

FOOD SECURITY AND POVERTY ALLEVIATION THROUGH
IMPROVED VALUATION AND GOVERNANCE
OF RIVER FISHERIES
IN AFRICA

**Governance reforms:
a review of small-scale inland fisheries experiences
in Lake Chad and Zambezi Basins**

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Introduction and background

Decentralized governance is now the overarching paradigm in development and public policy arenas (Piriou-Sall 1998, Litvack and Seddon, 1999, OECD 2003). Decentralization and community-involvement are in particular presented as necessary conditions for effective development (Rondinelli *et al.* 1989; Aiyar *et al.* 1995; Rahman and Westley 2001). As a consequence a large number of programmes and policy reforms, supported by international development agencies and NGOs, have been carried out recently in many developing countries with the explicit objective of decentralization. Applied to a wide range of situations and economic sectors, these reforms have also been described or labelled under a wide range of terms, such as democratic decentralization, participatory development, devolution, indigenous management, user-participation, co-management, etc.

Arguments in favour of participation and decentralization are not simply grounded on the basis of economic and administration efficiency. They are often associated with potential improvements in public accountability, environmental sustainability and empowerment of poor and vulnerable groups (Bass and Rouse 1997; World Bank 2002). Decentralization is therefore perceived as one possible solution for the improvement of rural population livelihoods and even as a means for poverty alleviation. The most common argument is that decentralization is by definition a mechanism of 'inclusion' and 'empowerment' (Piriou-Sall 1998; World Bank 2000). Because it involves bringing government closer to the governed, in both the spatial and institutional senses, it is argued that local governments will be more knowledgeable about, and hence more responsive to, the needs of the poorest and marginalized people. This mechanism of inclusion is, in particular, expected to lead to empowerment and pro-poor policies and outcomes (Crook and Sverrisson 1999).

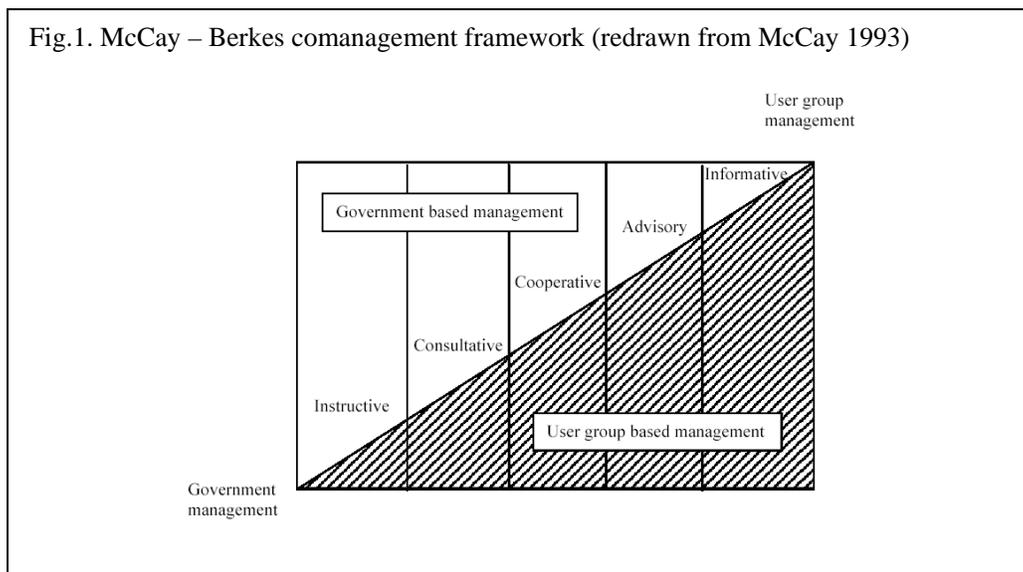
In small-scale inland fisheries, after several decades of a strongly-centralized management approach, 'decentralization' has also become the new paradigm (Berkes 1995; Pomeroy 2001, Viswanathan *et al.* 2003, Allison and Badjeck 2004). Following the view of influential scholars who advocated for governance reform, the policy consensus in favour of fisheries management decentralization (either as co-management or community-based fisheries management –CBFM) reforms is now prevalent in the policy discourse Norman *et al.* 1998; Pomeroy and Rivera-Guieb 2005). Hardly any country in the developing world does not explicitly include co-management or CBFM as one of its main fisheries national policy objectives.

As part of the research project “*Food security and poverty alleviation through improved valuation and governance of river fisheries in Africa*”, the objective of this paper is to explore and assess the changes in governance that these co-management and CBFM reforms induced in Sub-Sahara Africa inland fisheries. To do so, we draw upon the experiences of five countries: Cameroon, Malawi, Niger, Niger, and Zambia as documented in 5 country-level review documents commissioned by the project (Belal and Baba, 2007, Makadassou *et al.* 2006, Malasha 2007, Njaya 2007, Ovie and Raji 2007).

The need for a new analytical framework

The conventional approach: a plea for more participation

In the fisheries literature, the most frequently quoted framework used to analyze co-management is the framework proposed by McCay (1993) and Berkes (1994). The core idea of the framework is that co-management is defined by various partnership arrangements distinguished from one another by the degrees of information-sharing between 2 entities: the local fishing community and the centralized management authority –see **Fig.1**. Depending on this degree of information sharing and power devolution, five major generic types of co-management arrangements can be identified: Intrusive, Consultative, Cooperative, Advisory, and Informative.



One can argue, however, that this framework assumes that the degree of power devolved is *the* key factor, with the likely conclusion that co-management failure(s) will then be systematically ‘explained’ by “too little devolution/participation”. Following this interpretation, the solution clearly lies in more participation¹.

¹ Review of the literature reveals that indeed, most co-management studies argue that there is generally not enough participation in fisheries reforms and that too little responsibility has been passed down to the community. Pomeroy, for instance, asserts, “The devolution of fishery management authority from the central government to local level governments and organizations is an issue that is not easily resolved. Many attempts at decentralization have not delivered a real sharing of resource management power” (Pomeroy 2001, p.135). One reason for this perceived failure is that “Fisheries administrators may be reluctant to relinquish their authority, or portions of it, and governments are often opposed to decentralization” (Pomeroy 1993, p.14-15). Pomeroy is echoed by Sverdrup-Jensen and Nielsen, who comment, “Under the present management arrangements situation [in Africa], user groups will often be patronized in possible disputes with government. The latter seems generally reluctant to devolve power and bestow legal rights and authority in fisheries management to user groups” (Sverdrup-Jensen and Nielsen 1998, p.11). This is also the opinion of Jul-Larsen and his co-authors (2003), who conclude, “Generally speaking, management of freshwater fisheries [in Southern Africa] is still very much in control of governments, and the negotiating position of user groups versus that of governments is consequently comparatively low”. As Chirwa (1998, p.69) points out, “The FD’s [Fisheries Department’s] position of patronage means that the local user communities are the

The level of devolution is, however, only one dimension to consider within the process of participation *per se*. As emphasized by Cohen and Uphoff more than 20 years ago, many other important criteria should also be considered when evaluating a project, e.g. the kind of participation (participation in decision-making; in implementation; in benefits, in evaluation) or how the process occurs (the basis of participation, its form, its extent, its effects) (Cohen and Uphoff 1980). In other words, assessing the participation process – and in the present case the fisheries co-management process – through the degree of participation or the level of devolution is not sufficient.

