipulated in the Fisheries Conservation and Management Act of 1997. NARMAP (1999) outlines some of the crucial issues that were identified before 2000.

In the Malawian case, to complete a co-management arrangement the following steps should be taken into account: mobilising communities or resource user groups into beach village committees (BVCs) and associations, developing a management plan with clear objectives, constitutions for user committees and associations for legal personality, formulating by-laws with district assemblies, and then signing management agreements.

Table 2: Crucial steps accomplished in various co-management initiatives in Malawi

Water body	Community mobilisation into BVCs and/or reorganisation	Constitution	Association with legal personality	District fisheries by-law formulation	Management plan	Signing of Management
Lake Malombe	Done	Available		In process	Draft available	
Lake Chiuta	Done	Available	Available	Process started		
Lake Chilwa	Done	Available				
Lake Malawi (South)	Done			In process		
Lake Malawi (central)	Done	Available				
Lake Malawi (North)	Done					

So far, none of the co-management initiatives has been concluded with the signing of any management agreement as shown in Table 2. However, on Lake Chiuta legal personality for association was concluded in 2003 while by-law formulation process is underway on Lakes Malombe and southern Lake Malawi. Progress that has been achieved as at present is presented in Table 2. It shows that co-management implementation in Malawi has never followed any particular pattern and hence differences in performance. This supports the observation that co-management implementation varies from country to country (Jentoft 1997).

3. Governance challenges to achieve effective common property management regimes

A complex myriad of challenges have been outlined in the implementation of the co-management arrangements in various water bodies in Malawi (Hara 1996; Lowore & Lowore 1999; Njaya 1999; Hara 2001, Mohamed 2002; Donda 2001; Hara 2001). These include issues like the initiation process, definition of user group and community, unclear roles of various stakeholders, scaling issues, power struggle and limited capacity of partners. Most of the previous findings were based mainly on case-by-case basis or comparative basis with a critical analysis of not more than two cases and were largely at community level. Very little work has so far been done on district level co-management whereby decentralised fisheries management is considered. It is for this reason that this review goes further by relating what happens at community level to the wider governance issues that take into account sharing of power and authority among various stakeholders at both local and district levels. In this context, decentralisation as a policy recommendation and its impact on fish resource management forms a basis for this review at present.

3.1 Decentralisation and devolution processes

When the fisheries co-management was adopted in Malawi in early 1990s, the decentralisation policy was not in place. Scholars argue that for an effective participation and accountability of the communities and resource user groups in resource management devolution of functions should take place (Pomeroy 2003). The community participation was based on partnership between the central government and local communities. However, the Decentralisation Policy that was approved in 1998 brought into picture another dimension as to how stakeholder participation would be considered especially where BVCs as resource user committees would be embedded into the decentralised structures to minimise conflicts.

Since then, some sectors have decentralised while others are in process like the fisheries sector. The devolved functions of the DoF include enforcement, registration and licensing of vessels and gears for the small-scale fishery. The commercial fishery is still under the control of the Department of Fisheries Headquarters. Despite progress being made towards the devolution of powers to local district assemblies (DAs) and user groups such as Beach Village Committees (BVCs), there is still a long way to go. There has not been much on the civic education about the Fisheries Policy, Act and devolution process and roles assigned to various players in any district. There has been confusion as to what roles would the district secretaries and assembly play in the devolution process. Furthermore, there has been weak capacity in terms of infrastructure, manpower and skills in the way certain issues would be handled such as by-law formulation, management plans, and sanctions to offenders and how the BVCs would be embedded within the decentralised structures. The absence of guidelines on sanctioning of illegal fishers, can lead to perceptions on human rights abuses and corruption by the BVCs. Sanctions imposed by

local leaders need to be supported by appropriate legal instruments rather than in a ‘trial and error’ manner.

