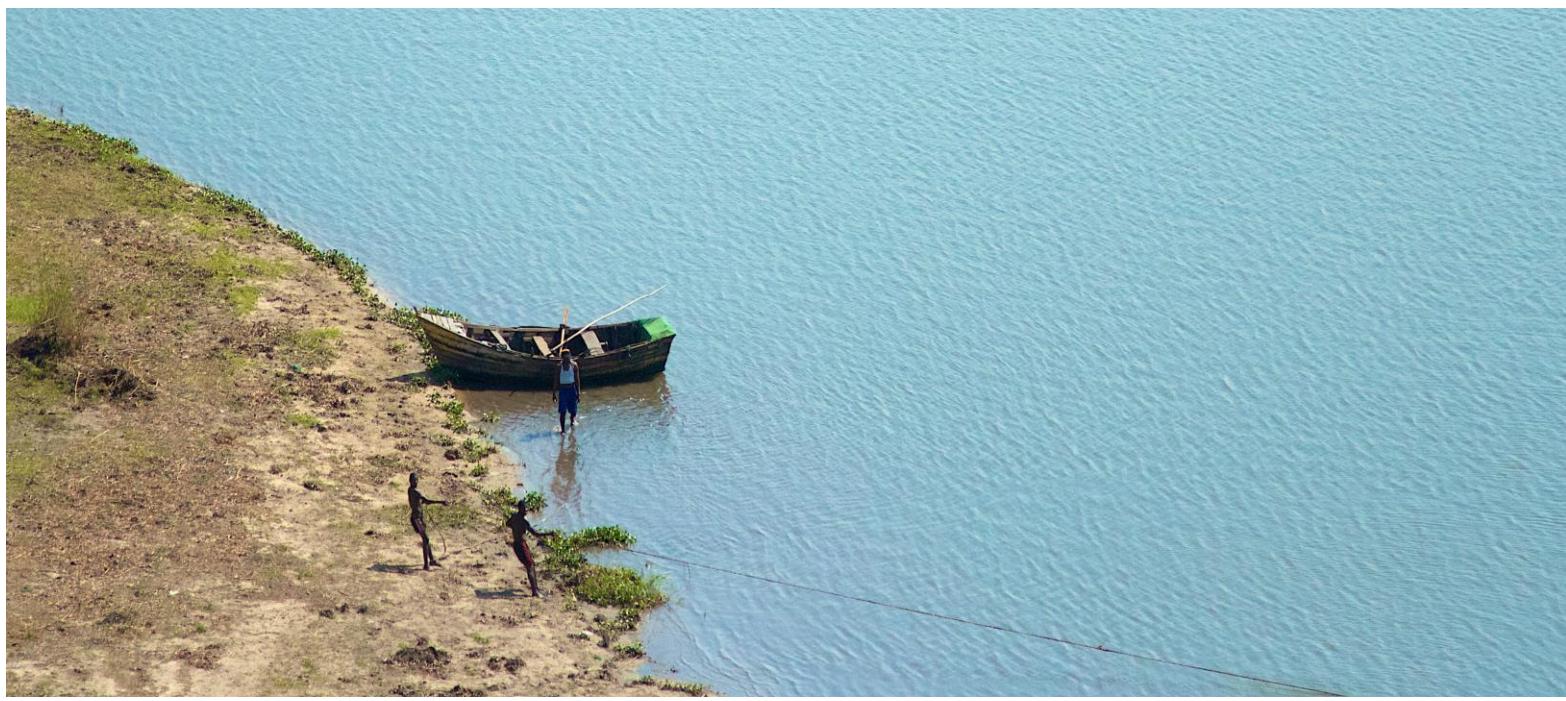




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# Applied Political Economic Analysis of Fisheries Co-management in Four Major Lakes in Malawi

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*Fisheries Integration of Society and  
Habitats (FISH)*

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**Cover Page Photograph:** Fishers Beach Seining in Lake Malombe, Malawi

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## **Abbreviations and Acronyms**

ADC	Area Development Committee
ADFO	Assistant District Fisheries Officer
AFMU	Area Fisheries Management Unit
AIDS	acquired immune deficiency syndrome
APEA	applied political economy analysis
BVC	Beach Village Committee
CA	Christian Aid
CBO	community-based organization
CEPA	Centre for Environmental Policy and Advocacy
CISER	Community Initiative for Self-Reliance
COMPASS	Community Partnerships for Sustainable Resource Management
DFO	District Fisheries Office
DOF	Department of Fisheries
ETOA	Environmental Threats and Opportunities Assessment
EI	Emmanuel International
FA	fisheries association
FGD	focus group discussion
FISH	Fisheries Integration of Society and Habitats project
FSTAP	Fisheries Science Technical and Advisory Panel
GGB	Good Governance Barometer
GOM	Government of Malawi
GVH	Group Village Headman
HIV	human immunodeficiency virus
KII	key informant interview
km	kilometer(s)
LGA	Local Government Authority
LFMA	local fisheries management authority
m	meter(s)
MAGFAD	Malawi-German Fisheries and Aquaculture Development
MCP	Malawi Congress Party
Mk	Malawian Kwacha
mm	millimeters(s)
MP	Member of Parliament
MSY	maximum sustainable yield
NARMAP	National Aquatic Resource Management Program
NGO	nongovernmental organization
PFM	participatory fisheries management
PHE	Population, Health, and Environment
PRA	participatory rapid appraisal
SEA	Southeast Arm

TA	Traditional Authority
TOC	theory of change
USAID	U.S. Agency for International Development
USD	United States dollar
URI-CRC	University of Rhode Island Coastal Resources Center
VDC	Village Development Committee
VDP	Village Development Plan
VH	village headman
VNRMC	Village Natural Resource Management Committee
WESM	Wildlife and Environment Society of Malawi

## **Executive Summary**

There have been extensive efforts over the past two decades by the Government of Malawi (GOM), local and international development partners (including donors and civil society), and communities to establish a participatory fisheries management (PFM) or “co-management” system of governance of the fisheries resource, whereby responsibilities are shared jointly and equitably by the government and the fishing community as a possible path to sustainability. To that end, key management roles have been devolved down to the community level in the form of Beach Village Committees (BVCs) clustered under a collective sharing the same ecosystem under a fishing district, termed Fisheries Associations (FAs). These are supported by the Department of Fisheries (DOF) and a general decentralization policy empowering management by the district offices, and the area and village governments, as well as Traditional Authorities (TA). However, despite many attempts and a considerable amount of resources, the co-management model and supportive framework have not succeeded to date, leaving stakeholders disappointed and a prevailing sense of disenfranchisement affecting the effective governance of the sector.

As part of the U.S. Agency for International Development (USAID)-funded Fisheries Integration of Society and Habitats (FISH) project, Pact carried out an applied political economy analysis (APEA) of the fisheries co-management sector to better understand the implicit and explicit barriers to the effective implementation of resource governance by BVCs and FAs and draw out opportunities for future engagement.

The lack of funding—both in terms of absolute levels and continuity—was deemed as a huge impediment to effective and sustainable fisheries co-management. Participatory fisheries management (PFM) has up-until 2004 been largely donor driven. Since then, there has been a lack of funding and resources at the disposal of the District Fisheries Officer (DFO) to carry out their functions in co-management. The latter stems from inadequate individualized allocation to the fisheries sector from central government as well as via the local District Assemblies, but also to a failure to integrate fisheries in the development agenda of Local Government Authorities (LGA) and at village level. It also reflects that for the past decade there have been no District Councilors in place, and therefore no political lobby to advocate for resource allocation to fisheries and no-one to establish the legal mandate of PFM bylaws. Also, the lack of self-funding or means to raise operational funds restricts what BVCs, who are mandated to share in co-managing the fishery at the local level, can do. Perverse incentives have also been noted throughout the process of establishing co-management that have stymied actual co-management by vested interests.

The paucity of capacity, potentially a feature of lack of a PFM institutional structure and training support, was a common issue cited by key informants in BVCs and FAs that ultimately hampered community understanding and engagement in co-management of fisheries. The Local Fisheries Management Authorities (LFMA), that is the BVC and the FA need legal status to be empowered to implement fisheries regulations. This also requires training (e.g. in co-management roles and responsibilities at all levels, in fisheries laws and regulations, and in new skills required to make co-management work including leadership skills, consensus building, financial management and fundraising). Capacity was considered to be lacking for most BVC members and FA subcommittee members. Despite three to four generations of donor project support, this lack of institutional capacity was attributed to institutional memory loss due to turnover of BVC and FA members and to lack of follow-up support from DFO. Staff vacancies also affected the ability of DFO to carry out their roles and responsibilities. The lack of capacity has affected the ability of BVC and DFO staff to

carry out their co-management functions, but has also resulted in disempowerment of members and staff respectively, compounded by staff turnover and lack of clarity regarding roles and responsibilities among fisheries co-management stakeholders at all levels (e.g., failure of Village Development Committee [VDC] to integrate fisheries into Village Development Plans [VDPs]).

Due to the establishment of new local structures that are at times parallel to, but often perceived to be at loggerheads with, existing structures, the different stakeholders' roles and responsibilities vis-à-vis co-management of fisheries have been poorly articulated. The assumption was that once BVCs and FAs assumed their responsibilities (and authority) under co-management that they would be able to effectively take over and engage in fisheries management writ large. However, in reality there is a lot of uncertainty on the ground regarding the roles of the different stakeholders in fisheries co-management, much stemming from the interpretation of the Fisheries Policy and Act, particularly regarding empowerment to enforce the law and authority to collect fines/penalties and levying permit fees. This uncertainty can be partially explained by the lack of general understanding of the co-management policies as per the Fisheries Policy and the Fisheries Conservation Management Act. However, the local bylaws, which could help to operationalize the rules and regulations on the ground, have not been signed due to the 10-year delay in elections for District Councilors to the District Assembly (who have the responsibility to sign and enact these bylaws). Nevertheless, these District Councilors are now in place and provide the opportunity to revitalize the co-management framework.