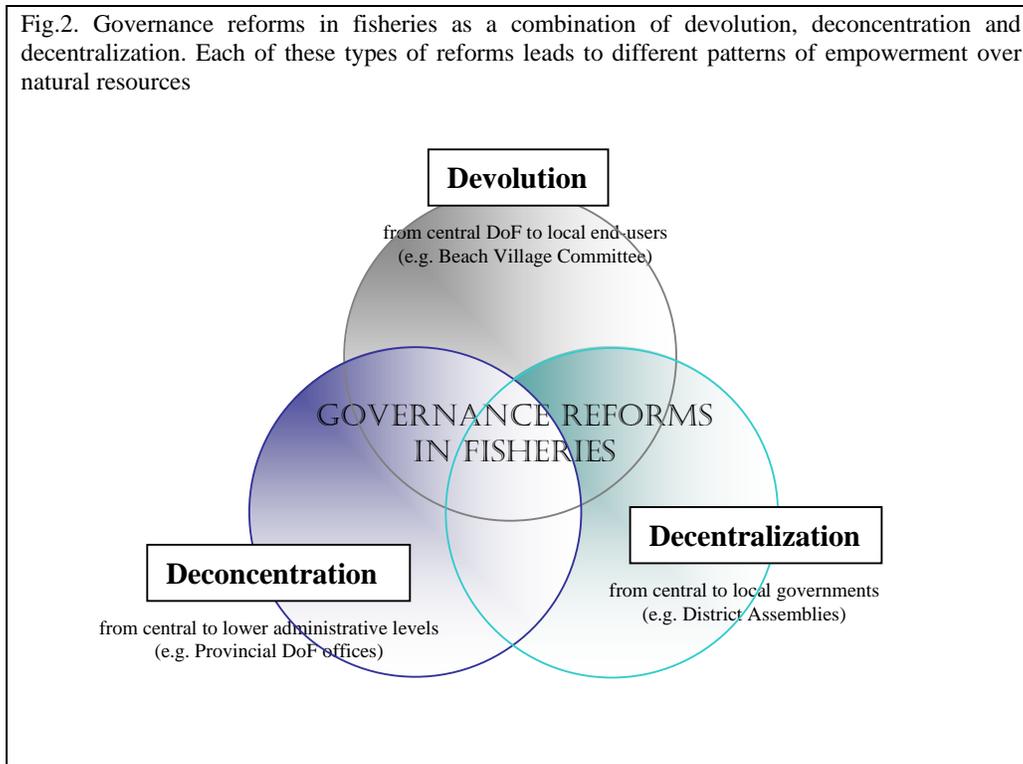
Conceptually, the problem arises from the fact that the McCay-Berkes framework attempts to characterize co-management mainly through the level of power devolution – i.e. the degree of stakeholder participation. In that case, the reference criterion is the gradient of power-sharing, running from one extremity (the central government) to the other (the community) –see **Fig.1**. This ‘mono-dimensional conceptualization’ of the process reduces governance reform to the degree of participation and does not necessarily capture the main factor(s) explaining the degree of success or failure of decentralization reforms.

This point was confirmed empirically by Neiland and Béné (2003). These authors conducted a review of 50 case-studies of fisheries across 39 countries. Using the information provided by the literature, they analysed the management systems of these fisheries and assessed in particular the performances of each of the 50 fisheries, using three criteria: economic efficiency, ecological sustainability, and social equity. At the same time, they categorized these fisheries by the degree of participation of their stakeholders in the decision-making process, using the seven categories of power-sharing as defined by McCay and Berkes –see Fig.1 above. Their analysis shows that there is no tangible correlation between the level of devolution of the responsibility in the fishery and the actual performance of the fishery. In other words, the degrees of participation did not explain the performance of the fisheries: in particular, some fisheries characterized by highly centralized management system were doing well, while other, more participatory, fisheries were not necessarily able to generate good management outcomes –and vice versa.

Focusing on the level of participation as the key element of success in co-management presents other potential issues. First, it tends to suggest that the stronger the participation, the more efficient and the more likely the co-management reform is to succeed (see footnote 1). However, as clearly demonstrated in the literature, strong participation is not without its limitations and dangers, especially in the context of natural resource management (Ribot 2001, Campbell and Shackleton 2002; Mearns and Bruce 2002, Dupar and Badenoch 2002). As Brett notes, “Maximum participation may not always be possible or efficient” (Brett 2000, p.1). In effect, as pointed out by Adams (1996), and confirmed by Neiland and Béné’s review, each fishery in each society has its own ‘balance point’ on the scale of management intervention. “Some fisheries are more effectively managed by governments or intergovernmental bodies and some are more effectively managed by local communities and non-government

recipients rather than the initiators of decisions. They, themselves, are managed, together with their resources, by the Fisheries Department.” (quoted in Jul-Larsen *et al.* 2003, p.92).

Fig.2. Governance reforms in fisheries as a combination of devolution, deconcentration and decentralization. Each of these types of reforms leads to different patterns of empowerment over natural resources



bodies, with various mixtures in between” (Adams, 1996, p.339). Thus, advocating for a systematic strong participation by the fishery community may not be the correct approach. In other words, the issue of *how much* power is shared may be the wrong question. Instead, issues of *how* this power is shared and through which accountability mechanisms may be more important.

Back to basics

From a political science perspective, a governance reform may take several forms, involve various agents and induce changes of different intensities at different levels. Broadly speaking, 3 main types of reforms are relevant to the discussion of co-management and governance reforms in fisheries: devolution, deconcentration and decentralization.

Applied to the fisheries context, each of these types of reforms leads to different patterns of empowerment over fisheries resources. *Devolution* reform in fisheries refers to the transfer of rights and responsibilities from the government to representatives of user groups at the local level (fisher organizations or alike) –see **Fig.2**. In contrast, *deconcentration* reform involves changes in governance where decision-making authorities are transferred to lower-level units of government line agency (i.e., provincial and/or district level of the Department of Fisheries). Finally *decentralization* of fisheries induces transfers of decision-making authority and

financial capacities related to fisheries to lower (provincial, district or communal) levels of government bodies².

In many instances such artificial distinctions may not reflect the empirical reality as fisheries governance reforms –as we will see below- appear often to be a combination of these 3 types of reform³. Overall, however, the distinction between these 3 types of governance reforms is useful as it provides a relevant analytical framework to ‘unfold’ some of the critical changes that are currently induced by fisheries governance reforms. In particular, it draws attention to the following key-question: which actors are empowered with natural resource uses and management decisions? As recalled by James Ribot, this question is critical since experience suggests that “whether the transfer of natural resource power within or into the local institution landscape promotes or undermines representative, accountable and equitable processes depends on which local actors are being entrusted with discretionary powers over natural resources” (Ribot 2003, p.55, emphasis is ours).

The three key issues to analyze governance

Using these 3 types of governance reforms as the background of our analysis, we now propose to look more specifically at the following three key-issues.