The revenue sharing scheme that centred on the involvement of district assemblies has not yet been implemented. This has weakened participation of the user community especially on Lake Malombe where the scheme was introduced as an incentive for the BVCs. However, in the case of Lake Chiuta the BVCs still command a lot of respect in terms of sanctioning offenders. They set up their own minimum charges as fines and can confiscate and keep an illegal seine net for more than two years. Knowing lack of capacity by DoF, the user community can keep the nets themselves without informing the DoF. There is mistrust against each partner – the DoF thinking that the BVCs are going a bit too far while the BVCs are saying DoF is very weak and can betray them. It could be this sort of mistrust that makes the co-management resilient as the illegal fishers are always afraid of the BVCs more than the DoF.

Another challenging issue is that of minimising conflicts between small-scale and large scale fishers and how to incorporate the large scale trawl operators into the co-management initiative. The question that is difficult to handle is: Can BVCs control operation of commercial fishers who are under the Department of Fisheries Headquarters in their waters? Corollary, can the commercial fishers comply with rules and by-laws of the BVCs? This is a problem that needs to be worked out for effective management of resources in Lake Malawi. The decentralised fisheries management should recognise the need to devolve management authorities for both small and large scale operators.

3.2 Resource constraints

Most of the co-management initiatives in Malawi have depended on donor funding (Hara 1996; Njaya 1998; Hara 2001; Donda 2001). There are a few cases such as Lake Chiuta and some parts of Lake Malawi that started co-management from self-determination. In accordance with the Fisheries Conservation and Management Act of 1997, the problem of financing activities in a co-management framework was identified and hence a provision was made to ensure that planned activities by communities and government be carried out with a systematic funding levels. There was need to establish a Fisheries Fund (FF) in which case funds from the government approved by parliament, fees from licenses and penalties, voluntary contributions, funds realised from sale of forfeited items and administrative penalties could be deposited for financing various fisheries conservation and management activities. Additionally, a district fee with funds generated from licence and permit fees could also be instituted to be used for the benefit of people within a fishing district (GoM 1997).

So far, neither the FF nor a district fee has been established. The implication being that most of the activities in the co-management programmes still depend on the government funding which is not adequate to meet the required needs. At least, there is a provision in the proposed by-laws for Mangochi District assembly covering Lakes Malombe and southern Lake Malawi to have the district fee instituted. However, its implementation

will depend on the approval of the fisheries by-laws by Mangochi district assembly with elected ward councillors not yet in place.

3.3 Level of partnership and participation

In the past the government advanced fisheries development policy goals that aimed to exploit the resources to its maximum sustainable levels although the government failed to maintain such a level. However, in some cases, communities were against any introduction of new fishing technologies that were too efficient such as trawlers and use of light at night when fishing using ³*chirimila* on Lake Malawi (Chief Msosa pers. comm.) and use of trawlers and open water seining on Lake Chilwa (Chief Mkumbira, pers. comm.). The question remains as to what extent should the government be ready to listen to the community in this ‘modern’ co-management arrangement rather than what was done in the past, as the government was adamant to listen to the communities. The whole management process was based on a centralised approach with dominance of biological research findings in a ‘know-it-all’ attitude. This has resulted in some repercussions. The new direction now centres on exploiting deep water stocks on Lake Malawi. Some people are already against it. Chief Msosa has maintained his position not to allow any seine fisher to operate within the Mbenji waters in the name of deep water fishing promotion. He continues to be against use of light when fishing with *chirimila* at night and use of mosquito nets along the shallow areas. Chiotha (in a radio interview) is also against the promotion of deep water fishing without putting in place appropriate strategies to rehabilitate collapsed fish stocks on Lake Malawi.