Ultimately, the power dynamics between the DFO, traditional leaders, and BVCs has obstructed the effective implementation of fisheries co-management. In general, fishers from the communities expressed frustration that during the formulation of co-management policies and formation of BVCs, the communities were not properly consulted and provided with the rationale for the establishment of these local governance structures in the first place. During the establishment of BVC sub-committees in L. Malombe and Upper Shire River it is alleged the DoF handpicked BVC members who were deemed to espouse the right fisheries conservation values, rather than be fully democratically representative of the fishing community including those engaged in unsustainable fishing practices. This has served to dilute the legitimacy of the BVCs, even though there have been efforts to rectify the situation. And as a result, the fishing community often does not feel they are being well represented by the BVCs in the co-management agenda.

Traditional leaders, feeling the BVCs were usurping their power and influence, have in many cases co-opted the sub-committees, putting in place individuals that will do their bidding, making them essentially accountable to them. However, there is also the perception that the BVCs are an extension of both the DFO and of the donor projects and were seen as there simply for capturing all the financial and technical benefits from projects. This eroded the legitimacy of the BVCs and their ability to ultimately be accountable to the fishing community at large. In some cases, TAs felt they wielded less power due to the advent of the BVCs and unclear roles. But, in general the TAs still have a lot of influence in the community, and, where their engagement has been linked to the BVC, they have championed some success (e.g., Lake Chiuta). As such, any co-management framework has to take heed of the vested interests of this influential stakeholder, as well as bring illegal fishers (another vested interest) into the fold.

Specific discrete recommendations are outlined that can serve to re-incentivize certain stakeholders to change their unsustainable practices, for example, or to provide a means to

overcome the obstacles to effective governance through co-management. The APEA (coupled with the Global Governance Barometer [GGB] already carried out) serves FISH essentially with a “baseline” from which to gauge if the project is effectively realigning interests amongst these vested powers as the project progresses. However, it provides more texture to this baseline and identifies specific touchpoints for the project to make incisive inroads into the oft-cited intractable fisheries co-management sector of Malawi.

## 1. Introduction

Malawi's freshwater ecosystems are under considerable stress due to pressure arising from a demand for resources from an ever growing population and a regulatory framework that largely allows for open access to fish and to the unsustainable use of natural resources in the catchments which is having adverse downstream consequences for the fishery. There have been efforts over the past two decades by the Government of Malawi (GOM), local and international development partners (including donors and civil society), and communities to establish a participatory fisheries management (PFM) or "co-management" system of governance of the fisheries resource, whereby responsibilities are shared equitably and jointly by the government and the fishing community as a possible path to sustainability. To that end, key management roles have been devolved down to the community level in the form of Beach Village Committees (BVCs) that are at ecosystem level, clustered under fisheries associations (FAs), supported by a general decentralization policy empowering co-management by the Local Government Authorities (LGAs) from district, area, and village governments and centrally by the offices of the Department of Fisheries (DOF). The decentralized local government structures are made up of Area Development Committees (ADCs) and Village Development Committees (VDCs) where development planning takes place; however, these are often superimposed, parallel structures, to the long established Traditional Authorities (TAs) that have their own enforcement roles in fisheries. However, despite many attempts and a considerable amount of resources, the co-management model and supportive framework have not succeeded to date, leaving stakeholders disappointed and a prevailing sense of disenfranchisement affecting the effective governance of the sector. Consequently, the U.S. Agency for International Development (USAID)-funded Fisheries Integration of Society and Habitats (FISH) project endeavors, among other things, to set fisheries governance and management of supporting habitats on the right path.

Under FISH, Pact (in partnership with a core implementing consortium made up of the University of Rhode Island's Coastal Resource Center [URI-CRC], Christian Aid [CA], and local implementing partners<sup>1</sup>) seeks to establish participatory, collaborative, and adaptive systems and processes to enable lasting change in the co-management of Malawi's fisheries. The general theory of change (TOC) driving the FISH project is:

*If decisions around fisheries management are based on shared, evidence-based objectives and learning, are grounded in inclusive and effective ecosystem-scaled governance structures, and strengthen the assets of communities, then Malawi's complex and diverse freshwater lake ecosystems can be sustained.*

Ultimately, the TOC and conceptual framework of the FISH project is predicated on elevating to ecosystem level effective and inclusive co-governance structures to drive individual and institutional change (supported by evidence-based science and research to inform decision-making). But, how will FISH prevail where so many have faltered in the past? How can the stakeholders be encouraged to halt the unsustainable and illegal catch of fish from Malawi's lakes? Some will posit that allowing market forces to arrive at the optimal use of scarce fish resources is one solution. And, to do so requires focusing on technical knowledge and capacity building of the stakeholders. However, as a fish species becomes scarce, prices increase and there is increased effort as the economic gains are greater, despite

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<sup>1</sup> Local implementing organizations include Community Initiative for Self-Reliance (CISER), Centre for Environmental Policy and Advocacy (CEPA), Wildlife and Environmental Society of Malawi (WESM), and Emmanuel International (EI).

a lower catch. But, there is a growing body of evidence that demonstrates that development challenges are rooted in deeply entrenched power structures, and bureaucratic norms shaped by political dynamics (Unsworth et al. 2013). And as such, there is a need to shift to more politically informed approaches to effect increased positive impact. This is important given the context in which PFM or co-management was established in Malawi.

Malawi has been engaged in a general decentralization process for decades, starting with *devolution* during the colonial era, then a phase of *de-concentration* during the single party rule of the Malawi Congress Party (MCP), and more recently *devolution* since the ushering in of a democratic government – the United Democratic Front (UDF) – in 1994 (Tambulasi & Kayuni, 2007). Malawi adopted the formal Decentralization Policy in 1998, providing for the establishment of local governments to frame the devolution of formal powers and downward accountability to the local district level (i.e., the District Assemblies) and placing the development agenda as bottom-up, village driven. But, as Larson (2003, referred in Ribot, 2004) postulates, it is unlikely that these two factors alone would necessarily lead to good management decisions, as evidenced by the subsequent decline in some fish stocks in Malawi's lakes at present (e.g., Chambo in Lake Malawi and Lake Malombe). She points to other factors that can have a bearing on the outcome of decentralization processes and must therefore be taken into consideration, including “power relations among local actors [i.e., among various elite and marginal groups], the overall structure of incentives regarding the resource in question [prices, values, regulatory arrangements], environmental and social ideology [beliefs that shape how resources are valued and used], and local government capacity [its ability to assess and respond to local needs]” (Larson, 2003, referred in Ribot, 2004). Coupled with this, there must be consideration for the degree of dis-incentives (i.e., the fear of the sanctions that the law will impose for disrespecting the rule of law), and the ability of the co-management institutions to assume the respect, power and devolved authority to effectively enforce the law and dispense justice, whereby the penalties outweigh the benefits to be gained by breaking the law. And, all this must have political support from both the local and the highest level.

The move to co-management of fisheries in Malawi during the 1990s has pushed local stakeholders to forge new relationships and embrace and lead the development of new institutional structures and policies. In order to facilitate such change, there is a need to have a sophisticated understanding of local governance systems and frameworks and the overarching enabling environment that determines the behavior of the key stakeholders. In essence, there is a need to focus on the intersection of economic and political forces within the fisheries sector, namely the *political economy*. Power relations, incentive structures, social ideology and beliefs; these are factors that form the core of political economy thinking; of understanding the explicit legal, policy and financial incentives and the implicit and unwritten norms, values and interests that influence the decisions of actors (Pact 2014). As Song & Chuenpagdee (2010) contend (referring to the Southeast Arm [SEA] of Lake Malawi), to be able to address PFM, it is crucial that government, international donors, and projects be more informed about the limitations present in the co-management governing system.

Therefore, in order to succeed, the FISH project and the government need to be better informed to understand the bottlenecks that impede effective co-management (often referred to as PFM), to identify who are the actors that gain from the status quo, and to identify who are the stakeholders that have an interest in effective co-management of Malawi's fishery resource. To that end, in the case of FISH, Pact has employed an applied political economy analysis (APEA) methodology to identify the “spoilers” and the “champions” of fisheries co-

management, to in turn, support the FISH team to decide who to work with to solve what challenge. The APEA process will allow the assessment of how the existing economic and political power structures may impede or facilitate the project objectives, and in turn positively affect project impact and sustainability.

## 2. Methodology

The on-the-ground research for this APEA was carried out from April to August 2015 by a team of four researchers, including Pact headquarters and FISH staff. Researchers sampled stakeholders across the project area (encompassing the four lakes: the SEA of Lake Malawi, Lake Malombe, Lake Chiuta, and Lake Chilwa) and the capital of Malawi, Lilongwe. The process was led by Dr. Dick Kachilonda, Pact Governance and Capacity Development Specialist based in Mangochi, Malawi, with support from David Bonnardeaux, Natural Resource Management Senior Advisor based in Washington, D.C.; Stanley Mvula from local partner Centre for Environmental Policy and Advocacy (CEPA); and Richard Kachala from local partner Community Initiative for Self-Reliance (CISER). The report was drafted by this team and draws on the information collected during key informant interviews (KII), focus group discussions (FGDs), and review of secondary sources.

The report is a culmination of a participatory and consultative process that has been centered around a core guiding question:

*Why after two decades of support have some BVCs been successful and others not in achieving their intended purpose/delivery of service?*

The APEA probed the reason from a political economy perspective and looked at the various factors and the extent to which formal laws and policies, economic incentives, informal incentives (e.g., desire for status, traditional beliefs), dis-incentives (i.e., penalties, fees, and fines) or lack there-of, and power, influence the actions and decisions of key actors, most notably BVCs and FAs. Armed with this information, the study can effectively map out the actors and factors that enable or make it difficult for BVCs to perform their key functions. The APEA information can serve to adapt future government actions and activities accordingly thereby assuring sustainability of both FISH project outcomes and future national fisheries management. It can serve the Project's overarching integration goal by discovering synergies across sectors and actors. Ultimately, it allows the FISH team, in tandem with the Good Governance Barometer (GGB) work, to unpack the complex governance issues around co-management of fisheries in the lakes in question and deftly guide the subsequent FISH programming at all levels.