Nature and degrees of governance reforms

Do co-management and CBFM, as they are being implemented in Sub-Sahara Africa, fall under one of the 3 distinct categories of governance reforms commonly identified in the political science literature, or do they include some combination of 2 or even all of these different governance reforms? In other terms, is co-management mainly a devolutionary process as it is usually assumed to be –by which direct end-users (the fisherfolk) are empowered- or is it in reality more often a deconcentration process where power and decision-making processes are transferred down to lower levels (provinces, district) of the administration in charge of fisheries management? Or is it a combination of both? Where do the local governments stand in this process? Are provincial and/or local decentralized bodies (such as ‘district assemblies’ or the likes) involved in co-management? One particular issue in this series of questions is the role of the traditional leaders. Have these traditional leaders been involved in these co-management or CBFM reforms? Should they be? If they are, do they effectively

² From this distinction we see clearly that although devolution is sometimes called “democratic decentralization”, devolution and decentralization differ in two essential but related aspects. First as highlighted in the discussion above the direct recipients of the newly-devolved power are not the same under both reforms. In the case of devolution, these recipients are the end-users –i.e. the fishing communities-, either directly or more often through the fisheries associations or committees. In contrast the direct recipient of a decentralization reform is the local government. Secondly, a devolution is an intra-sectoral governance reform, while a ‘decentralization reform in fisheries’ would induce some transfer of responsibilities from institutions inside the sector (e.g. DoF) to institutions outside the sector (local government).

³ For instance, direct users (fisher representative and/or local DoF) may be invited to lead the new management commission created by the local government as part of the newly-decentralized management of the fisheries.

contribute to the ultimate objectives of these reforms (that is empowerment of the local community)?

Downward accountability and participation

Political science scholars agree that representation and accountability are critical if devolved power is to serve local needs efficiently and equitably (Brett 2000, Agrawal 2001, Ribot 2003). While the ‘participatory dimension’ of co-management or CBFM has been widely promoted, the concept of *downward accountability* has, so far, remained largely ignored by fisheries scholars. Political scientists, however, insist that participation alone will not ensure the success of the reform and that accountability, and in particular downward accountability is critical in this process (Ribot 1999, Francis and James 2003, Brett 2003, Devas and Grant 2003). Agrawal and Ribot, for instance, concluded that “the presumed benefits of decentralization become available to local populations only when empowered local actors are downward accountable” (1999, p.473 emphasis is ours). If this is the case, then an important question is to what extent the newly empowered local fisheries actors –whoever they are- are downward accountable to the people they represent (the fishing communities and more broadly the local populations).

Implementing governance reforms in small-scale fisheries in Africa: agenda setting or implementation issues?

Experience in developing countries has shown that in other sectors than fisheries, the problem is often not related to the policy content or its legislative support, but to the implementation process. For instance many developing countries have very comprehensive and adequate public sector ‘decentralisation’ policies but they lack the institutional, financial and/or organizational capacities at all levels to implement and reinforce these policies. Is this the case for co-management and CBFM reforms in fisheries? Or is there still an ‘agenda issue’ in the sense that ‘decentralization in fisheries is not yet well embedded in developing countries’ national fisheries policy frameworks? If implementation issues arise, are there some commonalities in these issues amongst the countries reviewed here and to what extent are these issues specific to small-scale fisheries –as opposed to other sectors where decentralization is also taking place?

By answering the questions above we are hoping to provide important new insights into the ‘decentralization’ process as it is currently taking place in Sub-Saharan small-scale fisheries, and hopefully propose some direction for on how to improve these governance reforms.

Nature and degrees of governance reforms

Devolution to end-users

When one looks at devolution processes in fisheries, the analysis of the 5 country reviews included in this project reveals some mixed results. While devolution to fishery end-users has been explicitly identified and pursued in national policies in some of these countries in recent years, devolution is still not on the fisheries policy agenda in others. For instance, no tangible evidence of any formal or apparent transfer

of authorities and/or responsibilities to fishing communities or professional groups was reported in Nigeria (Ovie and Radji 2007). Likewise, even in countries where multi-sectoral decentralization reforms have been implemented, fisheries is not necessarily included in these processes and very little devolution to direct end-users (fishers) is observed. Makadassou et al (2007) describe this situation in the case of Niger where, due to a lack of capacity and resources in the commune- and district-level governments, “[i]n the [Niger’s part of the] Lake Chad Basin, fishery planning is essentially the result of the central administration ... The view of the direct actors is rarely taken into account.”

Devolution in fisheries has been more actively pursued in other countries, however mainly on a project basis. In Cameroon for instance, participatory management has been promoted since 1991 through the Fisheries Master Plan, and then implemented since 2000 through three local projects supported by the DFID-FAO Sustainable Fisheries Livelihood Programme (SFLP). As a consequence, the establishment of formal management committees to ensure the sharing of the responsibilities between the fisheries administration (Département des Pêches) and the fishing communities is being administratively endorsed and the primary remaining need, legislative support for co-management, is reportedly in the process of being drafted (Belal and Baba, 2007).

Attempts at *de facto* devolution in fisheries in Zambia have also taken place, essentially through the implementation of various donor-funded projects. In Lake Kariba for instance Zonal Management Committees (ZMCs) were created with the objective of transferring management responsibilities of the fishery from the DoF to these ZMCs (Malasha 2007). Similar efforts were pursued in other major fisheries of the country (e.g. Luapula province). Conjointly, in an attempt to improve governance in the sector, in 1995 the Zambia fisheries administration had approached the FAO, seeking assistance with revisions to its national Fisheries Act. The draft Bill sought to ‘decentralize’ and devolve fishery management responsibilities from the Department of Fisheries to local communities in order to facilitate the participation of local fisherfolks in the formulation and enforcement of fishery management regulations⁴. In 1998 a draft was presented to parliament. However it was never ratified (Malasha 2007). Instead, a different set of amendments to the Fishery Bill were passed into law in September 2007 that completely reversed this initial move toward devolution of powers to fisherfolk: these amendments will result in the creation of Fishery Management Committees whose membership will be appointed by the minister responsible for fisheries, and whose powers will be limited to enforcement of pre-determined fisheries regulations.

In Malawi the 1997 Fisheries Conservation and Management Act provided the fisheries department (DoF) with a legal mandate to delegate fisheries management responsibilities to end-users. As a consequence a relatively large number of Beach Villages Committees (BVCs) and Fisheries Associations (FAs) were created in many water-bodies (Lake Malawi, Lake Chiuta, Lake Malombe and Upper Shire River, Lake Chilwa, etc., Njaya 2007). However, the creation of these entities did not systematically ensure the success of the devolution process as national policies failed

⁴ Note, however that this was the government’s objectives – not necessarily the communities’ ones. Communities are usually motivated by health, theft, conflicts resolution issues.

to address a variety of issues related to implementation. Many of these problems are discussed by Russell, Dobson et al (2007, p.x), and are exemplified below in the case of the Lake Malombe *chambo* fisheries:

- Unrepresentative/undemocratic BVCs: Some In several cases it has been reported that the monetary benefits of membership might have led the chiefs and Extension workers to select BVC members themselves, instead of using democratic mechanisms (e.g. elections).
- Conflicts between chiefs and BVCs⁵: In some cases, the BVCs were dominated by chiefs, and in other cases, the BVCs represented a threat to the authority and incomes of the chiefs, and were therefore resented and undermined by chiefs.
- Poor sense of stewardship/ownership: Much participation in the BVCs was motivated by the financial benefits associated with membership rather than a sense of local ownership. The high level of involvement of (European) donor agency personnel and the ability of the DoF to make appointments and unilaterally impose local management plans may also have diminished the sense of local ownership over the resource.
- Poor DoF commitment to participatory management: Although the DoF and donor agencies spoke in the language of participation, the fishing communities generally felt that the DoF rarely responded to their concerns. Worse yet, some BVCs were actively undermined by DoF staff when they attempted to enforce regulations (Dobson and Lynch 2003). This lack of democratic values in the field staff was modeled on the hierarchical bureaucracy in which they worked, and the DoF's short-term program goal orientation that defined the field staffs' interactions with the BVCs.