While decision-making powers can vary from state control to community based on a scale (Sen & Nielsen 1996), it is important to look at empowerment issues for the community to drive home their decisions. In many areas co-management has been heavily tilted towards the government influence with most of its decisions expected to be taken by the communities. This is evidenced in the Fisheries Conservation and Management Act of 1997 where several provisions give powers to the Director of Fisheries. For example Section 5(1) states that the Director of Fisheries shall appoint members of the Fisheries Advisory Board, while Section 4(1) gives powers to the Director of Fisheries to appoint Honorary Fisheries Protection Officers. The Director is also empowered to develop a management plan and take it to the community in which case this is consultative as outlined in Section 8(1a). There is also a dichotomy of powers as regards controlling of fisheries as the Director shall issue commercial licences while BVCs are given powers to scrutinise application for registration of small-scale vessels and fishing licences as stipulated in Section 6(2). This demonstrates that the lucrative segment of the fisheries in terms of fees paid for registration and licensing is controlled by the government while the other challenging small-scale fisheries sector is left for the BVCs.

While there are several provisions in the new fisheries statute, the BVCs are still not legally empowered to actively make decisions that are in the interest of the fishers. There

³ Chirimila is an open water seine net that is used to catch *Usipa* and *Utaka*. However since 1990s the fishery has been used to exploit Chambo in the southern waters of Lake Malawi

is need to develop relevant legal schedules that would outline all necessary tasks for the BVCs and other key players. Issues like legal personality for the BVCs or association, registration of fishers, licensing, fisheries management agreements and appointment of Honorary Fisheries Protection Officers are yet to be developed, nine years after approval of the legislative framework. If empowerment of the BVCs is to be assured there is need to complete the legal process rather than just getting proud of having a new Fisheries Conservation and Management Act that focuses on local community participation.

Mohamed (2002) looks at sharing of responsibility, decision-making and authority for fisheries management as components relating to co-management. Setting of management objectives for the co-management in Lake Malombe and other areas has still been seen to be coming from the government scientists (Hara et al 2002; Mohamed 2002). In practice what has been happening is that management decisions are made with recommendations from the government and then just passed on to the community for their information and adoption. In most cases the BVCs that have been in place on Lake Malombe are not 100% fishers. Donda et al 1999 and Hara 2000 note that just about 30% of the BVC members were fishers while the rest were not. Exclusion of most of the seine fishers from the BVCs has even complicated the situation as rules and regulations formulated have been targeting ⁴*nkacha* and yet *nkacha* fishers do not participate in the decision-making processes. This alienation of powers based on gear type has resulted in the co-management seen not to be legitimate and hence non-compliance of regulations such as closed season, mesh and gear sizes and licensing.

3.4 Initiation and transformation process

The initiation process of these co-management arrangements varies from one place to another. In some areas like Lake Malombe, the government through multi-donor funding introduced the co-management regime while in Lake Chiuta the user communities started the process. As a result, outcomes like equity to resource access and efficiency in terms of cost effectiveness and sustainability also vary (Mohamed 2002). In Malawi, co-management was introduced before decentralization policy was formulated. This has also contributed to some implications in the governance system of the fisheries resources.

The transformation process was associated with several promises to facilitate adoption of the community involvement in the co-management. The community was promised some benefits through certain schemes and programmes. A gear compensation programme on Lake Malombe was taken as an incentive to attract fishers with *nkacha* to venture into other businesses or procure recommended gears. Changes made not to implement the gear compensation scheme due to new project management team were viewed as a basis for lack of seriousness and trust by government in the implementation of the co-management programme. As of present the fishing community asks the DoF to provide reasons for the failure. The fishers widely accepted the scheme which would limit the number of *nkacha* (open water seine) to a recommended level of about 200 from 300 provided government bought their gear (FAO 1994; Hara 1996).