A series of KIIIs were conducted across the four lakes using semi-structured interview guides drafted for government and non-government/community respondents and further tailored to specific respondents wherever necessary (e.g., BVCs, TAs) (see Annexes 1 and 2). Interviews were conducted in the local Chichewa language and English (with translation). To assuage any worries regarding the potential repercussions of sharing sensitive information, it was explained to respondents that the information referenced in the final report would be anonymous, and not attributed to one specific individual, but rather just to the organization he/she belonged to.

These interview guides and general information on the APEA approach and methodology were discussed among the APEA team during training sessions held in Lilongwe and Mangochi in April 2015. Each team member led his own subset of KIIIs and compiled his notes to be shared among the team.

Given the core question central to this APEA, this research focuses largely on the community-based BVCs and the direct fisheries related institutions that impinge on these. However, there are over 160 BVCs in the project area, while a myriad institutions and stakeholders have a bearing (direct or tangentially) on the fisheries co-management structures, from the Ministry of Local Government, DOF, universities, and District Assemblies, to artisanal fishers, district magistrates, commercial fishers, local businessmen, ADCs, VDCs, and TAs. As such and due to time limitations, the research team interviewed a subset of these across the four lakes.

Interview respondents were selected from a list prepared by the FISH team. By the end of the research process, researchers interviewed a total of 29 respondents, of which 13 (45%) were government officials and 16 (55%) non-governmental, the latter category including nongovernmental organizations (NGOs) (4) and community-based groups (12) (see Table 1).

**Table 1: List of Stakeholders Interviewed for the APEA Study (non-binary: all interviewees were male)**

1	Beach Village Committees (BVCs)
2	Department of Fisheries (DOF)
3	Lake Malawi National Park (LMNP)
4	Traditional leaders: group village headman (GVH), village heads (VHs), and chiefs
5	District Assemblies (DAs)
6	Department of Parks and Wildlife (DOPW)
7	District Magistrates
8	John Wilson (former COMPASS II staff)
9	Malawi College of Fisheries (MCF)
10	WorldFish
11	LEAD International
12	District Fisheries Officers (DFOs/ADFOs, extension and enforcement officers)
13	Ministry of Local Government
14	Village Development Committees (VDCs) and Area Development Committees (ADCs)
15	Fisheries associations (FAs)
16	Department of Environmental Affairs (DOEA)

In order to reach a greater number of BVCs and elicit a wider array of viewpoints, specific questions pertaining to governance of fisheries were incorporated into the surveys for the participatory rapid assessment (PRA), part of the Environmental Threats and Opportunities Assessment (ETOA) process that was carried out by another FISH partner, URI-CRC, thereby taking advantage of synergies in project activities and also reducing the burden on local communities of protracted and repeated interviews.

Notes from KIIs were the primary data source for this analysis. All unattributed statements in this report are taken from notes of one or more interviews and/or FGDs. Names of sources are kept anonymous although their affiliation is identified where relevant.

The research process faced several unavoidable constraints. National holidays and unforeseen circumstances interrupted interview calendars; and while every effort was made to contact all key stakeholders, not all could be reached or responded during the available time frame.

### **3. The Progression of Fisheries Co-Management in Malawi**

Fisheries management policies in Malawi have been guided by the conservation paradigm based on the philosophy that focuses on the protection of fish stocks and based on the maximum sustainable yield (MSY) concept. The approach to fisheries management was historically government centered, with the DOF deemed to be the only management authority. However, traditional forms of fisheries management have always existed (based on traditional customary law), and with time PFM, a relatively new approach to fisheries management, has taken hold in Malawi.

PFM (also referred to as fisheries co-management in Malawi) is an agreement where management (governance) responsibility is equitably shared between government and fishing communities (Nielsen & Vedsmand 1999; Pomeroy & Berkes 1997). Co-management covers various partnership arrangements and degrees of power-sharing (decentralization) and integration of local and government level management systems. It may also involve recognition and legitimization of traditional local-level management structures. Ultimately, co-management is considered to represent a more democratic governance system because it implies increased involvement of users and delegation of decisions to be taken as close to the users as possible. In essence, co-management conveys ownership to the users and therefore instills a sense of responsibility for joint management.

In Malawi, a gradual recognition by the government of its inability to control fisheries activities through the centralized approach, after pilot trials in Lake Chilwa, resulted in the introduction of a co-management approach in Lake Malombe in 1993 and, later, in Lake Chilwa and Lake Malawi. Donors played a key role in the emergence of co-management of the fisheries sector in Malawi, based on consideration of both democracy and efficacy, essentially to reduce the burden of central government implementation costs and improve local compliance (Hara 1996).

The discontinuation of the top-down approach by government and the development of PFM sub-policies was a crucial step towards community involvement in fisheries management. Co-management was enshrined in legislation by the Fisheries Conservation and Management Act of 1997, with the objective of establishing effective local fishing community institutions that would work jointly with government to manage fisheries resources. This arrangement was intended to rationally share the responsibility and authority in managing the fish resources. Co-management required the establishment of user groups and recognized those that already exist so that they could participate in co-management with the management authority (Donda 2005). Coupled with the Fisheries Conservation and Management (Local Community Participation) Rules 2000, which outlined the provisions for setting up Local Fisheries Management Authorities (LFMAs) and their functional roles, and the GOM's Decentralization Policy<sup>2</sup>, the policy and legislative framework provide an enabling environment for promoting the participation of communities and the private sector in fisheries conservation and management.

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<sup>2</sup> The Decentralization Policy effectively devolved administrative and political authority to the district level, closer to the fishing communities affected by co-management. The policy provides clarity on roles and responsibilities between the DOF and the District Councils.

In Malawi, PFM programs including the USAID-funded Community Partnership for Sustainable Resource Management (COMPASS), Malawi-German Fisheries and Aquaculture Development Project (MAGFAD) and the National Aquatic Resource Management Program (NARMAP), established BVCs at the grassroots village level, area fisheries management units (AFMU) at the intermediate area level, and lake-wide ecosystem-based FAs to enforce regulations at the local level.

The first introduction of fisheries co-management occurred in 1993 in Lake Malombe and the Upper Shire River following alarming declines in catches of Chambo (*Oreochromis spp*) from these key fisheries. By increasing the participation of fisher folk in fisheries management (under MAGFAD), scientists and policy makers hoped that a recovery of the depleted stocks would ensue. At its core was the establishment of fishery stakeholder groups, the BVCs, in each community around the lake that would be empowered to regulate their local fishery. Eventually members of BVCs formed FAs as a higher order organization at area and lake level to coordinate the co-management activities within the entire water body (i.e., ecosystem approach). The FAs were also charged with resolving disputes and any other emerging issues between BVCs and fishers.

Co-management was then more widely established in Lake Chilwa in 1995/96, after the lake had dried up; the government and local leaders designed regulations including banning the use of poisonous plants (*Katupe, Syzgium spp*) and seines in river mouths and lagoons to protect remnant fish stocks. When the lake replenished in 1996/97 the stocks had recovered and the co-management program was deemed to be effective. In Lake Chiuta, in 1996, the community initiated the co-management process. The primary objective was to ban Nkacha fishing<sup>3</sup> and sought government support to establish a regulation banning seining operations on the lake.

## 4. Issues Hindering Fisheries Co-Management

As noted in the prior section, co-management was introduced in Lake Malombe and later Lake Chilwa, Lake Chiuta, and SEA of Lake Malawi to promote recovery of the declining fish stocks through the active involvement of fishing communities. The approach facilitated the formation of legally constituted community-level organizations, namely BVCs and the higher level FAs, to assume communal management of the resources and reduce enforcement and monitoring costs. BVCs were primarily established to represent the interests of the fishing communities along the shores of these lakes and to effectively bridge the gap between DOF enforcement unit and extension officers and the fishing communities.

The assumption in establishing the BVCs was that they would have a better understanding of local livelihoods and the social capital that would provide local legitimacy to effectively design and enforce fisheries regulations (Bland 1992; Ferguson & Derman 2000; Scholz, Chimatiro, & Hummel 1998) detailed in the 1997 Act, including enforcing closed fishing seasons (and closed area in the case of SEA of Lake Malawi), regulate mesh size restrictions, control minimum size fish catch, and assist licensing of fishing gears. This, in turn, was based on the assumption that increased self-regulation and increased acceptance of the regulations

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<sup>3</sup> Nkacha fishing is a fishing practice that uses a rectangular gear with a length of 120m to 500m and a mesh size range of 6mm to 25mm. The gear is operated by two plank boats and seven crew members. The net is cast in a circular manner and one crew member dives down to tie the foot ropes together effectively forming a bag within which fish are trapped. This type of fishing is mostly undertaken in shallow waters of not more than 20m deep.

by users would ensue and that this would ultimately lead to improved management of the fishery resource (Bell & Donda 1993).

However, co-management has generally not been able to halt the indiscriminate overfishing and illegal practices in the four lakes. It has not proved to be the “silver bullet” for solving Malawi’s fishing industry woes to date. But as Berkes (2007; referred in Trimble et al. 2013) argues, co-management should not be seen as an endpoint, but rather a dynamic and ever-changing process where stakeholders are constantly deliberating and negotiating their positions, and changing their activities accordingly. Before BVCs were introduced in the above water bodies traditional leaders were essentially the ultimate local authority regarding overall management of fisheries resources. At least informally, TAs still control the rights to harvest resources within their geographical zone of authority and often receive tributes to secure that right. However, the advent of co-management has brought other key stakeholders into the fold, namely fisher folk and local business owners, processors and traders (as members under BVCs and FAs), allied industries, district assemblies, DOF extension and enforcement officers, and NGOs.