Deconcentration

The country-level review documents reveal that in terms of deconcentration, the overall situation portrays a mosaic of mixed outcomes. In Niger, three levels of deconcentration have been legislatively defined: region, province, and district⁶. But the deconcentration –which appears to be closely linked to the decentralization process (see decentralization section below)- concerns essentially the political and public administration mechanisms and not the technical services related to natural resources management. In practice, due to a lack of capacity at the deconcentrated levels of the DoF, and the central treasury's attempts to resist decentralization of control over scarce funds, the decentralized agencies have very little financial and decision-making autonomy, and are drastically limited in their capacity to engage with local users (Makadassou et al. 2007).

In Cameroon, deconcentration of the different administrations has been implemented since 1972, involving also three administrative levels: region, province (department), and district (commune), similar to the Niger model. The country review document reveals however, that the agents in charge of the deconcentrated fisheries offices receive only delegated power from the central authority and do not have much

⁵ As the traditional arbiters in village conflicts, chiefs were able to fine community members and keep the money or goods (paid in the form of cash or goods) collected for personal use. As the BVCs were now assigned the roles of fining offenders, the chiefs lost out financially and in prestige.

⁶ Translated from French. The exact terminologies of those three levels are “région”, “département”, et “arrondissements”.

autonomy of decision-making (Belal and Baba, 2007). Perhaps more problematically, they appear to also be primarily accountable to their direct hierarchy (Gouverneurs, Prefets, sous-Prefets) but not downwardly accountable to the direct users (see below).

In Zambia, there are severe constraints in terms of coordination within the DoF that are partly due to budgetary and personnel cut-backs imposed by the Structural Adjustment Programmes (SAP's). Additionally, where other agencies' (such as the Zambia Wildlife Authority) actions impact fisherfolk, the Fisheries Department has little legal basis for challenging them, and overall has poor communication with them (Petersen 2006). A somewhat similar situation is reported in Malawi where little of the capacity building that was pursued as part of an overall willingness to deconcentrate the DoF has focused on the DoF field staff in their remote living and working locations (Russell *et al* 2007). Although the District Fisheries Officers are supposed to transfer knowledge gathered at workshops to their field staff, due to financial constraints and a lack of administrative oversight, little training has been effectively conducted. This parallels the overall reforms in the Malawian government where several authors have documented the increasing gap between senior management and junior/local staff, whose access to workshops, promotions, and job-security is dependent on in-house patron-client relationships, a situation which has led to widespread misappropriation and abuse of government resources (Anders 2002; Chinsinga 2002, Englund 2002).

In Nigeria, the Federal Department of Fisheries (the apex Fisheries Policy-making body) and the States' Departments of Fisheries are empowered *de jure* (by law) to make management decisions regarding fisheries. The key informants in the field (officials of the DoF, Directors of fisheries of the three most important States where the survey was conducted i.e. Jigawa, Kano and Yobe) reported however, that little devolution, deconcentration or decentralisation of the fisheries decision-making functions takes place (Ovie and Raji 2007). The DoF has, or is expected to have, zonal offices in all the States of the federation while the States are also expected to have local staff at the local government areas with some level of deconcentrated powers. In reality, however, all of them lack logistics and independent authority. Rather they take directives from, and are accountable to, mainly the Director of Fisheries at the Federal agency. Most States' zonal offices at the local government levels also lack qualified staff.

Decentralization

The country review documents reveal that Cameroon, Niger, Malawi, and Zambia have all embarked on wide-ranging decentralization reform policies outside the fishery sector⁷. The country review documents, however, failed to identify any real

⁷ In Niger, for instance decentralization is as old as the independence itself as it was part of the governance changes that were introduced following the 1961 independence declaration. In Cameroon decentralization exists in the constitution since 1996 and in the legislation since 2004. Malawi has also engaged in the path of decentralization during the late 1990s as part of its process toward democratization and as an element of its strategy for poverty reduction (ref). In Zambia, most of the key benchmark documents that directed the country toward decentralization such as the Local Administration Act of 1980, the 1991 Local Government Act or the 1995 Cabinet Circular, were issued in the mid 1980s and 1990s. All these countries have therefore implemented decentralization reforms outside the fisheries sector, sometimes for decades.

inclusion of the small-scale fisheries sector in these decentralization processes. In Nigeria, decentralization has not at all entered into the political arena.

In Niger, one of the specificities of the decentralization is that traditional authorities have *de jure* been included in the decentralization process and hold positions in commune-level governments. From the country review, it appears that this development has the potential to further bolster an already powerful chieftaincy, thereby further marginalizing the fisherfolk themselves. In Cameroon, decentralizing reforms were applied to varying degrees under both British and French colonial administrations, as well as in the post-independence period. Political and administrative decentralization are explicitly included in the 1996 constitution and have been promoted through successive series of new legislations and laws. However, it is not clear from the country review document how and to what extent the aspirations, needs and conditions of the fishing communities or the constraints affecting the aquatic resources, are effectively integrated into the planning and actions led by the local decentralized entities ('collectivités territoriales')

Similar comments hold for Zambia and Malawi where decentralization has been influencing the politic landscape of these countries through the establishment of local level decentralized bodies (District Assemblies in Malawi and District Councils and District and Provincial Development Committees in Zambia). However, in a number of major Zambian water bodies (Lake Kariba, Mweru-Luapula, Lake Bangweulu), local governments' engagement with the fisherfolk appear to be primarily motivated by a desire to collect rents from the fishery, and providing few services in return. Future decentralisation will be pursued under the National Decentralisation Policy (NDP) of 2002, the aim of which is to improve participation, improve accountability and also lead to the design of locally specified plans for development purposes (Republic of Zambia, 2002:1-27). While this process of has not yet been initiated, it is expected that district councils will, among other functions, be responsible for the management and conservation of natural and wildlife resources. Under the NDP, however, the central government will retain core functions over essential national matters. The NDP is also silent on some of the initiatives such as those on Lake Kariba which have already led to a *de facto* devolution of some of the Department of Fisheries functions to the Zonal Management Committees.

In Malawi, devolution of fisheries management to Beach Village Committees preceded the passage of the decentralization legislation. As a consequence the Beach Village Committees appear to be poorly integrated into the various decentralised structures (Area Development Committees, Village Development Committees and District Assembly). Similarly, while the Fisheries Department is supposed to be decentralized, reporting directly to District Assemblies, these changes have not yet been implemented, and all decision making is done at the national level (Njaya 2007, Russell 2007). This situation is further complicates as the decentralization policy is effectively on hold at present, as the District Assemblies have not held elections for two years and are therefore lack a legal mandate. However, for the brief period that they were in session (2000-2005), there were indications of nascent conflicts between those District Assemblies and the DoF in particular in relation to the collection of license fees, and between the traditional authorities (who play key roles in the Area Development Committees and the Village Development Committees) and the BVCs (Russell et al, 2007, Njaya p.x).