⁴ *Nkacha* is basically an open water seine net which is allowed on Lake Malombe only and banned in the other water bodies of Malawi

Another aspect is that community-based management was initiated at a time when fisheries resources in many water bodies such as Lake Malombe had declined or were on the verge of collapse as is the case in some parts of southern Lake Malawi. In one of the community consultative meetings on by-law formulation process a ⁵representative of Chief Chowe stated:

‘It is unfortunate that when the resource was abundant the government thought of taking our powers to manage the fisheries resources in Lake Malawi and Malombe. But look today, we are given rights to management water only and no fish’

Furthermore, the recent past has seen perpetual hunger with less crop harvests which has been forcing rural people to venture into fishing activities. Therefore the impact of co-management on resource condition and relationships may not be easily assessed within the ten-year period only but rather more time is needed.

3.5 Definition of BVCs and fishing community

Definition of membership is needed in development of common property regimes (Ostrom 1990). This makes it easier to exclude those who are not entitled to any rights for access and reaping benefits from management of fish resources. Considering that in small-scale fisheries migration is a common feature it means that migrants should seek authority from BVCs and local leaders owning beaches for landing or fishing within jurisdiction of the BVC waters (GoM 1997). Since co-management started in Malawi it has been difficult to define what a BVC is. The original thinking of scholars who promoted co-management in early 1990s defined a BVC in terms of its members limited to 10 members with or without additional local leaders, and that has been widely recognized elsewhere.

However, when Parliament approved the Fisheries Conservation and Management Act in 1997, a new perspective of a BVC emerged. The name ‘beach village committee’ does not appear but instead it is a ‘local management authority’ which is defined as any local community organization established for the purposes of promoting local participation in the conservation and management of fisheries in Malawi’ as stipulated in Part I Section 2 (GoM 1997). To complicate further, beach village committee appears in the Fisheries Conservation and management Regulations of 2000 and it refers to ‘persons engaged in any aspect of the fishing industry in any particular fishing beach’ with an objective to participate in the conservation and management of fisheries (GoM 2000). The BVC is required to form a sub-committee for an effective management of the affairs of a BVC and this is what has originally been referred to as a BVC. This confusion has affected implementation of co-management arrangements especially in terms of what a BVC is and whether BVC is synonymous to local management authority (LMA).

Inclusion of local leaders in the BVCs has also remained a thorny issue for a long time. Traditional authority structures in the southern Africa are a legacy of colonialism. In both

⁵ Mr Bakali, a representative of Chief Chowe presenting a speech at Makumba Group Village Head, South East Arm of Lake Malawi held on 23 November 2005

countries, traditional authorities are based on a lineage system of indirect rule that was introduced in the 1940s by the colonialists (Lopes et al. 1998; Nhantumbo et al. 2003). The main responsibilities of the chiefs included collection of taxes, fees and dues as demanded by the Portuguese in the then Portuguese east Africa (now Mozambique) and British in the then Nyasaland (now Malawi). After independence many African countries continued with the traditional authority structures but a review of their duties included control over their villages including settling disputes and allocating customary land. In Mozambique, their customary powers were revoked in early 1990s, but recently the government has begun to recognize the role of the leaders. In many areas, development projects in Malawi have been implemented with support of the traditional leaders. There has, therefore, been a growing realization of traditional leaders as partners in co-management processes (Hara & Nielsen 2003; Hara et al. 2002; Trick 2000). However, Trick (2000) while agrees with that, advises to monitor activities of the traditional leaders.

Those that are concerned with the recognition of traditional institutions have advanced their ideas by indicating that it is the same way as transferring power to non-representative institutions (Ribot 2003; Lowore & Lowore 1999). In this context democratic participation of the grassroots is not achieved. These conflicting issues have confused practitioners on the ground and hence resulted in frequent institutional arrangement changes that sometimes need money.

Initially (1995-1997) traditional leaders were not part of the Lake Malombe and Lake Chiuta co-management arrangements. Later on, there was incorporation of the local traditional leaders in the committees. This new structure was developed to be in line with the devolution process that recognizes a cluster of community-based organizations at the bottom of the Village Development Committees (VDCs), then Area Development Committees (ADCs) up to the District Assembly level. However, success of this organizational setting will depend on commitment of all stakeholders within the District Assembly.