Institution building, power sharing, and trust building are key elements of fisheries co-management. Efforts to date around co-management of fisheries in Malawi (supported by donor agencies) have resulted in the development of *institutions* (both organizations, such as the BVCs and FAs, and policies) to implement the shared vision for effective fisheries management across the four lakes. However, these LFMA institutions need to conform with policy to have legitimacy, notably to have a constitution, know their boundaries and resources, have a management plan and supportive bylaws, and have a legal management agreement giving them user rights. Without this status, the LFMA cannot operate effectively as a community-based organization (CBO) that can sue and be sued.

With these new institutions comes the need to reach a balance between the *powers* vested in the DOF/DFOs, local government (i.e., districts, area, and village level), the TAs, the fishing community, and BVCs to foment sustainable fisheries management proportionate to political power. Co-management requires all parties as co-managers to come to the table and provide their proportionate role to ensure respect for the bylaws and effective enforcement of rules and regulations. Co-management requires *building trust* amongst the new local institutions and stakeholders in the sector (i.e., the emergent BVCs and FAs), trust in their ability to fulfill their partnership mandate and appropriately represent their constituency, and trust in the DOF and its local DFOs to support the community-led initiatives in terms of logistical, human, and financial resources.

Section 4 delves further into these particular elements of co-management (institution building, power sharing, and trust building) and specifically focuses on the more salient issues that have hindered the process in the project area to date.

## **4.1. Institution Building and Capacity**

### *4.1.1. LFMA as Legitimate Co-Management Partners*

Closer analysis through a Community Performance Index (CPI) and GGB analysis, FISH has noted that the institution building of BVCs and FAs as LFMA has not conformed to the laid down policy. Less than 50% of the 160 BVCs formed in the four lakes under FISH remain active, and what is clear is that most have not progressed beyond three of the six policy requirements or steps to attain independent status as fisheries co-management partners to DOF.

The policy provides and the BVC Manual prescribe tools on how the BVC:

1. Should be registered as a legitimate CBO with a constitution
2. Has a clearly demarcated jurisdiction over an ecosystem boundary
3. Understands the resources therein
4. Has a management plan
5. Is governed by approved bylaws
6. Is accorded a management agreement by DOF

Without these six steps in place, the legitimacy of a LFMA is questionable.

#### *4.1.2. Lack of Funding*

Until 2004, PFM has been largely donor driven. Central government allocations to the DOF co-management role as enforcement agents to back-up the power domain of the BVCs/FAs is low. Interviews with key fisheries staff confirmed that government funding to various districts and fisheries subsectors is limited. The fisheries subsector (under the Ministry of Agriculture and Food Security) actually started receiving an individualized allocation of the national budget in 2009–2010, four years after the majority of sectors’ funding was devolved (World Bank 2013). Nevertheless, the amounts transferred for agriculture, fisheries, and irrigation combined in 2012/2013 amounted to about USD 3–4 million per year, for all of Malawi’s 28 districts. Fisheries services (encompassing fisheries headquarters, regional offices, research centers and fisheries college; and capture and aquaculture) commanded 2% of non-wage (and non-farm subsidy) recurrent expenditure in 2012/2013 (World Bank 2013). As the World Bank (2013) report concedes, the fisheries subsector (and agriculture and irrigation in general) does receive transfers via District Councils from the Ministry of Local Government and Rural Development for non-wage recurrent expenditures as well as from donor-funded projects, but the former is relatively small, and the latter is very unpredictable in terms of amount and continuity. This was echoed by one village headman in Lake Chiuta, who suggested the fisheries sector was “weak” as a result of the DOF’s dependency on donor funding.

In the case of Lake Chilwa, license fees go directly to national coffers, but revenue from local bylaws, fishing permit fees, and fines/penalties stays in the local community in BVC/FA accounts, regardless of whether the DFO organizes and pays for the patrol. But often BVC/FA sub-committees mismanage this revenue. In some instances, BVC sub-committee members have resorted to sourcing funding for enforcement patrols themselves, relying on local business owners in the community for loans (in some cases with interest rates up to 30%) to hire a boat and engine, buy fuel, and pay patrol officers. The latter are drawn from the BVC, FA, DFO enforcement staff and police officers. Due to the lack of funds at the DFO (and police), their enforcement officers end up getting paid by the BVC (although the DFO denies this happens) to take part in the patrols, and actively seek out overnight enforcement engagements as this entails a greater allowance. The expectation is that when illegal fishing gear is confiscated, the fines they levy will be used to pay back the loans and still have some leftover funds to be used for subsequent patrols. However, in reality the BVC members often do not generate enough money from the fines to pay off all the incurred expenses, and in one extreme case BVC members were detained in police custody for not paying the police officers the allowances they were due.

As per the Fisheries Act, BVCs are theoretically able to charge fishers a Mk 3,000 per year permit fee via “Permit Books,” but these are not utilized to their full potential, nor are funds well managed and ploughed back into actual fisheries management. Of greater concern still,

is the fact few if any fishers are refused a permit (presumably to maximize the revenue) negating its utility as a means to control access to the fishery.

Originally, Machinga District was only allocated funding for aquaculture, while all the capture fisheries funding (for Lake Chiuta) was allocated to Zomba DFO to cover all the lakes across the districts. While the funding has now been decentralized and realigned, Machinga District now gets allocated the same level of funding as before, but must cover both capture fisheries and aquaculture services now (Machinga DFO 2015). Therefore, the district has resorted to requesting support from the Zomba and Palombe DFOs for equipment and support, but must foot the bill. Prior to the interviews, Machinga DFO had requested more funds from central DOF, but to no avail. In the case of DFO Zomba, about one third of the budget is allocated for enforcement and the remaining for extension services and aquaculture, an untenable state of affairs.

DFOs and extension officers expressed their frustration with regards to support from central DOF, both in terms of financial, human, and technical support. Central government allocations to the DOF co-management role—as enforcement agents to back-up the power domain of the BVCs—is low; therefore, the single DOF enforcement unit is of minimal effect in supporting over 300 BVCs around all the water bodies in Malawi. While the expectation is for DFO to mount one enforcement patrol per month, in reality no more than six patrols are carried out per year at present due to low and erratic flow of funds. The Mangochi DFO, for example, gets USD 20,000 annually to manage a USD 45 million fishery. However, currently all national fisheries landings are estimated at USD 185 million beach price, and the value chain (based on Lake Chilwa) is potentially five times this.

In many cases, the government-issued motorcycles that extension officers rely on to reach the fishing communities, breakdown. And more often than not, given the lack of DOF support, the officers must use their own money to keep the motorcycles roadworthy. In other instances, the DFO recorders' scales have broken and so they carry out their work by guesstimates made without this indispensable equipment. This not only has affected their ability to carry out their co-management responsibilities, but has eroded their confidence in the central institution's ability to support them and dented their morale and motivation. Conversely, fishing communities and BVCs have lost confidence in the DFO and extension officers because they are seen visiting their beaches and landing sites less and less and are considered ineffectual.

#### **4.1.3. Staff Shortages**

Coupled with the funding woes in the fisheries subsector are the staffing shortages. By mid-2013, the fisheries sector was operating at about 70% capacity (World Bank 2013). And, these vacancies are being felt in the districts: Machinga District was supposed to have four beach recorders but presently only has one. Similarly in Machinga, out of the four necessary extension officers, there are only two on the payroll (Machinga DFO 2015). In Lake Chiuta, the lack of a fish recorder since 2004 (for one stratum) has resulted in inaccurate and inconsistent data regarding fish production for the waterbody. The DOF is supposed to identify these gaps and reallocate staff, but historically has taken long to respond due to protracted government protocols and a moratorium on staff hire, rendering the DFO enforcement and extension services ineffectual in the meantime.

Continuity was cited by some key informants as a limiting factor in co-management of fisheries; continuity in terms of financial, as well as technical, support to the co-management effort.

#### *4.1.4. Paucity of Capacity*

A common thread across the majority of the interviews with BVC and FA members was the paucity of capacity attributed to a lack of continuous training to carry out their responsibilities. The first BVCs that were established were trained on BVC/FA functions with support from donors. However, after the last donor-funded project ended in 2004, through time, trained sub-committee members have left BVCs, in part precipitated by the lack of support from the DOF, taking with them the institutional knowledge amassed during the donor-funded interventions. Owing to the fact BVC members are elected periodically, new members join the BVCs without any training either amongst their peers in a “pass it on” approach nor from DOF. Ultimately, during donor projects, training was seen as an incentive for members of the BVCs and FAs; although it was noted that the per diem/allowances provided to members for training workshops was a large part of this incentive structure, albeit a perverse one. And so the lack of training for local co-management stakeholders has had a compound effect. It has resulted in the lack of empowerment of these members and their committees to fulfill their mandate under the co-management policies. And, it has also given rise to a lack of clarity regarding roles and responsibilities among fisheries co-management stakeholders.

Similarly, the DFOs are not able to effectively carry out their extension and enforcement work due to the lack of opportunities to avail of training and refresher courses that enable them to update their knowledge and skills. The majority of junior DOF staff are also lacking the basics about fisheries co-management, particularly relating to the specific enabling conditions and provisions required for effective community-based management of the fisheries sector, as per the GOM Fisheries and Aquaculture Policy. These include:

- Provision and enabling environment for fishing communities to organize themselves at local and national level through legally constituted member owned and member controlled organizations
- Legal instruments and procedures for the participation of relevant stakeholders in the fisheries sector including jurisdiction over a designated area, district bylaws, fisheries management plans and signed management agreements
- Establishment of a sustainable financing mechanism for promotion of fisheries and aquaculture

#### *4.1.5. Roles and Responsibilities*

Under the Fisheries Conservation and Management (Local Community Participation) Rules (2000), the jurisdiction, composition and duties of the BVCs and FAs were outlined, effectively mandating them as the legal authority for the “conservation and management of fisheries resources within [their] area of jurisdiction,” giving them the power to, among other things:

- Scrutinize registration applications of small-scale commercial and artisanal fishermen
- Scrutinize fishing license applications by small-scale commercial and artisanal fishermen
- Enforce fishing regulations including fish species, fish size, closed season, fish sanctuaries, gear size/type and method of fishing
- Seize fishing vessels and fishing gears used in illegal activities (with the provision that seized gear “be surrendered to a fisheries protection officer within 48 hours of the seizure”)

The assumption was that once BVCs and FAs assumed their responsibilities (and authority) under co-management that they would be able to effectively engage in fisheries management writ large. However, in reality there is a lot of uncertainty on the ground regarding the roles of the different stakeholders in fisheries co-management, much stemming from the interpretation of the Fisheries Policy and Act.