While Nigeria has no formal decentralization process, the country review document indicates a significant *de facto* reliance by national and state agencies on the Traditional Authorities for the implementation of fisheries regulations and adjudication of conflicts in their local areas (Ovie and Raji 2007, see also Ita 1993). Miles (1994) has describes how these traditional authorities (TAs) attempt to refer to their hierarchy to resolve issues to the greatest extent possible, and Ovie and Raji (2007) indicate that they primarily bring issues to the state when their scale is beyond their jurisdiction. This practice is not new, but rather is an extension of British colonial policies in which the TAs were granted these powers (Miles 1987, 1994, Crowder 1964). Therefore, one might regard this as a highly decentralized fisheries management regime, but in a *de facto* sense.

The specific role of traditional authorities

In many countries in Africa, despite the recurrent effort made over the years by some⁸ central authorities to erode the sphere of influence of traditional authorities (TAs), these TAs are still very well established, and their influence on access and control of natural resources still effective through the role of key-personages such as village chief or village head-fishermen. Their spheres of influence and their interactions with devolved bodies or the government agencies are significantly defined by local and national institutional histories (see Russell draft for a review), however, they extend essentially to the local level.

Niger is a vivid example of the strong influence that TAs can have on local fisheries management and governance. Their roles are supported by several mechanisms. First as mentioned above, although their legitimacy was undermined during much of the colonial and post-colonial periods, TAs have now been included *de jure* in the decentralization process and are members of the different decision-making organs of the ‘collectivités territoriales’ at the local level in particular with important consultative roles (Makadassou et al. 2007 p.xx). Second, it has been reported that, in the absence of any real interaction between the deconcentrated DoF staff and the local fishing communities, the only cultural and institutional references for local fishers are these TAs, through, in particular, the ‘master of fishers’ (chef des pêcheurs). These authorities are thereby also reportedly able to monopolize access to training or educational opportunities. Third, despite the long history of decentralized administration in Niger, it turns out that only the lowest of the 3 levels of decentralization (the “commune”) is actually effective (where these traditional leaders are most influential)⁹. Therefore, the combination of empowering TAs who may lack in local legitimacy, receding central government roles, and weak regional governments, creates a context where these traditional leaders often become the primary interlocutor between the decentralized entities and the fishers, generating real risk of abuse and elite capture (Makadassou et al. 2007 p.xx)

⁸ Note the government’s reliance on the *de facto* empowerment of TAs in Nigeria, and the recent *de jure* empowerment of TAs in Niger.

⁹ In their geographical configuration the communes (cluster of villages) are often simply the contemporary heritage of what used to be the spatial distribution of the pre-independence TAs ‘territories’, thus reinforcing –or at least maintaining- the influence of the traditional leaders.

This risk of elite capture is also present in Cameroon where the role of the TAs has been institutionalized through their position as “administration auxiliaries” (Auxiliaires de l’Administration) in the decentralized systems. The *role* of these TAs in the local development has thus been increased –as compared to what it was just after the independence–, but not necessarily their power. This point is illustrated by the fact that this particular position as administration auxiliary gives them new responsibilities in the decision making processes at the local level (e.g. in conflict resolution), but also makes them essentially accountable to the administrative authorities (Gouverneurs, Prefets, sous-Prefets and Chef de districts). However, the TAs, by their own estimation, remain largely unaccountable to the local population (Belal and Baba 2007)¹⁰.

In Zambia, the situation seems relatively mixed. Some of the fisheries reviewed through this research have included significant involvement of TAs in the mobilization of fisherfolk (Kariba, Bangweulu), and in some these TAs are described as dominating the decentralized bodies (Mweru, Kariba). In others, the chiefs have intentionally been marginalized leading some to resist fisheries management initiatives (e.g. Bangweulu), while the Kafue fisherfolk have been able to prevent the chiefs from dominating the decentralised bodies through the use of secret ballots for committee elections, while retaining their support by giving them honorary roles of “patron”. This last experience echoes an approach used by Community Resource Boards (CRB) –the decentralized entities in charge of wildlife management at the local level- which seems to reduce the risk of elite capture by chiefs. While the village chiefs are also part of these CRBs, their status within them is that of ‘patron’, not chair. This status may help reduce abuses by chiefs’ in local level decision-making concerning wildlife management and the distribution of its benefits (Malasha 2007).

Russell et al’s (2007) documentation of fisheries co-management case studies in Malawi illustrates the array of roles that TAs can play with respect to fisheries governance. Some of the main factors that they highlight include: the TA personality, local institutional histories, the extent to which the Department of Fisheries’ BVC development program sensitized the chiefs as to the roles that they could play in supporting BVCs, and the extent to which the DoF encouraged dialogue between the BVCs and TAs. These leaders generally appear positively inclined to support the empowerment of local populations when their patronage of BVCs enhances their social standing and when they feel that their concerns over the need for sensitivity to local livelihoods are incorporated into BVC regulations. However, other case studies clearly show that where chiefs are excluded from this new devolution process, and where they feel that their traditional roles as “owners” of the village are being undermined (ex. by no longer being paid tribute by visiting fisherfolk) they almost systematically become highly disruptive.

The Nigeria review confirms the central role that TAs can play in fisheries governance. While there are no formal policies of devolution of management authority to traditional institutions by the central government, they are generally recognized by the Fisheries Departments as the *de facto* managers. At the fishing community levels, the “Head Fishers” (or *Sarki Ruwas*) are empowered by custom to

¹⁰ As illustrated by the fact that the election of new traditional leaders very often follows the preference of the administration.

manage fisheries resources, and they are accountable to the community chiefs (or *Bulama/Wakili*). The influence of these traditional authorities does not seem to have been impacted in any apparent way by the absence of this formal mandate, and are the products of a legacy of British colonial policies of Indirect Rule and a strong pre-existing chieftaincy. The current powers and authorities of these traditional institutions are described by the Director of Fisheries of Jigawa State:

“The institutional position and influence of the Bulama (District Head) or the Sarkin Ruwa (Head fishermen) is very strong and is dictated by existing traditional norms, culture and values. Existing informal local management system allows the Bulama or the Sarkin Ruwa to determine when (closed season) and where (closed area) to fish and when to stop fishing as well as the type of equipment (gear restriction) to use. While these powers are formally vested with the federal minister or the State Commissioner by existing laws, I cannot send my staff to any water body for any official work without first writing to or informing the Bulama or Sarki Ruwa in charge of the area” (Ovie and Raji 2007, p.x).

Participation and downward accountability

Participation

The degree of participation of end-users and stakeholders in the decision-making process and implementation of fisheries management should closely reflect the degree of devolution sought through co-management or CBFM programmes. However, as highlighted earlier in this document, while devolution to fishery end-users has been explicitly identified and pursued in national policies in most of the countries included in this research (except Nigeria), effective devolution leading to true empowerment of the legitimate fisheries stakeholders is yet to be achieved in most of these countries.

In Cameroon the term ‘participatory management (“gestion participative”)’ has indisputably become one of the official ‘corner-stones’ of the DoF agenda. As a consequence, representatives of the primary stakeholders have been invited to contribute to the planning and decision making process at several occasions (e.g. elaboration of the 1991 Fisheries Master Plan, elaboration of the MINEPIA Sectoral Strategy). Overall, however the country review document reveals that this participation remains mainly bound temporally or spatially to co-management projects such as these initiated by the SFLP in Maga and Mape lakes and Garoua markets.