Defining a community has been difficult due to its heterogeneity and social and cultural constructs. A fishing community may refer to gear owners, crew members, processors and fish traders but can also mean a village that shared its boundary with a water body. It can also mean resource user groups based on gear types such as seines, gillnet and longlines. The question that relates to what a BVC is should also draw a similar line as to what a community is. To achieve effective representation in a community that is heterogeneous at both group and individual level may be challenging. In some areas like Lake Chiuta majority of the fishers operate mostly part-time and hence may be resistant to accept any fisher that operates on a full-time basis. Malasha (2002) shares with this view as on Lake Kariba fishing is characterized based on ethnic group and settlement patterns. It is not easy to reach a consensus on the definition of a community but rather practical aspects will dictate what sort of groups to work with in a co-management initiative.

Another problem is on scale. If the focus is on village level then it may work out well with forestry resources while it may not be the case with fisheries resources. A village may have more than one beach and hence if the village level perspective is taken as a partnership forum, then some of the fishers and user groups in other beaches may not be effectively represented. Furthermore, participation and representation should be clearly focused in terms of user group as well. There is a need to look at which fishers in terms of their gear types get represented at decision-making levels. The problems lie on whether in an ecosystem, fish trap or gillnet fishers may advance their concerns in a forum that is composed of seine net fishers. By class fish trap and gillnet fishers may be ranked low in terms of investment while seine fishers are on the top side. Experiences have shown that seining operations have tended to destroy either gillnets or fish traps and yet the response by the seine fishers has been ‘we are licensed highly’.

In certain areas, the community organizational structures have been changed several times. This is mainly the case of Lake Malombe where a ⁶BVC and association were formed in 1993 and 1996 respectively. This was a two-tiered institutional structure. A change was made to have a four-tiered structure with BVC, Area Fisheries Committee (AFC), Fisheries Management Unit (FMU) and Association in response to the decentralised structure. Composition of the BVC membership was also changed with a predetermined numbers of 3 gear owners, 2 crew members, 2 fish traders and 3 members not directly involved with any fishing activities (NARMAP 2002). This was to raise membership of the BVC members that were involved in fishing related activities. These changes have had an effect on the performance of the co-management regime as it has brought in some confusion as to what exactly is the government looking for.

3.6 Conflicting power structures

Several institutional structures exist in all lakeshore areas of the country. These are informal or traditional and formal structures. The informal structure involves power and authority vested in chiefs. The formal structure has two types, namely decentralised and sectoral. The decentralised one refers to a framework in which political and administrative power is devolved from central government to district assemblies. Another form of formal structure takes a sectoral line whereby local community organisations (BVCs) report to their association in a given water body or fishing district.

In the traditional structure, authority starts from a family, which the smallest unit. Several families that are closely related and may be in a household seek their guidance from a household head (*Mwini Mbumba*) as he/she is called in other areas such as along southern Lake Chilwa depending on culture and tradition. *Mwini mbumba* seeks authority from village head (*Nyakwawa*) who is under Group Village Head (GVH). Several GVHs form a Sub-Traditional Authority or just a Traditional Authority (TA) who is a chief and sometimes depending on superiority he/she may be a Senior Chief or Paramount Chief as locally called among Ngoni clans. All chiefdoms are inherited from generation to generation and the selection process is confined to closed related people either based on

⁶ This refers to the old meaning of a BVC with 10-12 members

family ties, ethnic origin or clan. The local authorities may depend on clans or tribes (see Erling 2006).

The traditional structure has influence on decision-making processes within villages and beaches. In some areas beaches are given names associated with village or an influential fishers who cleared the beach in the past. Such influence need to be considered when introducing new authoritative structures such as BVCs in the villages as their impact will be based on support from the traditional leaders. This justifies their involvement in development work since the colonial era although their role was mainly to collect taxes on behalf of the government. During the one-party and multi-party system of governments the roles of the chiefs were also recognised with government officials especially the District Commissioners gracing consecration ceremonies. At times even the Head of State does attend such functions and this shows that they have a dual function to play: governmental and traditional.

