

Participatory Fisheries Management Revisited

There are several governance reform challenges and prospects for the management of fisheries resources in Malawi's Lake Malombe and Southern Lake Malawi

Participatory fisheries management (PFM), as widely understood in Malawi, is a governance type that entrenches participation of the user community in fish resource management. In PFM, the Department of Fisheries (DoF) and the fishing community are key partners who, in an ideal situation, agree on shared roles and responsibilities, and formulate the goals, objectives and strategies of a particular management regime. Of paramount importance to the process is the point that the government recognizes the rights and responsibilities of the local community to the appropriation of the resource. The local community should also have the ability to make management decisions on which resource to manage, who ought to be involved in the management, and size of the area where the resource is located. The PFM partners should develop a management agreement outlining shared roles and responsibilities between the government and the community. The roles and responsibilities may include the formulation and implementation of plans and rules; imposition of sanctions on illegal fishers; capacity building; policy formulation; and building participatory monitoring and evaluation systems.

In Malawi, the PFM strategy involves mobilization of the fishing community into representative user groups called 'beach village committees' (BVCs) that are responsible for controlling all fishing activities on a particular beach. A BVC, as defined in the Fisheries Conservation and Management Act (FCMA)

of 1997, refers to all people involved in fishing-related activities such as fishing, processing, fish trading and boatbuilding. A BVC subcommittee is composed of office bearers. This is unlike the initial understanding of a BVC, which was like a group of 10-12 elected office bearers on a beach charged with the responsibility of managing a resource. The FCMA provides for empowerment of the BVCs in terms of enforcing regulations, including closed seasons, gear and mesh restrictions, closed areas and licensing of gears; authorizing both small-scale and commercial fishers to land on their beach; and maintaining beach registers containing information about counts on registered fishing vessels, gears, gear owners and fishworkers.

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The Lake Malombe PFM started on a pilot scale in 1993 after the *chambo* (*Oreochromis* sp.) fishery had collapsed, as reported by the Food and Agriculture Organization of the United Nations (FAO) in its Chambo Research Project, which was implemented from 1988 to 1990.

Willing participation

The fishers also recognized the problem, as evidenced by their willingness to participate in the management of

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the fisheries when an initial survey was conducted by Bell and Donda in 1993. In its operational guideline, BVCS represent the local fishers. Unlike in other sites, the Lake Malombe PFM has benefited from various donor agencies, including the Department for International Development (DFID) through the Fisheries Research and Management Support Project (FRAMS)

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from the early 1990s to the late 1990s, the Germany Technical Co-operation (GTZ)-funded Malawi-Germany Fisheries and Aquaculture Development Project (MAGFAD), from 1988 to 1998, and its follow-on, the National Aquatic Resource Management Programme (NARMAP), from 1988 to 2002, and the World Bank-funded Fisheries Development Project, from the 1990s to 2000.

The Lake Malawi South PFM started with the formation of 'beach management groups' (BMGs) from 1997 to 2000, which were later transformed into BVCS, between 1999 and 2002, during the NARMAP implementation period. Since then, the Government of Malawi has solely implemented the PFM activities on Lake Malombe and Southern Lake Malawi, with some governance reforms that mainly focus on decentralization. It is envisaged that the establishment of the BVCS demands an enabling operating legal environment, with associated constitutions and bye-laws for proper functioning. It is in view of this requirement that the Mangochi District Assembly, in conjunction with the DoF, set up a fisheries bye-law formulation task force, chaired by a magistrate. The mandate of the task force was to formulate widely agreed-upon fisheries bye-laws through consultations with all affected parties, including the fishing communities in the fisheries sector of Mangochi District. Such efforts that the district assembly spearheaded were necessary, since the final output

reflects popular local views and aspirations, thereby setting the stage for legitimacy and ownership for enforcement of the bye-laws.

While PFM largely involves the user community and government, what is forgotten is the role of other stakeholders, for example, non-governmental organizations (NGOs) or civil society groups. With the advocacy on decentralization and good governance, it is imperative to include other stakeholders in PFM, taking into account participatory democracy, transparency and downward accountability. With respect to this assertion, which is in accordance with the ideology of decentralized fisheries management, the PFM on Lake Malombe and Southern Lake Malawi recognized the need to have the Mangochi District Assembly in the PFM implementation process.

This article reviews the progress of PFM on Lake Malombe and Southern Lake Malawi. A major focus is on the review of the implementation of the PFM and an examination of the governance reforms, with particular emphasis on how district assemblies are involved in the management process. This is based on secondary sources, specifically on the ongoing BMZ-GTZ-funded project, Food Security and Poverty Alleviation through Improved Valuation and Governance of River Fisheries in Africa.