The agenda-setting role of donor-agency sponsored projects is not specific to Cameroon and is also observed in many other places. In Lake Kariba or Mweru-Luapula projects (Zambia) for instance, donor-sponsored projects spurred the active engagement of end-users in the management process through the creation of local management committees such as Zonal Management Committees (ZMCs) at the sub-district level, or Integrated Village Management Committees (IVMCs) at the village level. Similarly, though not as successfully, GTZ funded and provided significant guidance to the establishment of the first government-led co-management projects in Malawi (Lakes Malombe and Chilwa). The ‘inclusiveness policy’ of these programmes can be accepted as genuine in intent. However, the situation on the ground is more ambiguous as is illustrated in the following example from the Kariba fisheries co-management programme in Zambia:

The institutional framework created by the co-management was limited to a number of actors. These included the DoF, the local authorities, and the TAs. The fishers, especially immigrants, [were] participants by virtue of the fact that the whole process was designed to control their operations. As a result of this set-up, participation in ZMC and IVMC meetings was usually dominated by TAs, the semi-commercial fishermen and DoF officials. For instance, a meeting called to discuss the modalities of the new co-management arrangements in 1994 attracted 56 participants. These consisted of Tonga chiefs and headmen, staff from DoF, representatives of government and local authorities along the lake shore. Out of a total of more than 2000 fishers who were active in the fishery at the time only 10 were invited. (Malasha 2007, p.x)

Even where the participation of legitimate groups of end-users seems to have been more effectively achieved, a more thorough analysis reveals however that the level of participation is often reduced to an ‘instrument for implementation’ rather than an effective and empowering involvement of those end-users in the decision making process. The situation on the Mweru-Luapula fishery in Zambia is one example. There Malasha (2007, p.x) observes that the ZMC’s and IVMC’s have been given responsibilities, but no decision-making powers. In essence, the deconcentration process might have improved the participation of fishers and others in management – through their involvement in the ZMCs and IVMCs- but the process is still very much embedded under the umbrella of the Fisheries Act of 1974 which gives ultimate responsibility to DoF. It appears that this situation will remain the same even under the new amendments that have been made to the Fisheries Act.

In other fisheries the overall level of participation may also be reduced to its minimal dimension where fishers are simply invited to contribute to the management tasks. In Niger for instance, Makadassou et al. (2007) report that fishers may be called to participate in the removal of water hyacinth or sometimes contribute to the collection of fishery statistics (e.g. landings), but that this system is in effect based on in-kind or cash incentives, or even donation of fishing equipment. Otherwise, they have no influence on how fisheries are to be managed, and have no recourse to any formal institution in order to question or challenge the government’s and traditional authorities’ actions.

This phenomenon has led several authors to make use of the concept of ‘instrumental co-management’ as defined by Viswanatahn et al. (2003, p.8) –as opposed to ‘empowering co-management’ or ‘transformational’ co-management- to describe these situations. Chinsinga (2002) argues in the case of Malawi that despite the official devolution discourse widely publicized, the paradigm of centralized management remains deeply entrenched in the DoF mentality. This has made the whole governance reform tend toward instrumentally participatory programs (i.e. in which local communities participate in projects that are predefined by the government or donors) rather than transformational governance reforms (in which the communities’ priorities define the development projects), thereby diminishing any local empowerment objectives (Njaya, p.x, Russell et al. 2007, p.35).

Finally in countries where participatory management has not been introduced to the general fisheries policy agenda (e.g. Nigeria), one is not surprised to observe a low level of participation in fisheries management, especially from those in the primary and secondary stakeholder groups (**Table 1**). From Table 1, it is evident that the DoF is the dominant actor in the formal agenda setting process to the exclusion of other stakeholders. Instead, traditional leaders maintain *de facto* management powers over

the resource, and Ovie and Raji (2007) report that these traditional authorities are highly sensitive to community sentiment.

Table 1. Matrix of major fisheries policy development processes and stakeholder participation in Nigeria

Process Stakeholders	Planning	Design	Implementation	Enforcement	Evaluation	Licensing	Ext. services
DoFs	++	++	++	++	++	++	+
Fish. Inst.	+	+	+-	-	+-	-	+
NGO e.g. FISON	+	+	-	-	+	-	-
N.P.C	-	-	-	-	-	-	-
Dams Auth.	-	-	-	-	-	-	-
MFI	-	-	-	-	-	-	-
Fishers	-	-	+-	+-	-	-	-
Processors	-	-	-	-	-	-	-
Fish traders	-	-	-	-	-	-	-
Boat builders	-	-	-	-	-	-	-
Comm. Agents	-	-	-	-	-	-	-
Transporters	-	-	-	-	-	-	-
Ancillary	-	-	-	-	-	-	-
Trad. Instn.	-	-	+	+	-	-	-

++ = V. High participation; + = High participation; +- = Weak participation; - = No participation. Source: redrawn from Ovie and Raji (2007)

Table 2. Matrix of major fisheries policy development processes and stakeholder participation in Cameroon

Process Stakeholders	Conception	Planning	Implementation	Enforcement	Monitoring	Ext. services
Fishers	x	x	x			
Processors	x	x	x			
Transporters		x	x			
Retailers			x			
Intermediaries		x	x			
Local buyers		x	x			
Women process.						
Boat builders			x			
Outboard mechan.			x			
Fish porters			x			
Ice resellers						
Trad. institutions		x	x			
NGOs	x		x			
MFI	x	x	x			
Fish. Admin.	x	x	x	x	x	x

Source: redrawn from Belal and Baba (2007)

More surprising is that in countries where ‘participation’ is now entered in the lexicon of fisheries policy -as in Cameroon-, the analysis does not show any fundamental difference in the extent of fisherfolk participation (**Table 2, above**). Belal and Baba (2007) note that this situation may be related to the low organizational capacities of the majority of the stakeholders at the local level and the fact that local populations are still considered by development agencies and NGOs as ‘beneficiaries’ rather than ‘actors’.

Downward accountability

In contrast to participation, accountability is rarely mentioned in the fisheries literature beyond the allusion to its contribution to good governance. Yet political scientists and governance experts agree that accountability should be considered as the critical variable in social empowerment and emancipation (Agrawal and Ribot 1999, Francis and James 2003, Brett 2003, Devas and Grant 2003). In the words of Agrawal and Ribot (1999, p.478):

“...downward accountability of those who receive powers from the central state on the behalf of a constituency is the *primary dimension of decentralization* since it can broaden the participation of local populations and enhance the responsiveness of the empowered actors” (our emphasis).

The poor attention paid to this issue of (downward) accountability seems to have affected the decentralization processes in the countries included in this review. In Cameroon for instance, Belal and Baba (2007, p.x) acknowledge that while the staff of the deconcentrated agencies at various levels (provincial, district, and sub-district levels of DoF) are accountable to their upward hierarchy, no administrative or legislative mechanisms have been put in place during the fisheries co-management reform to hold these DoF staff accountable to the fishing communities and other direct stakeholders. In these conditions there is no real incentive for the agents of these administrations to engage with the local population beyond the consultation stage.