Despite advocacy on the adoption of decentralisation that aims to eliminate the dual functions, this problem still exists probably because the process has not yet been fully adopted. Even in a fully decentralised natural resource management regime, the chiefs will wear two hats: one to be accountable to government and another for customary nature. In a meeting held on 15 April 2006 at Lake Malombe, Chief Chimwala cautioned fishers who always break rules that:

‘I will not be on your side, protecting you all the time. I am for the Government and hence expect a tough ride ahead’.

This statement is enough evidence which demonstrates that chiefs can be a in a fix regarding enforcement of regulations that affect fishers in their respective areas.

3.7 Impact of governance on resource recovery: any improvement on resource condition?

With over a decade of co-management implementation there is high expectation on the results regarding the status of fisheries resources. Critiques of co-management dwell on the contribution of comanagement to stock recovery or rehabilitation and sustainable levels. A lot of work has been centred on building up relationships between partners but less on ecological issues. The question centres on how to link co-management to ecological issues. Arguments that centre on governance issues only may become meaningless to other stakeholders such as consumers who want to see fish available widely in the country and in large quantities to influence prices. Whatever strategies are formulated should ensure that social and ecological dimensions are taken care of. Probably this is where a complete co-management process with an agreement is needed. The proposed management agreement comes with a management plan and by-laws to govern the conduct and appropriation levels of the commons. As experience has shown (Njaya 1996), by-law formulation process tackles challenging issues such as property rights, closed areas, enforcement district fees and clear roles of stakeholders which brings in a process that will ensure an improved fisheries management regime with devolved rights that go with responsibilities and accountability to the BVCs (Katerere 2002).

4. The way forward to address the governance problems

Based on challenges that Malawi has so far experienced in its co-management initiatives for popular participation and accountability there are several outstanding issues that need to be addressed. These include defining BVCs, empowerment, clear roles of stakeholders in a broad-based participatory process based at community and district assembly level, political will on decentralisation process and capacity of the local district assemblies. This will relate to the common property theory, which states that for a successful co-management strategy there are several conditions to be met such as boundaries, rules that take into account local situations, flexibility in collective action arrangements, monitoring, sanctions, conflict resolution and rights to organise (Ostrom 1990; Pinkerton 2003). Additionally will also be a step further in completing a co-management arrangement with signing of management agreements as stipulated in the policy and legislative frameworks.

There is need to empower fishing communities which is clearly defined and has a key stake in the resource. A BVC as defined in the fisheries legislation should be commonly adopted. Scaling up the co-management process is needed by focusing on a broad-based participatory approach that is transparent and accountable to the community should be taken into consideration. A BVC should be composed of all people that are involved in fishing-related activities and it should elect office bearers. Of course in some cases like Lake Chilwa the challenges of having a BVC with fishers is that due to water level changes there are seasonal and periodic migrations that render absence of office bearers for quite some time. In this case inclusion of non-fishers may be recommended to ensure that fisheries management regulations are enforced at all times.

There should be clear roles of the traditional systems of governance and decentralised fisheries management structures. Key policy issues should be formulated by central government while the role of formulating by-laws and their enforcement should be left with local district assembly which are elected members in a democratic process. The by-laws need to take into account the local situation and should be driven by officials from Mangochi District Assembly and not from Department of Fisheries in which case issues from communities would presented with minimal biasness.