The capture fisheries subsector provides an economic activity and livelihood for the lakeshore-based segment of Malawi's population. A recent (2005) survey by DoF showed that nearly 60,000 people are directly dependent on small-scale fishing activities. The majority of them are also engaged in fish trading and other ancillary industries such as boatbuilding and maintenance, net manufacturing and servicing of boat engines while yet others are employed in commercial fishing units.

Direct support

In Mangochi District, fishing activities on Lake Malombe and Southern Lake Malawi directly support nearly 20,000 small-scale fishers, and over 150,000 household members are involved in fishing, processing and trading activities. The national fish landings, which peaked at over 80,000 tonnes

per annum in the late 1980s, are now between 50,000 tonnes and 60,000 tonnes per annum, according to the 2007 analysis of catch trends by the Malawi Fisheries Research Institute (MAFRI). The catches from Lake Malombe and Southern Lake Malawi have, however, declined by over 30 per cent, from 29,000 tonnes in 1989. This is largely due to various reasons such as overfishing, the open-access nature of the fisheries, increased population growth, and weak enforcement capacity. The fish production of 1,900 tonnes from the commercial sector in Southern Lake Malawi dropped by around 50 per cent from the 1976 catch. However, the catch estimates for 2006 and 2007 for both fishing water bodies show a remarkable increase in catches to over 30,000 tonnes.

Observations indicate that the increase can be attributed to three main factors, namely, the response of fishers to localized overfishing reported in the shallow waters of the lake; migration; and the promotion of offshore deep-water fishing. On Southern Lake Malawi, the small-scale fishers venture into offshore deep-water fishing with modified fishing gear types like *kwandwindwi* (a form of beach seining by small-scale fishers based on a mechanized trawling technology) and *mbuka* (deep-water gillnetting). The operators have also, in response to the low fish catches, migrated to the eastern side of the southeast arm of the lake, where the numbers of fishers and gears have, in the past, been low due to the distance of markets from the landing centres. The DoF has, in recent years, been promoting offshore deep-water fishing for the small-scale fishery to exploit about 30,000 tonnes of underutilized deep-water fish stocks. Ironically, the catch trends on Lake Malombe alone still do not show any remarkable increase. The catches have, since the 1990s, been fluctuating between 3,000 tonnes and 4,000 tonnes, while, in the late 1970s and 1980s, they were around 8,000 tonnes per annum.

To address the problem of declining fish catches, the DoF adopted the PFM approach in the early 1990s. The main reason was to involve the resource users in the formulation and enforce-



Fishermen of Lake Malombe. Participatory fisheries management in Malawi involves mobilization of the fishing community

ment of fisheries regulations, thereby improving compliance, which was then low. To a certain extent, the management regime would also address the problems of resource ownership, definition of incentives, popular participation principles and clear assignment of roles for various participating groups. The government approved the PFM approach with objectives and roles of the user community as stipulated in the National Fisheries and Aquaculture Policy (NFAP) of 2000 and Fisheries Management and Conservation Act of 1997.

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However, despite the long implementation period of nearly one-and-a-half decades, PFM does not appear to have contributed to fish stock recovery, especially for *chambo* (*Oreochromis* sp.) on Lake Malombe and Southern Lake Malawi.

Power struggle

Previous evaluation studies have shown several setbacks especially in terms of power struggle between user-group representatives (BVCS) or subcommittees and local leaders; unclear roles of various stakeholders; weak capacity

to enforce fisheries regulations; and sectoral compartmentalization in the management of fisheries resources. Consequently, a broad-based PFM arrangement that takes into account governance, popular participation and accountability within a decentralized framework, which enables the user community to identify their needs

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and prioritize solutions, is being advocated.

After a decade of implementing the PFM on Lake Malombe and Southern Lake Malawi, questions abound as to whether progress has been registered and whether it is justifiable to continue with the PFM arrangements, and, finally, how the initial design of the PFM fits into the decentralization framework, a governance reform that promotes transfer of administrative and political authority from the central government to local government, introduced in 1998 as part of the government's decentralization policy.

Therefore, the DoF called for a stakeholders meeting in 2004, with the participation of the Mangochi District

Assembly, including two traditional chiefs and a magistrate.

The meeting highlighted the weakness of the DoF in terms of its failure to enforce fishing regulations, as it appeared to have abrogated its enforcement function to the BVCS. The meeting blamed the DoF for its laxity on law enforcement, believing that PFM could address non-compliance problems. The stakeholders identified other specific issues:

- With lack of bye-laws and devolved functions, there was no basis for assemblies to participate in fisheries enforcement activities.
- The chiefs presented a problem on power shifts from the traditional authorities to magistrates. They indicated that when co-management started (between 1993 and 1997), the chiefs and village heads had powers to impose sanctions on law breakers by charging fines up to K20,000 (about US\$50 then). To a certain extent, the imposition of such fines served as a deterrent to continued rule breaking, and fishers could respect the local leaders. Since then, however, the practice has been legally discouraged as the chiefs are no longer mandated by law to impose sanctions and charge fines.
- As for the Fisheries Conservation and Management Act of 1997 and the Fisheries Conservation and Management Rules of 2000, the meeting noted gaps in the regulations, relating to, for example, closed seasons for commercial operators, restrictions of some emerging destructive gear types (for example, *kandwindwi* and *kauni*), and minimum catch sizes for fish species other than *chambo* (*Oreochromis* sp.) and *mpasa* (*Opsaridium* sp.), closed areas, and regulating access to the fishery.
- The Mangochi Fisheries Management Association (MFMA), BVCS, and chiefs appeared not knowledgeable about their roles. This was the basis for corrupt tendencies on some beaches where the BVCS and some local leaders allowed illegal fishing operations.
- Lack of capacity for BVCS to perform their work due to unavailability of funds and other resources, since

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Fishing in Lake Malombe. Around 20,000 small-scale fishers depend directly on the lake's resources

the Fisheries Fund from which they could benefit was not yet established as stipulated in the Fisheries Conservation and Management Act.

- The DoF was encouraging the *nkacha* fishers to illegally operate in Lake Malawi by licensing the seine-nets and recording catch data from the seines.
- The magistrate courts were encouraging repeated illegal fishing operations due to the low penalty fees that they charged for offences.

As a way forward, the meeting participants asked the DoF to continue enforcing fishing rules. In addition, they agreed that the assembly should develop and enforce fisheries bye-laws since it was learnt that the DoF was centrally enforcing regulations that were, in most cases, not appropriate for sustainable exploitation of the fisheries resources.

The bye-law development process is long and needs a lot of money, time and human resources. The principle guiding the process is that a wider participation of stakeholders in decisionmaking is necessary to ensure inclusiveness in terms of inputs from rival user groups as, for example, between small-scale and commercial operators or between the DoF and operators.

A series of meetings on the bye-law formulation process led to the election of a task force on 19 March 2005, chaired by a magistrate. The task force guided the bye-law development process through the following proposals to address fisheries management and governance:

- Include a district fee, as suggested in Sections 59 (1) and 59(3) of the Fisheries Conservation and Management Act.
- Address perceived gaps in the fishing regulations, especially on closed seasons, mesh and gear restrictions, closed areas and failure to regulate entry.
- Clarify the roles of stakeholders like the Local Fisheries Management Authority (LFMA), chiefs, assembly, fishers and the DoF.
- Clarify the difference between corruption and tribute, locally called *mawe*, and also assess whether informal rules that the local communities

apply on their beaches contribute to resource management or encourage corruption.

The methodology for primary data collection included participatory approaches, with focus-group discussions as the major field collection tools. Secondary data collection involved the use of field reports, published and unpublished research papers by the DoF, and socioeconomic reports from the District Assembly.

The task force drew up a list of target groups for consultations. Meetings were scheduled with commercial operators, small-scale fishers located at several selected beaches along the fishing water bodies, Traditional Authorities (TAs) and Group Village Heads (GVHS), and Area Development Committees (ADCs). It was found that through the bye-law formulation process, there is a broader understanding of clear roles that various stakeholders should play. Firstly, due to the wider participation in the bye-law process by the fishers, households and traditional leaders, there is an increased legitimacy of the laws. Secondly there is an improved

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understanding of fishing rules by the judiciary, which results in high penalties and other associated procedures such as penalizing both the crew and fishing-unit owner. Thirdly, the bye-law formulation process increased understanding of the policy and legislation initiatives of the DoF since, at each stage, the bye-law formulation task force made references to the National Fisheries and Aquaculture Policy of 1999, the Fisheries Conservation and Management Act of 1997 and Fisheries Conservation and Management Rules of 2000. Finally, there is support for enforcement activities by the community and the marine police.

The bye-law formulation process is a further step towards implementation of PFM, which started over a decade

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Participatory fisheries management in Lake Malombe began in 1993

ago. However, the following steps remain crucial to improved governance and management of fisheries resources in Malawi, especially on Lake Malombe and Southern Lake Malawi, where PFM does not appear to have significantly contributed to any resource regeneration:

- gazettement the by-laws after approval of the full Assembly, with democratically elected councillors;
- working out a cost-effective implementation mechanism;
- finalizing management plans for Lake Malombe and Upper Shire, Southeast Arm and Southwest Arm;
- developing and signing management plans;
- registering the local fisheries management authorities with the Office of the Registrar General; and
- establishing a Fisheries Fund for benefit sharing. ¶

For more

<http://www.fao.org/docrep/005/T0783E/T0783E00.htm>

CIFA Technical Paper

<http://www.fao.org/fishery/rfb/cifaa>
Committee for Inland Fisheries and Aquaculture of Africa

<http://www.fisheries.ubc.ca/grad/abstracts/ensikuab.pdf>
Changes in the Fisheries of Lake Malawi, 1976 - 1996: Ecosystem-based Analysis (MSc thesis)