While some may argue that this lack of accountability from the lower level of the administration is actually the very reason why ‘co-management’ was introduced in the first place, it may be more ‘disturbing’ for these co-management advocates to realize that this lack of downward accountability can also be observed in the case of the newly empowered local entities. In Zambia’s Luapula co-management programme for instance, the frameworks for co-management did not address how the various members of the VCMs, (Fisheries Officers, traditional leaders, representative of the Local Authority, FA members and other interest groups such as fish traders) were supposed to be accountable to their own constituencies. The frameworks merely spelled out the roles that these different actors should play in the new management arrangement. In these conditions, it is not surprising to read that these VCMs often fail to account for the fishers’ real aspiration (Malasha 2007). Similarly, in the case of the Lower Shire (Malawi), Njaya (2007, p.x) argues that

“there is minimal or lack of downward accountability” of these newly empowered entities. Many BVCs are [led] by a few individuals who in most cases are related in one way or another to traditional leaders, making them accountable to the traditional leaders [or to the larger gear owners] and not to the fishers. At the same time, the District

Fisheries Officers' reports are routed to Fisheries Department Headquarters and not to District Commissioners or District Assembly Chairs, making the[m] accountable to their Director and not to the fishers or even the decentralized district assemblies (local governments)."

The question of the accountability of TAs appears critical in this context, given the role that they seem to play (whether through *de jure* or *de facto means*) in the large majority of small-scale fisheries in Africa. These TAs suffer a relatively bad reputation in the rural development literature where it is argued that they are not necessarily the best promoters of equal, gender-balanced and pro-poor reforms (Devereux 1996, Johnson 1997, Moore and Putzel 1999, Leach *et al.*, 1999, Luckham *et al.* 1999). In contrast, no real consensus seems to have emerged from the five country review documents considered here. In Niger the review document emphasizes the real risk of power abuse that exists due in particular to the pre-eminent position enjoyed by the TAs in the new 'decentralized' context (Makadassou *et al.* 2007). In contrast, in the case of Nigeria –where TAs have also been recognized to play a critical role in the control of access and use of natural resources and fisheries in particular (refs)-, Ovie and Raji (2007, p.x) argue that traditional community leaders, are more easily held accountable for their decisions or actions by their subjects as compared to formal institutions. According to these authors, unpopular informal policies of TAs are often resisted or rejected outright¹¹. In extreme cases, this form of accountability can result in outright dethronement and replacement of such traditional leaders. In Malawi, the potential for abuses of power by TAs, highlighted by Njaya (2007) are balanced with the analysis of a variety of fisheries co-management experiences by Russell *et al* (2007) that illustrates both how useful the support of TAs is for successful co-management and how the roles played by TAs appears to reflect significantly the manner in which co-management is introduced by the government.

Implementing governance reforms in small-scale fisheries in Africa

The five country reviews highlight various issues in the implementation of fishery governance reforms. None of those issues, however, is fundamentally new and most of them have already been described in the fishery co-management literature.

Reluctance to alter the existing status quo

There is little doubt that the political will exists and is indeed present at different levels in many countries to implement fisheries co-management reforms. In Cameroon for instance the three SFLP co-management projects launched in 2001, prior to the promulgation of the 2004 laws on decentralization, is the vivid evidence of this political will at the highest level¹². However as pointed out by Belal and Baba (2007), a reluctance to fully engage in, and support, co-management reforms has also

¹¹ For example, mismanagement or embezzlement of community funds such as those collected on behalf of the people for 'communal interest projects' attracts heavy resentment from community members.

¹² In fact, a revision of the national fishery law (Law 94/01) is being considered and a new law being developed that will include several dispositions supporting co-management and other reforms related to devolution reforms in fisheries.

been observed in many instances amongst certain actors from the deconcentrated administration or the traditional institutions. For these local actors, co-management is seen as a threat to their (perceived or real) present control over the fishery sector resources.

Similarly, in the Luapula fishery in Zambia it was reported that while some TA's were supportive of the co-management initiative others made deliberate efforts to frustrate the VMC's in their areas. In most of the Zambian fisheries reviewed, TA's criticized and undermined the operations of VMC's when these threatened to undermine fishers' traditional practice of paying tribute to them (Kapasa, 2004). Similarly, however, most local governments have resisted devolution of power to VMCs and in both the Mweru-Luapula and Bangweulu fisheries have reneged on agreements to share fishing-related revenues with them. Finally, this reluctance to devolve power is clear in the recently (in Sept. 2007) enacted amendments to the Fisheries Act, that demonstrate a clear political retreat from empowerment of VMC to instrumental use of them.

This issue of reluctance to renounce power by some of the actors previously in control of the fishery resource is not necessarily a new element in the analysis. It is one of the main reasons identified in a large number of past and recent papers to explain the failure of earlier co-management programmes (e.g., Berkes 1995, Pomeroy 2001, Hara *et al.* 2002). As highlighted in the first part of this report, this diagnostic is not surprising. By adopting the McCay-Berkes model, one has the tendency to over-emphasize these issues of (lack of) power-sharing to the exclusion of other factors.

Lack of legal recognition

Another issue which is often mentioned in a relatively large number of papers on co-management is the issue of absence of legal backing for fishery governance reforms. Many examples exist around the world and in particular in developing countries where co-management and/or CBFM reforms were missing the necessary legal support, at least in the first years of their implementations (Jentoft 1989, Pomeroy 1995, Sverdrup-Jensen and Raakjaer Nielsen, 1998). While the political will within the fishery sector might have been genuine and sincere, it was not systematically supported by adequate legislative reforms that would empower the newly created devolved entities through a *de jure* framework. While this problem tends to get resolved in countries where co-management experiences have been implemented for more than 10 years, there are still situations where this is yet to be the case. Zambia, as the example of the Kafue floodplain fisheries by-laws confirms is one of them. In this fishery the by-laws drafted by the village management committees still have no legal recognition. As a result, these village committees do not have legal right to enforce these by-laws. In the cases of the Mweru-Luapula, Lake Kariba and Bangweulu fisheries, local governments use this absence of a legal framework to avoid sharing fishing-related revenues with VMCs (Malasha 2007).

In Malawi this has similarly been an issue. While the policy frameworks provide for the legal recognition of BVCs and Fisheries Associations through their registration with the National Registrar's Office, the Fisheries Department has appeared hesitant to give the BVCs such empowerment. Consequently, as is the case in Lake Chiuta,

the Fisheries Associations are being challenged in courts for their lack of legal standing by corrupted chiefs (Russell *et al.* 2007). Prior to the dissolution of the District Assemblies (DA) in 2005, the Mangochi DA was looking into passing by-laws for Lake Malombe and southern Lake Malawi that would give legal recognition to BVCs and Fisheries Associations within this district through a by-law outlined in the Local Government Act. Unfortunately, it looks as if such measures will not be passed before the next DA elections, however, probably slated for 2009.

In Cameroon, fisheries co-management in the SFLP-sponsored Mape and Maga water bodies have struggled due to a lack of official recognition. This was addressed eventually by the passage of by-laws by the local government. The legitimation of these co-management committees and the by-laws is scheduled for January 2008. For the rest of the country, however, the absence of policies that empower fisherfolk as that which has been given to forest- and wildlife-dependent communities remains a significant obstacle to real devolution. A significant reason for this may be the reluctance among some deconcentrated agency and decentralized governments representatives to protect their own fisheries-related interests.