Under the Fisheries Conservation and Management Act, the LFMA (e.g., BVCs) subcommittee office bearers “shall be appointed honorary fisheries [protection] officers” to enforce the BVC and DOF regulations. While some interpret this as a de facto power bestowed onto all subcommittee office bearers of BVCs, this is open to interpretation; as per Section 4 of the Act,<sup>4</sup> this entitlement is ultimately at the discretion of the Director of the Fisheries Department.

For example, fishers migrate from one lake to another in search of better fish catches. When they make this move, traditionally they would report to the village head who in turn, for a small tribute, allocates the fishers land to live on and operate from. When BVCs were introduced however, one of the inter-BVC recommendations was for all migrating fishers to carry transfer letters from their original BVC to be submitted to the BVC within the new jurisdiction. The transfer letter was to be issued after inspecting the fishing gear to assure it complied with regulations (i.e., type and mesh size) and was allowed to fish in a particular area during the specific time. The ‘new’ BVC would then issue a permit to the migrant fisher, providing a much-needed revenue stream (i.e., 3,000 Mk per year) for the BVC, and more importantly, a means to control access to their area of jurisdiction (Wilson 2015). However, in reality, not only are very few fishers refused a permit (negating its use as a means to control access) but the permit fee (3,000 Mk for seine nets and 1,000 Mk for smaller nets) is often not levied as the fishers push back and refuse to pay it. Without the support of the DFO or TA, the BVC is often powerless to enforce this. The co-management role of DFO and TA has therefore broken down.

This uncertainty can be partially explained by the lack of general understanding by stakeholders (i.e., DFO, TA, BVC, FA) of the co-management policies as per the Fisheries Policy and the Fisheries Conservation Management Act. Often, PFM is interpreted to be 100% management by the user group, instead of its perceived proportionate and equitable sharing of roles and responsibility between state, local, and traditional government and the user community. However, the local bylaws that could help to operationalize the BVC/FA power to enforce the rules and regulations on the ground, have not been signed in the last 10 years due to the lack of elections for District Councilors to the District Assembly (who have the responsibility to sign and enact these bylaws). For example, BVC Chairman in Lake Chilwa mentioned the lack of trained BVC members was mostly due to the turnover in members as a result of the mandated five year election cycle. The Mangochi DFO made a similar connection between training and the turnover of BVC staff, although he cited the period between elections as being every two years. This exemplifies the disconnect between the main stakeholders with regards to the understanding of the co-management process. The participatory development and signing of local bylaws and general awareness-raising would

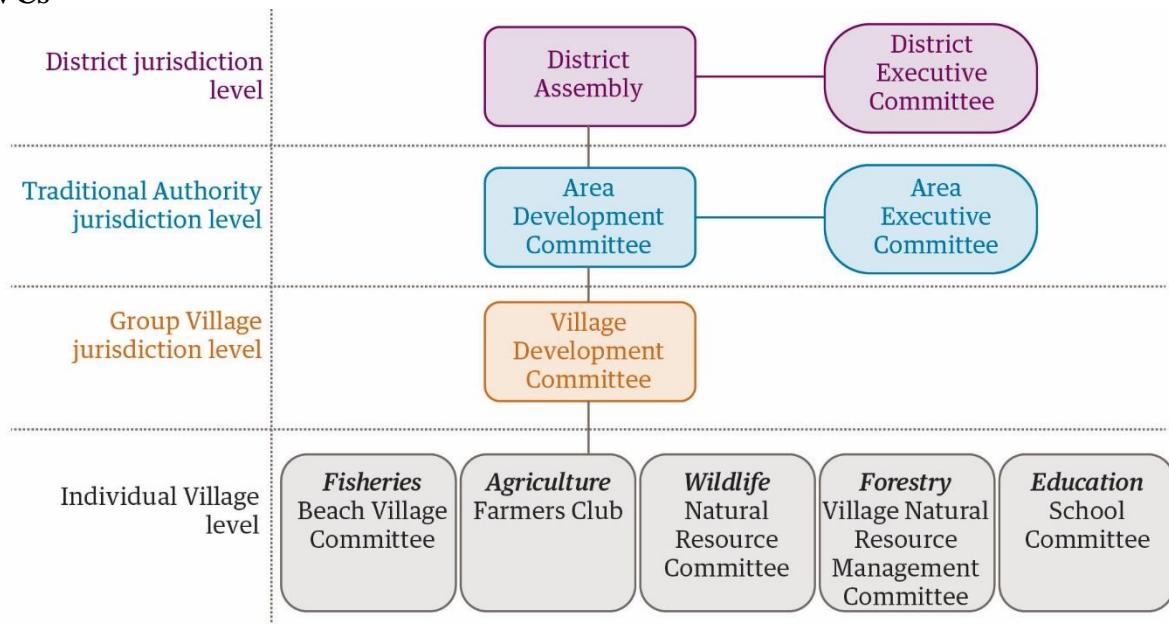
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<sup>4</sup> Chapter 66:05 Section 4 of the Act states that “The Director may, by notice published in the Gazette, appoint suitable persons to be honorary fisheries officers to assist in the carrying into effect of the provisions of this Act [...] The appointment of an honorary fisheries officer shall be made for a period of three years but shall be renewable; and [be] subject to such conditions as shall be prescribed or as the Director shall otherwise impose in the instrument of appointment” (GOM 2009).

go a long way to clearing up much of this ambiguity, as stated time and time again by key informants from BVCs and DFOs.

Another considerable source of uncertainty is the role the ADCs and VDCs are supposed to play in fisheries co-management vis-à-vis the BVCs' mandate and inclusion of fisheries in the mainstream of the local development plans. ADCs, chaired by group village headperson (GVHs, representative of the TA at the district level), and VDCs, chaired by village headpersons (VHs, also representative of TA at the village level), were established during the decentralization process and are part of local government, and sit under the District Councils. Their mandate revolves around rural development and in part, environmental management in general (although this is more inclined to forestry) and their role regarding fisheries is not well established and understood. At the local level, the fisheries subsector is not seen as pertaining to "development". This is illustrated in that often the BVC is considered to be represented at the VDC as a sub-committee under the Village Natural Resource Management Committee (VNRMC), and as a result, forestry takes priority. However, as a Deputy Director of the DoF emphasized, at the central level the fisheries subsector is seen as a developmental arm of both central and local government due to the substantial contribution it provides to the economic development of the country. Nevertheless, the fisheries-specific BVCs and FAs, sub-committees of VNRMC, were, according to Hara (2008), supposed to be disbanded and absorbed as stand-alone committees advising the VDCs on fisheries matters (Figure 1). But as of the writing of this APEA, the VDCs and ADCs were not yet aware of their role in fisheries management or how to discharge their duties nor where the BVCs should report.

**Figure 1: A Decentralized Framework of Local Government Showing the Position of BVCs**



Lack of understanding of the different stakeholders' roles and responsibilities vis-à-vis fisheries co-management has given rise to new power dynamics, some to the benefit of the fishery but others working at complete odds to the original intent of the co-management process. BVCs and FAs are at the center of this new framework now and must, therefore, gain the trust of the fishing communities they represent, but also work with the DOF, district-level DFOs, ADC, VDC, and TAs to attain the legitimacy they need to carry out their functions.

## 4.2. Power, Trust and Legitimacy

### 4.2.1. Downward Accountability?

In general, fisher folk from the communities expressed frustration that during the formulation of co-management policies and formation of BVCs and FAs, the communities were not properly consulted and provided with the rationale for the establishment of these local governance structures in the first place. During the establishment of BVCs in Lake Malombe and Upper Shire River, the DOF handpicked BVC members who were deemed to espouse the right fisheries conservation values rather than be fully representative of the fishing community. This included those engaged in unsustainable fishing practices, namely *Nkacha* and mosquito nets. In other cases, the TA were accused of dissolving the democratically elected sub-committees and appointing their own henchmen. This has also served to dilute the legitimacy of the BVCs and FA, even though there have been efforts to rectify the situation.<sup>5</sup> And as a result, the fishing communities often do not feel they are being well represented by the BVCs in the co-management agenda.

In essence, as Hara (2008) reasons, it can be argued that the BVCs derive their authority from the institution that facilitated their creation, training, and funding: the DOF. Taking that one step further, from the community perspective, the line is often blurred between the DOF and the donor-funded organization that is executing fisheries programming. For example, LEAD International carried out a study on transgressive and transboundary knowledge (i.e., in and out of BVCs and FAs) showing that there is very limited knowledge of fisheries management plans outside of the associations and sub-committees. And more importantly, they see the committees as “friends” of LEAD (or in this case, the same would become of FISH), as favorites that have captured the access to training, equipment and funding (LEAD International 2015). In both cases, the associations’ and committees’ legitimacy is put into question as they are perceived as a mere extension of the DFO or the fleeting donor-funded organization, rather than representing the will of the fishing communities. It is interesting to note that this perception prevails despite NARMAP and MAGFAD attempts to introduce a democratically elected sub-committee at BVC and FA level. This underlines the need for clarity in communication about the co-management framework.

Another element compounding this problem of legitimacy is the involvement of TAs in the make-up of the BVCs. Traditional leaders are supposed to be ex-officio members of BVCs. Feeling the BVCs were usurping their power and influence, traditional leaders have in many cases coopted the sub-committees of BVC and associations, putting in place individuals that will do their bidding, making them essentially accountable to them. One respondent highlighted a moment when a chief sought to disband one of the BVCs in the Lower Shire River altogether, even though said committee had been chosen via an open and democratic process.