Pido et al. (1996) emphasise on the recognition of two parallel governance structures in a community being an informal management system, which is developed and implemented by a community of resource users and a centralised fisheries management system. Often outsiders to the community are not aware of informal systems as these are not easily observed or understood. They point out that an informal management system refers to a 'rights-and-rules system collectively sanctioned by fishers' and hence need to involve the resource users and the community in all aspects of co-management processes. In Lake Chiuta, the fishing communities have had their own rules mainly before 1970. The traditional leaders had powers to indirectly regulate access to the fishing areas although it was not based on a resource management system due to abundant resources. In many cases, the traditional leaders had their beach chairs or representatives (*Ndunas*) who could collect fish for the leaders in what was called *mawe* system (Hara et al 2002).

These informal arrangements could provide a basis for a sustainable management regime that is legitimate and supported by all stakeholders.

A debate on whether to recognise the roles of chiefs in decentralised fisheries management processes remains not clear. Hara et al 2003 recommend recognition of chiefs in co-management initiatives while Ribot (2003:4) discourages this as chieftaincies are associated with 'non-democratic and often unaccountable' tendencies. This is perhaps the reason why Hara and Nielsen (2003) propose to modify the understanding of co-management in an African context. Where application of local knowledge is supported in any co-management arrangement (Wilson 2003), there should be recognition of chiefs as they are custodians of inherited wealth of knowledge. In countries where chiefs are found, there is always respect for them and in some cases they can hinder any new development work that is being proposed in their areas. In certain instances, especially during elections they have even been blamed to support certain political parties while they are to be neutral. This argument cannot be underrated as fisheries co-management is about people and if chiefs are left out of the process then power struggle will result.

This argument leads to two types of co-management in terms of inclusiveness, namely: *traditional chief inclusive* and *non-traditional chief inclusive*. The type co-management arrangement to apply will depend on local situations. There are co-management cases that have succeeded with either type but the questions as Hara et al (2003) pose is: will the *non-traditional chief inclusive* type remain sustainable?

The case of Lake Chiuta co-management which started in 1995 has been based largely on the non-chief inclusive and has been a model while Lake Malombe co-management started with the *non-traditional chief inclusive* but has never progressed much. In some areas of Lake Malawi like Mbenji, Chief Msosa has managed to conserve good stocks of fish such as Utaka due to his influence in a traditionally grounded belief while Chiefs Makanjila, Nankumba, Mwadzama have also taken part in co-management initiatives in their areas. The roles they play include presiding over cases of illegal fishing, access limitation in terms of Mbenji based on human behaviour; participate in by-law formulation and other decision-making forums.

On Lake Kariba there are areas like Chiefs Sinazongwe and Chipepo that have successful stories about fisheries co-management. After donors pulled out sometime in 1990s, they took over the responsibility and have gone ahead to negotiate with district councils on revenue sharing schemes as reported by Chief Sinazongwe in 2003. Of course a question on how democratic they are remains debatable but the co-management output stories from these areas are a success. It should also be noted that there are some areas like Lake Chilwa where chiefs' powers dominated decision-making processes regarding use of revenue from fisheries enforcement activities and this has resulted in weakening the co-management process. This was mainly due to limited accountability of funds which were being collected through penalties from illegal fishers. This shows that the co-management arrangement was based on monetary aspects as incentives, an issue also experienced in certain part of Africa which may also be applicable to democratically elected institutions

such as BVCs on Lake Chiuta who at times collect funds but fail to account for the money (Njaya & Hachileka 2002). Katerere (2003:32) cautions that the 'distribution of revenues from resource utilisation is not sufficient incentive to secure the participation of people in CBNRM activities'.

There is need for commitment and political will to effectively implement a fully decentralised fisheries management system whereby various functions such as licensing, enforcement, extension and research should be devolved into community-level structures through the local government structures that include district assemblies, ADCs and VDCs. The licensing and enforcement functions should also include the commercial fisheries sector. It is not in the interest of the public to see one sector controlled by the central government leaving out the most difficult and resource poor small-scale sector for the community level structures. There is need to base the co-management process on a well formulated goal, objectives and strategies rather than on incentives and promises that are not achievable. The Fisheries Fund should be established which will assist local level institutions to implement various activities that promote fisheries conservation and management. Finally, the legal tools for empowerment of the BVCs and traditional leaders should be implemented without any further delays.