In the case of FAs, the formation, coverage and duties of the associations are outlined in the Local Community Participation Rules (2000), with duties including:

- Representing the interests of the fishing population in its area
- Conveying to the Board and the Director its recommendations on the conservation and management of fisheries resources.

<sup>5</sup> During the 1999 elections, the DOF deliberately focused its efforts in ensuring greater involvement of gear owners and crewmembers in BVCs around SEA of Lake Malawi and Upper Shire River to avoid the boycott of meetings (Hara, 2008).

Fisheries Associations are supposed to be based on fishing districts, and linked to TA jurisdictions, with traditional leaders also supposedly playing an ex-officio role. Members of the associations are elected from the BVCs sub-committees with the assumption that they represent fellow BVC sub-committee members as well as the entire fishing community. Like BVC sub-committees, they are supposed to be composed of the “fishing industry,” implying fishers, traders, and processors: essentially a replica of a BVC sub-committee, but sitting above these in the clustered, organizational hierarchy. However, like BVCs, TAs historically co-opted the power and influence of these associations. In the case of Lake Chilwa, the Lake Chilwa and Mpoto Lagoon Fisheries Conservation and Management Association was made up almost entirely of TAs from the lake, none of whom were actual fishermen nor involved in the fishing industry (GOM 2009). This one FA represented all BVCs in the lake, but due to issues of accountability of finances (and perceived inability to “reach” all areas) the decision was made to have one FA per TA (e.g., Machinga East FA, Machinga West FA, Mwambo FA) in order to better monitor and hold them accountable. Whereas this elevates co-management to an ecosystem approach based on district jurisdiction, too many FAs poses problems however in harmonizing proposed bylaws of all three FAs around the lake and makes the process of oversight by the DFOs that much more onerous. All three TAs around Lake Chilwa (during the study period) were in court injunctions (related to contestation for the position of chief) and so were not very active. This, coupled with the prolonged absence of District Councilors, meant the new FAs were actually able to operate independently.

#### *4.2.2. Eroded Legitimacy, Eroded Trust*

The role of traditional leaders in co-management is still a polemic issue, and perhaps a pivotal one regarding the future of co-management in Malawi’s fisheries. Whereas the Fisheries Policy ascribes them as having a role alongside LFMA, some say the TA should not have a part to play given they do not fulfill the criteria of being a member of the fishing industry, are not elected members of the institutions and do not fully understand the issues pertaining to the sector. Others argue that traditional leaders can provide legitimacy and local empowerment to BVCs and FAs, but at the risk of becoming autocratic, unaccountable and undemocratic (Njaya 2007). This was reflected in the KIIs carried out during this study. The co-management fisheries policies perceive a joint role between LFMA and TAs, especially local traditional enforcement. However, the general decentralization policies underpinning the move to a more democratic state essentially are sidelining the traditional leaders, providing them only with advisory roles. Nevertheless, this is not borne out in reality, with the TAs still wielding a lot of power through traditional courts backing up BVC bylaws and having great influence on the sector. This view is compounded by the fact politicians refer to TAs as the main local authority on development issues at the local level (Mangochi DFO 2015).

VHs/chiefs still play a pivotal role with regards to migrant fishers, for example, receiving an offering/*mawe* or tribute from the migrant fishers in the form of a bucket of fish per week in return for access to the lake for fishing. This is counter to the Fisheries Policy and Act that places that responsibility squarely on the BVCs and FA. This uncertainty has in turn undermined the BVCs’ and FAs’ authority and legitimacy and their ability to generate essential revenue to sustain their activities.

In Lake Chiuta on the other hand, fishers took it upon themselves to establish their own BVCs in 1995, without the support of the TAs (who were seen to support illegal seine and *Nkacha* fishers). As a result, the majority of the BVC members are fishers, and this is reflected in the effective enforcement of their own regulations and the subsequent recovery of

the fishery (Russell & Dobson 2011). Regardless, there are still instances where illegal fishers are able to operate during closed season or using illegal gear by bribing TAs operating from the Mozambican side. Historically, there have been conflicts between Malawian and Mozambican fishers, resulting in the two governments signing a Memorandum of Understanding in September 2013 to work together towards the sustainable management of the lake fishery. However, illegal fishing, deemed to be carried out by Mozambican fishers, is still occurring (Lake Chiuta FA, 2015), and fishers feel the DOF is not making good on their agreement. It was also noted that the DFO Inspectorate Unit often tip the fishers off when an enforcement patrol is impending, in return for a bribe, unbeknownst to the BVCs. As a result, the latter are losing credibility and trust from their community.

As noted above, the lack of funding for DFO extension and enforcement officers has affected their ability to carry out their duties. Lacking fuel, motorcycles, and extension aides, extension officers are not able to visit the communities as often as required, eroding their legitimacy. Similarly, given the lack of fuel for their motorcycles, DFO enforcement officers in Lake Chilwa are not able to take confiscated nets back to the main office in Zomba as regulations dictate. Instead the illegal gear stays in the community, such as at the police office or chief's house, allowing the offending fisher to retrieve the illegal gear in return for a bribe. BVC members around Lake Chilwa voiced their frustration about the fact that DFO enforcement officers are based an hour away in Zomba. And, as a result of fuel shortages and lack of motivation, quite frequently the locally-based DFO extension officer must assume the enforcement role, thereby losing the trust of the fishers, not to mention negatively impacting their important extension work (i.e., a policeman cannot be respected as a teacher).

In SEA of Lake Malawi artisanal fishers ply the shallow waters of the lake while commercial trawlers work the deeper waters. The fisheries regulations in the area are based on the conservation of Chambo fish which breeds in the shallow waters, less than 18m. To that end, there is a closed season regulation for the artisanal fishery during the Chambo breeding season (November to December). However, commercial trawlers are not restricted to this closed season regulation as they are supposedly restricted to fishing in the deep waters 1.8km from the shore. But, due to lack of enforcement patrols, commercial trawlers are frequently seen fishing in the shallow waters and restricted no take zones (e.g., Area A) and are also alleged to be using undersized mesh nets. Artisanal fishers therefore protest when they see commercial trawlers illegally operating during the closed season in Area A. However, when this protest fails to deliver a response, BVCs and FAs are less motivated to participate in fisheries co-management activities as the perception is the DFO is not carrying out their mandate accordingly. Compounding the problem is the fact many of the smaller commercial trawlers are owned by local Members of Parliament (MPs) and/or allegedly are well connected to senior DOF officials who have a lot of influence. Similarly, MPs and Councilors often overrule the confiscation of gear for artisanal fishers that are within his/her constituency to curry political favor, eroding the legitimacy of the BVCs and DFOs.

#### ***4.2.3. Power Dynamics***

Responsibility sharing is the fulcrum of any co-management framework and with responsibility comes vested power. Before BVCs were established, traditional leaders were key to fisheries management, using traditional powers and customs to control access to the fishery resources. When co-management was instituted however, BVCs were (theoretically) granted more power regarding fisheries management (as per their roles and responsibilities outlined in the prior section), and often times this alienated the traditional leaders who saw

their authority eroded over time as a result. This has created friction between the BVCs and traditional leaders ultimately hindering fisheries co-management.

As mentioned above, village headmen are ex-officio members in VDCs while group village headmen are ex-officio members of ADCs. These chiefs also act as judges in local civil courts using their interpretation and application of customary laws, even though by law fisheries offenses can only be tried in Magistrate courts (Nunan et al. 2015). Chiefs mete out fines and penalties on illegal fishers in Traditional courts and village customary courts under the guise of the Local Government Act, effectively supporting the bylaws. The latter however only allows traditional leaders to impose non-monetary sanctions, usually livestock (e.g., chicken, goats, cattle) or penalties that cannot exceed the regulations. However, fishers generally do not have the livestock to pay these fines and so ultimately monetary fines are becoming the norm. But, the TAs power and respect under customary law should not be underestimated and has great reach, with the ability to even contradict enforcement by DFOs, particularly for illegal fishers within their area. For example, in Lake Malombe, a lady who wanted to join a FISH-related activity that was reserved for BVC members only (allegedly to take advantage of the allowance/per diem) was removed by the Fisheries Officer. However a traditional leader found out and threatened to “tear down” the BVC if she was not allowed to take part in the activity.

TAs therefore still have a lot of power and influence vis-à-vis the co-management framework. However, there are other vested powers at play, including the DOF and local politicians. The latter are known to use their positions of power to garner political capital. For example, there was an instance where, at a closed season ceremony in the Upper Shire area, VHs spoke about the poverty and hunger in the local communities and, as a result, the local MP declared unilaterally that the fishery would NOT close for the season. Similarly, MPs have spoken against the increase in fines/penalties for illegal fishing calling them “abusive” (under the new Fisheries Act, fines are up to 10–100 times greater than before) in order to placate their constituency (Chirwa 2015).

The DOF has also retained a lot of power over fisheries co-management. As noted earlier, the Director of Fisheries has the ultimate authority to delegate powers to appoint “honorary fisheries officers” to enforce fisheries regulations, but to date has not yet exerted this authority. As Wilson (2015) indicated, the draft of the Fisheries Conservation and Management (Local Community Participation) Rules 2000 was done with limited consultation of the BVC. Coupled with this, the Director of Fisheries is also empowered to develop local management plans that can be imposed unilaterally (Njaya 2007).

## **5. Recommendations**

### **5.1. Institution Building**

The following are needed to resolve the institutional empowerment of the LFMA.

- a. Cluster all BVCs under an FA located at the fishing district level (i.e., responding to a District Assembly) to empower a greater advocacy and lobby force beyond that of the meager powers of an individual BVC.
- b. The BVCs need to be formally constituted as per the six policy steps. However, doing this for all BVCs would be tedious, time consuming, and result, as before, with a very limited coverage and capacity building, given the high level of funding required. There is a need to focus on empowerment of community structures based on an ecosystem-based approach (as in the FISH TOC) whereby one FA governs a water body (an entire ecosystem) and is made up of a cluster of BVCs that share the same water body.
- c. Each FA should have one constitution for the whole ecosystem, with one ecosystem-based management plan, one set of universal bylaws embedded in the regulations, and one ecosystem-based management agreement, applicable to all BVCs nested under the FA.
- d. The FA becomes the nested BVCs' legitimate representation at fishing district and DOF level, and all BVCs aligned under the FA agree to abide by the same code of conduct and sanctions, as in the combined bylaws, and solicit support from LGA, TA, and DOF to provide enforcement backing.

### **5.2. Tackling the Funding Gap**

The following are recommendations to resolve the funding gap of the LFMA.

- a. Interventions could focus efforts on bolstering the revenue generating activities of BVCs and DFOs, such as developing participatory FA-level bylaws that are embedded in implementing the laid down regulations, but with local fees and fines.
- b. Resuscitate “Permit Books” for migrant fishers as a revenue stream.
- c. Establish a revolving FA Fisheries Fund that provides a much needed revenue stream for its partner BVCs.
- d. Conduct a strategic economic assessment of the fishery, its value chain, allied industries and food security value, and cost to the state to replace this and the nutritional values if the fishery is gone. A holistic overview has to be developed to advocate for a greater allocation to DOF and districts.
- e. As the iterative APEA process takes course, it will be imperative to identify the right institution/individuals at the district and central levels that have influence on the budget for capture fisheries to better focus/guide advocacy efforts encouraging greater budget allocation to the subsector that is reflective of the actual economic value of the fisheries subsector to the national economy.
- f. Wherever possible, interventions at BVC and FA level should be carried out without the doling out of allowances and per diem that ultimately result in perverse incentives to

participate in co-management by those in power, not those who are relevant for and necessary to its success.

- g. Explore options for connecting BVCs to village savings and loan associations at the village level that allow BVCs to not have to borrow funds from local businessmen and gear owners and thereby not be beholden to these vested interests and their exorbitant interest rates. This will allow greater independence of the BVCs and allow them to focus on downward accountability to the fishing community at large.
- h. BVCs and DFOs require financial management skills in order to better manage the scarce financial resources they have at their disposal, including fundraising skills allowing them to get funding from other sources and be less dependent on donors and the state.

### **5.3. Co-Management Specific Capacity Building**

The following are needed to increase the capacity of the LFMAAs.

- a. Training BVC and FA members, subcommittee members, and DFO staff in the basic elements of co-management, particularly in the six steps to institutionally empower them as stipulated in the Policy and Act, is essential. This could include the legal requirements for registering BVCs and FAs, the means to define area of jurisdiction, resource assessment, templates for management plans, bylaws, and agreements.
- b. Introduce new skill sets (given the new responsibilities under co-management) for BVC and FA subcommittee members and DFO staff around law enforcement (especially when faced with retributions from neighbors/family arrested), conflict resolution, consensus building, and leadership skills. For example, DFO extension officers must be trained to ONLY carry out their extension services and not play the role of enforcement officer as this minimizes their legitimacy in the eyes of the fishing community.
- c. Update the co-management manual and tailor it to FAs, including outlining BVCs and DFOs specific co-management functions. Doing so can avoid brain drain and the loss of institutional memory and knowledge.

### **5.4. Clarifying Roles and Responsibilities**

The following are needed to assure the effective involvement of LFMAAs in co-management.

- a. Facilitate the development, approval (by Local Government Act), and signature of bylaws that are devised by and for the fishers to assure their compliance to the regulations (i.e., the bylaws are actual copies of the regulations as pertains to the ecosystem in co-management and reflect local agreed sanctions, fees, and fines as penalties for infringement under customary law).
- b. Facilitate the signature of Management Plans by the Director of Fisheries. This process must be depoliticized and based on agreed jurisdiction of boundary and resources and on biological principles (e.g., explaining why fishers should not harvest juvenile fish, *Usipa* and *Chambo*). These plans must be developed with the stakeholder's participation *wherever possible* (i.e., participatory research, as per below) and/or widely explained to develop understanding so as not to be seen to be advocated by the project and solely driven by DOF at the central level.

- c. The issue of enforcement patrols and confiscation of illegal gears is a polemic one that is having a detrimental impact on co-management. Clarity in this regard is key; the FA Manual should outline where TAs, DFOs, FAs, and BVCs can impose a fine or dispose of the offending gear. Transparency in these transactions is paramount.
- d. A basic user-friendly “Fisheries Policy and Fisheries Conservation Management Act brief” should be produced and disseminated to assure that all stakeholders involved in co-management are aware of its six policy principles and of their discrete roles and responsibilities, thereby avoiding conflict at the margins. This may also require it to be infographic-heavy to cater for illiterate fishers and use other forms of media for wide coverage, but also explained at higher level to guide political decision making.
- e. The potential for “quick wins” in the community (e.g., building latrines, school block, family planning, seeds for crops) that are seen as directly correlated to the effective running of the BVCs can create buy-in for long time horizon sustainable fisheries management goals (increased stock and greater diversity). These can be modeled on Population, Health and Environment (PHE) projects that occur worldwide (e.g., focus on the bilharzia link and make the causal link between high HIV/AIDS and bilharzia prevalence in the communities).

## **5.5. Redressing the Power Dynamics**

There are opportunities to ensure a proper balance of power among co-management stakeholders.

- a. Assure free, fair, and open elections for BVC sub-committee members to ensure proper representation of the fishing industry/community, particularly giving credence to the sub-committee to regulate fishers that are seen to be using illegal or unsustainable fishing methods. These vested interests have to be accounted for in BVCs if there is any hope of re-incentivizing them.
- b. TAs cannot be marginalized in any type of co-management scenario because they have great influence and can be disruptive. Work to bring them into the fold wherever possible and assure that they understand their role in the co-management process. While the case of Lake Chiuta, where TAs are not involved in running the BVC, is a role model, this may not be advantageous in other waterbodies where TAs wield more power and influence. Each lake may necessitate its own discrete interventions between TAs and FAs, with slightly different fees and fines for bylaws, dependent on the stakeholders’ disparate views and incentives.
- c. The Fisheries Science and Technical Advisory Panel (FSTAP) should include in its agenda, scope to address the power dynamics of the FA and its nested BVCs, reviewing progress made by FISH and institutionalizing the outcome as a learning process to revise the PFM policy, where needed. This FSTAP could be linked to the Fisheries Fund that is mentioned in the policy, but is as yet non-functional.
- d. Capitalize on opportunities for participatory research (e.g., fish sampling/recording) to build trust among DFOs, FAs, and BVCs and the fishing community while at the same time building their capacity and collective decision-making towards a common goal. This is a goal that can be more short term and realistic and, therefore, attainable, as opposed to only focusing on enforcement, and would give the LFMA members better insight into the dynamics of their fishery and its management.

## 6. Conclusion

Conflict has gone hand-in-hand with fisheries co-management in Malawi to date. Conflict has been the *motivation* for communities to become more active in co-management and work collaboratively to manage the fisheries. The FA in Lake Chiuta, for example, worked to promote co-management, including the banning of illegal *Nkacha* fishers, after observing that they were depleting fish stocks. In SEA of Lake Malawi, the BVC and FA confiscated illegal fishing gear, while in Lake Chilwa, FA-led patrols have been instrumental in implementing closed-season regulations and curtailing fishing with under-meshed gears. In the Cape Maclear area of SEA of Lake Malawi, the FA and BVC have worked together to enforce their locally instituted rules to protect their fish stocks, including banning destructive fishing practices (e.g., *Nkacha* fishery) in their areas. In this case, members of the FA are working with BVCs to keep strict fishing regulations, supported by the traditional leader of the area. Their work is reinforced by the presence of Lake Malawi National Park rangers that work to uphold the strict national park regulations (e.g., no fishing within 100m of the shore).

Trust is an essential prerequisite to fisheries co-management, as noted in the prior section. DFO extension workers can better carry out their work and have greater reach if there is trust between them and the fishing community/BVCs. But, the latter must see the value of the services being offered by the extension officers; they must then be able to better manage the fishery armed with this knowledge to ultimately result in direct output improvements. There must be trust in the institution as a whole (i.e. the DFO) but also the individuals (i.e. the DFO extension officer and enforcement officer). This trust can be earned on a peer-to-peer level, but ultimately is directly correlated to the quality of the service provided to the fishing community/BVCs/FAs. Thus, DFO enforcement and extension officers must be better equipped and have the necessary skills to engage with the fishing community and resolve conflicts in a timely manner. In short, mechanisms must be put in place to ensure a sustained mobilization of financial and technical resources to the co-management effort.

However, in general the costs associated with fisheries co-management have actually discouraged stakeholders from any active engagement (outside of donor-funded projects) in recent years. In turn, this has created a leadership vacuum and hindered collective action and the effective implementation of co-management itself. The transition to co-management created space for new leaders and processes of power to emerge, as expected given the policy's main goal (i.e., the formation of LMFAAs/BVCs/FAs). But, in the case of the SEA of Lake Malawi and Lake Chilwa, conflict arose *because* of the introduction of co-management and the usurping of powers from historically vested interests.

Malawi's Fisheries and Aquaculture Policy (2012) points to the fact that the DOF is striving towards transferring the control of the fisheries sector by "establishing community property regimes whereby empowered fishing communities and other stakeholders [take a leading role in, and] are responsible for formulating fisheries by-laws, management plans and signing management agreements with district councils in a decentralized framework." That said, the support for sector downward accountability has not come with parallel commensurate financial and human resources, at least after the donor-funded projects supporting the process ended in 2004. The decentralization process was designed, in essence, to devolve power to elected local government structures (i.e., District Assemblies) and move away from customary law and TA leaders. Coupled with the ten-year local government election hiatus and resulting lack of sitting District Councilors, the TAs have in many cases actually assumed more power than expected or warranted. This has created a sense of ambiguity regarding the role of the District Assembly (and its associated ADCs and VDCs) vis-à-vis

fisheries co-management. The ten-year absence of District Councilors also resulted in bylaws (developed as part of this drive to co-management by the newly formed BVCs and FAs in Lakes Chilwa, Chiuta, and Malombe) not being endorsed. While the establishment of bylaws are meant to empower resource users to look at what is affecting the fisheries sector and facilitate the proper management of the resources, without the endorsement of the District Assemblies they are another source of ambiguity and therefore conflict. Meanwhile, illegal fishing practices are still employed, with vested powers benefiting as a result. However, with local government elections having already taken place and District Councilors in place, there is a prime opportunity to “operationalize” these bylaws and collaboratively develop new ones.