Another aspect is that community-based management has been initiated at a time when fisheries resources in many water bodies such as Lake Malombe have declined or are on the verge of collapse as is the case in some parts of southern Lake Malawi. To address this, Allison et al. (2002) suggest that policy makers should consider many factors that are external to the fisheries sector which focus on rural development at local, national or international levels. Hara & Nielsen (2003) also support this argument in that economic issues play a major role in fisheries management with an assumption that pressure on the exploitation of fisheries is regulated where other alternative means of earning a living are available.

The recent fisheries by-law processes being user way in some districts like Mangochi in Malawi offers a new opportunity for empowerment of the BVCs which is linked to the transfer of discretionary powers (Ribot 2003). By engaging all key stakeholders including small- and commercial fishers, government departments, district assemblies, non-governmental organisations and other groups this ensures that a broad-based participation in decision-making processes will be achieved which is a key feature in effective decentralisation (Ribot 2003).

What has been achieved so far since 1993 has not effectively contributed to improved catches of the collapsed Chambo fishery in Lake Malombe. All sorts of reasons are given which mainly points to organisational aspects of the BVCs and ineffective implementation process by the government. However one major aspect is the slow progress to decentralise fisheries management responsibilities and powers to the BVCs through the district assemblies. Pomeroy (2003) notes that in some cases politicians and government administrators resist relinquishing their powers and positions in their respective ministries to local governments. A question of capacity for the local level

governments or district assemblies also arise which constrain progress of decentralisation.

5. Conclusion

In this paper I have argued that concepts like community-based or co-management, governance and decentralisation are not new as such. They are being emphasised upon in response to a wave of changes on democracy and economic reforms and hence have been dynamic. Some of the complications and difficulty in understanding are a result of how the concepts are introduced especially in cases where they are copied from elsewhere. As Hara and Nielsen (2003) argue, fisheries co-management in some African countries with traditional institutions may differ from elsewhere, especially where the traditional powers are concerned. However, where emphasis is on recognising the roles of chiefs to facilitate the co-management process, this is viewed negatively (Ribot 2003) since traditional leaderships are considered non-participatory in their decision-making processes. This is just a caution which may need monitoring of the activities of the traditional leaders as Trick (2000) suggests.

However after full decentralisation of the fisheries management, it is envisaged that their roles will be embedded within the district assembly structures. This will demand political will to devolve all fisheries management functions whereby the transfer of management responsibilities should be done with discretionary powers to the BVCs (Ribot 2003). For success of the co-management arrangements, there is need to consider policy, legislation, rights and recognition of authority structures (Pomeroy 2003). The decentralised fisheries management should be based on all sectors including small-scale, commercial and ornamental for committed and district assemblies that are well skilled and have necessary human and financial resources to implement the programme in a broad-based participatory management.

Taking further steps towards signing of management agreements with management plans and by-laws are necessary to achieve resilient co-management institutions. The development of management plans will provide goals and objectives of rehabilitating collapsed fisheries and formulation of by-laws will be legal tools to empower the user community thereby strengthening their bargaining power to negotiations regarding resource access rights and management issues in a more participatory and transparent manner. Most of the governance issues can be solved through participation of various stakeholders at both district and community levels.

There is need to review the fisheries policy and legislation to be in line with the decentralisation policy and Local Government Act other natural resource policies that focus on community participation. The principles of engaging user community in a co-management initiative should be the same. While this is taking place, it is important to carry out some reforms on the institutional arrangements such as defining the BVCs structures, roles and boundaries to be in line with provisions of the current fisheries policy and legislation. This will promote greater participation and accountability as the

BVCs structures will fit into the decentralisation framework and hence revenue sharing and monitoring of their activities from grassroots to the district assembly level.

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