The fishing sector and allied industries could be worth economically just under USD 1 billion and an unmeasurable value in replacement cost if it were depleted, in terms of the national worth as food security and nutrition. The implication here is that funding for the sector is disproportionately low compared to its gross national value and there is a need to address the FISH project TOC by sharing this information with decision makers of the need to proportionately and financially support the state’s shared role in co-management, especially to provide enforcement so as to partner, empower, and backstop BVC/FA structures.

Ultimately, fisheries co-management has varied greatly between water bodies and communities in Malawi, with power dynamics manifesting themselves in different ways. This will necessitate any interventions to be tailored to the discrete waterbody, leveraging the particular champion of co-management in the area, be it a traditional leader, DFO, BVC, or FA chairman. However, it is imperative that vested interests in the fisheries sector be adequately represented by the BVCs and FAs, even if they are deemed to be unsustainable or even illegal.

In conclusion, empowerment of co-management rests on the institutional strengthening of the LFMA, and this is seen as requiring the adoption of an ecosystem-based approach. Thereby, one FA governs a cluster of BVCs around one waterbody, that has a constitution, clearly defined boundaries and resource assessment, a management plan, bylaws, and management agreement that governs all BVCs that have agreed to abide by it, and are nested under the authority and domain of one FA. The FA becomes the BVCs’ legitimate representation at district, TA, and DOF level, and all abide by the same code of conduct and sanctions. This calls for a re-election of all FAs and BVCs to re-instate the sub-committee legitimacy.

The FAs are supported at the LGA, TA, and DOF levels to provide enforcement backing to the BVCs and can collect their own fees and fines to self-fund activities. The fishery is included in the local development plans at district, area, and village level, and the FA is supported by central government allocation of budgets, which in turn need to be increased to acknowledge the key role fisheries play in economy and nutrition. To ensure success, capacity building is needed, as is mass awareness of the role of PFM to dispel any myths and right any misconceptions. Finally, the sharing of responsibility between the DOF, FAs, BVCs, TAs, ADCs, and VDCs needs to be established with defined sharing of “powers” to enforce the law, agree how to have a common strategy in unity, tackle illegal gears, prevent illegal mosquito net use, and restrict undersized fishnets. All the interviews point to a need for high-level political will to enforce the law and for awareness raising to clarify any biological naivety among decision makers, ultimately creating an awareness of the need to enforce the law to ensure sustainability.

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# **Annex 1: Semi-Structured Interview Guide for Government Respondents**

**Opening:** Introduce FISH, explain purpose of research (reference summary sheet) and that findings are to be kept anonymous.

- 1. We are seeking to understand how PFM policies are made and implemented in target areas (4 lakes). How are you / your agency involved in PFM?**
  - Role in policy development
  - Role in implementation / enforcement
  - (If not personally involved) specify who (name, position) is responsible
- 2. How do you collaborate with other ministries on PFM policy?**
  - Specify formal mechanisms (inter-ministerial working groups, task forces, national targeted programs...)
  - Informal collaboration?
  - Specify who (name, position) is responsible for this collaboration
- 3. How do you work with sub-national government agencies on PFM policy?**
  - Specify which agencies at which level(s)
  - Supervision / enforcement / state management roles?
  - Capacity building roles? Are needs being met?
- 4. How do you engage with international agencies and donors on PFM and other topics?**
  - Bilateral/multilateral (WB, ADB) donor projects implemented by respondent's agency
  - Workshops, training, capacity building?
  - Examples of multi-stakeholder groups involving govt., non-govt. and/or donor agencies? (i.e., technical working groups)
- 5. Do you think existing PFM laws and regulations in your country are effective (both content of laws and implementation)? Why or why not?**
- 6. What could be done to make PFM laws and regulations more effective?** Ask for 1-2 key changes that would improve effectiveness.
- 7. How is PFM policy implemented and enforced?**
  - Who is responsible for implementation and enforcement (which agencies at national and sub-national levels)
  - Identify gaps in implementation and enforcement → probe for explanations and reasons why this is the case
- 8. How do you engage with the public about PFM and fisheries policy development?**
  - Formal channels? (laws and regulations mandating consultation)
  - Relations with media / NGOs / community groups?
  - How women and youth groups participate
- 9. How often does public consultation on PFM and related policy topics take place?**  
Regularly at fixed times / frequently when the need arises / sometimes / occasionally / never

**10. If fisherfolk in an affected community have concerns about a particular issue related to the fishery, how would they raise these concerns in the state system? Are you / your agency responsible for receiving or addressing concerns?**

- Legal/formal mechanisms for consultation or complaints
- Informal mechanisms, i.e. through personal contacts, media, NGOs...?
- (If respondent not responsible) who is? (name/position)

**11. Could you give an example of a community consultation process on PFM that has been carried out effectively?**

- Aim is to identify specific examples of what govt. considers good practice (“islands of excellence”)
- Examples should ideally come from mining, hydropower, or land concession sectors

**12. Do you know of another example of a consultation process that has been less effective? What were the reasons for this?**

**13. How effective has the formation of BVCs and their role in regulating fishing behavior been and why?**

- Extent of devolution of power

**14. How effective (or not) have the Traditional Authorities been in fisheries regulation, and how much more engaged should they be and why?**

- Means to enforce bylaws?
- Level of communication with BVCs

**15. How effective (or not) has BVC/FA enforcement, and rule of law, been and why?**

- (If example given is positive) ask for a second example where the process has been less successful
- (If example given is negative) ask for a second example where the process has gone well? (Identify instances of good practice or “islands of excellence”?)

**16. How should other stakeholders be involved?**

- Roles of civil society / non-governmental actors
- Roles of private sector (including state-owned enterprises)
- Rights of affected communities and consultation processes

**17. Any other comments / questions for PFM?**

**18. Who else do you recommend that we speak with about PFM issues?**

- Get as specific names and contacts as possible to contribute to “snowball sample”

## **Annex 2: Semi-Structured Interview Guide for Non-Governmental Respondents**

**Opening:** Introduce FISH, explain purpose of research (reference summary sheet) and that findings are to be kept anonymous.

- 1. We are seeking to understand how participatory fisheries management (PFM) policies are made and implemented in Malawi, with a particular focus on devolution of power, enforcement of local bylaws, etc. **How are you / your organization involved in the PFM policy process?****
  - (For former officials, ask about past responsibilities as well as current involvement if any)
  - Respondent's links to international agencies and donors?
  - Participation in multi-stakeholder working groups?
- 2. Who are the key actors involved in policy decisions in your country around PFM?**
  - Specify actors (agency, individual names where applicable)
  - Role in policy development
  - Role in implementation / enforcement
- 3. How well do you perceive these actors to collaborate with each other?**
  - Specify formal mechanisms (inter-ministerial working groups, task forces, national targeted programs...)
  - Informal collaboration?
- 4. Do you think existing PFM-related laws and regulations in your country are effective (both content of laws and implementation)? Why or why not?**
- 5. What could be done to make PFM-related laws and regulations more effective?**
  - Ask for 1–2 key changes that bring about more effective PFM and enforcement of bylaws at the local level.
- 6. How is PFM policy implemented and enforced?**
  - Who is responsible for implementation and enforcement (which agencies at national and sub-national levels)
  - Identify gaps in implementation and enforcement → probe for explanations and reasons why this is the case
- 7. How does the government engage with the public about fisheries policy?**
  - Formal channels? (laws and regulations mandating consultation)
  - Relations with media / NGOs / community groups?
  - How women and youth groups participate
- 8. How often does public consultation take place on PFM and other fisheries-related policy topics?**
  - Regularly at fixed times / frequently when the need arises / sometimes / occasionally / never

**9. If fisherfolk in a community have concerns about a particular issue related to the fishery, how would they raise these concerns? Who is responsible for receiving or addressing concerns?**

- Legal/formal mechanisms for consultation or complaints
- Informal mechanisms, i.e. through personal contacts, media, NGOs...?
- Specify agency (and name/ position if possible) responsible

**10. What role do local decision makers and politicians play in fisheries co-management? How can this be improved/strengthened?**

**11. How effective has the formation of BVCs and their role in regulating fishing behavior been and why?**

- Extent of devolution of power

**12. How effective (or not) have the Traditional Authorities been in fisheries regulation, and how much more engaged should they be and why?**

- Means to enforce bylaws?
- Level of communication with BVCs

**13. How effective (or not) has DOF, LGA, and BVC/FA enforcement, and rule of law, been and why?**

- (If example given is positive) ask for a second example where the process has been less successful
- (If example given is negative) ask for a second example where the process has gone well? (Identify instances of good practice or “islands of excellence”?)

**14. Who are the main proponents of true and effective PFM?**

- Explore who would be likely proponents within the state (names/positions/agencies), and their respective levels of influence
- Then also consider possible proponents outside state agencies

**15. Who do you think would likely be uninterested or opposed to true and effective involvement of LFMA in PFM?**

- Explore who would be “spoilers” within the state (names/positions/agencies), and their respective levels of influence
- Then consider possible opponents outside state agencies

**16. Would you / your organization have a role in implementing effective PFM?**

- Look for level of support/opposition and level of influence

**17. How should other stakeholders be involved?**

- Roles of civil society / non-governmental actors
- Roles of private sector (including state-owned enterprises)
- Rights of affected communities and consultation processes

**18. Who else do you recommend that we speak with about PFM issues? Any other comments / questions for PFM?**

- Get as specific names and contacts as possible to contribute to “snowball sample”