Lack of capacity

As the literature has shown, lack of stakeholder capacity is a limiting factor that can greatly affect the chances of success of any interventions (Abraham and Platteau 2000). Fisherfolk are particularly likely to be affected by this as fishing and fish-related activities such as fish processing and fish trading are known to attract mainly unskilled labour (refs). Additionally fishing communities are often forced to live at least temporarily in remote, isolated areas (especially inland fisheries such as those on floodplains, river and/or lakes) where access to education and/or other institutional supports is not easy. In these conditions it is not surprising that several of the country reviews highlighted this issue of lack of capacity. In Niger for instance (Makadassou *et al.* 2007, p.x) and in Cameroon (Belal and Baba 2007, p.x) the lack of organizational capacity, illiteracy and lack of support are presented as some of the reasons for the poor level of effective engagement by some of the primary stakeholders into the new decision making process. In Niger, though legally empowered to manage local resources, a lack of capacity and funding are primary reasons for the inabilities of decentralized district agencies to manage resources, resulting in their dependence on the central government agencies. Similarly, in Zambia, district-level agencies lack the human resources and financial base to effectively manage fisheries, and rely heavily on central authorities.

Rent-seeking behaviour by Governments and Traditional Authorities

More than 2 decades of governance reforms in various economic and public administration sectors have demonstrated that decision-making process and transfer of responsibilities to lower levels is not a sufficient condition to ensure the success of decentralization reforms (Shackleton and Campbell 2001, Ribot 2002). Ensuring the effective delegation of financial means to support the new decentralized system is also necessary. Fisheries are no exception to this rule. As they are rent-generating sectors,

natural resource such as fisheries or forestry are in theory in better position than other sectors (such as, education or health) to generate these necessary financial resources. However, experience reveals that in practice part or the totality of these rents are often appropriated by the central or decentralized government(s), who regard fisheries primarily as a source of revenue to support their budgets (through collection of fish trading or landing taxes, boat or fishing gear licensing, etc.) In Cameroon for instance taxes extracted from the fisheries sector are collected by the tax administration at the local and central levels, transferred to the ministry of finance, which then redistributes 70% of those to deconcentrated technical administrations related to MINEPIA. However no share is redistributed directly to the end-users¹³.

Zambia offers another illustration of this rent-seeking behaviour through the case of the Bangweulu fishery. In this fishery the local government derives most of its revenues from fish-levies. Soon after the launch of the co-management plan for the Bangweulu fishery, the newly-created VMCs started to question the manner in which the local authority had been utilizing the levy. In particular, the VMCs insisted that the local authority account for all the monies that it collected, as the fishers reportedly did not derive any benefits. The local authority reacted by making various efforts to undermine the VMCs. In 1998 the government dissolved the local authority for 'corruption and mismanagement' but the new one did not perform any better either (Til and Banda, n.d). In particular, the new local authority did not resolve the issue of levies as there were no legal amendments compelling them to do so (Malasha 2007, p.x).

This case is not an exception and similar situations occur in many other places. In Nigeria the bulk of the revenues (not necessarily taxes) are generated from the fishery sector through licensing of fishing boats. A small amount of revenue is also derived from fish trade but only in well-organised fish markets such as Doro-Baga on the Eastern side of the Nigerian shores of the Lake Chad (Ovie and Raji 2007). While the collection and control of such revenues is legally vested in the offices of the Federal and State Departments of Fisheries (as explicitly stated in Federal and State fisheries laws and Edicts, respectively, the redistribution mechanisms of such revenues are not stipulated by the laws. Thus Ovie and Raji (2007) report numerous complaints from different stakeholders interviewed during their review:

“All [of] our field respondents agreed that once such collected revenues are paid into government treasury, they can hardly be withdrawn even to facilitate the work of the government officials in charge of such collections” (Ovie and Raji 2007, p.x).

Additionally, the traditional authorities in Nigeria collect funds from fisherfolk for the purpose of financing “communal interest projects”, and a portion of this money is typically given to the local Imams and Emirs.

In some other cases it is not the initial rent generated by the fisheries which has led some elites to seek control of the fisheries, rather the benefits attached to membership/participation to the new system. This issue applies in Malawi where it was reported that participation in many BVCs seemed largely motivated by the

¹³ In that respect the situation in the forestry sector in Cameroon is different. In that sector, part of the forestry taxes (the 'redevance') is redistributed by the States directly to the lower level of decentralised political entity (the 'commune') as part of the institutionalised national decentralization reform.

financial gain derived from the anticipated participation in workshops, privileged access to loans, and the distribution of “sitting allowances” to BVC members, (Donda 2000, Hara 2002, Russell et al 2007). A good example is the case of the Lake Chilwa and Mpoto Lagoon fisheries where the BVCs and FAs are composed of chiefs and their appointees, most of whom were not actual fisherfolk, who also don’t live near the lakeshore, and who have little direct knowledge of the fishery (Wilson 2004, 2006). Fisherfolk are therefore highly resistant to these BVC’s regulations (Njaya, 2007).

Lack of financial independence

The lack of financial resources is another central issue abundantly described in the literature on decentralization (Minor 1999, Lind and Cappon 2001, Dupar and Badenoch 2001). In NRM this shortage of revenue may not only impede the operational capacity of the decentralized entity, it may eventually lead the latter to seek to maximize the rent extracted from these NRM in order to generate revenues. The implications may be disastrous for the natural resources. Recent reviews of decentralization in forestry in Cameroon, Indonesia, and Uganda, for instance, reveal that transferring use rights to local bodies has resulted in overexploitation of timber, primarily due to the needs of local governments and local people for income (Oyono 2002, Resosudarmo 2002). In fact, as pointed out by Ribot (2002), there is no reason to expect that local authorities will not try to convert natural wealth into financial wealth, especially where cash is in short supply and is viewed as more valuable than standing forests.

While such an extreme situation has not been explicitly identified in any of the 5 countries reviewed in this research, there are often tensions between national-level conservation agendas and local poverty reduction and food security ones. In Cameroon, for example, there have been conflicts between the DoF and local fisherfolk over issues such as closed seasons (such as in Lake Maga, where fishing is closed three months of the year). In Nigeria, while local and national institutions agree in theory on the need for conservation efforts to sustain the fisheries, local fishing communities rely on the fisheries for their livelihoods and often cannot afford to prioritise conservation over satisfaction of their basic needs. In the Komadugu Yobe Basin, for example, when reminded of the harmful impact of the use of under-sized mesh in beach seine fishing, the respondent agreed, but explained that it would be difficult to abandon such productive gear in order to avoid catching undersized fish (Ovie and Raji 2007, p.x).

Several country reports also make allusions to the problem of revenue shortage faced by the newly created local bodies, due to either the lack of mechanisms to ensure the financial ‘decentralization’ or due to the reluctance of the central government to redistribute the revenue generated by the fisheries. This lack of financing can create a further incentive to overexploit natural resources.

In Zambia for instance, the new ZMCs and IVMCs were supposed to be financially supported through the establishment of a revolving fund. Initial contribution to this fund would be made by donor. The DoF would then lobby for the amendment of the Fisheries Act to legalise the operations of the new management plan so as to

legitimise the contribution of 60% of the money it collected from fishing licences to the ZMC's and IVMC's. Similarly, the amendments to be made to the Fisheries Act would also compel the local authority to pay 40% of the money it collected from fish levies to these committees. However, the local authority refused to give part of the fish levies to the ZMC's and IVMC's on the grounds that these organs did not have legal recognition as was the requirement under the Local Government Act (Malasha, 2003). It was only after the ZMC's and IVMC's had been registered as voluntary organizations and also after the personal intervention of the Traditional Authority in the area did the local authorities begin to give part of the levy to these institutions.

In Cameroon, co-management activities have so far been entirely supported through the SFLP project. In the rest of the country, revenues generated through fishing licenses and fish product certification are levied by district-level tax collectors and 'recentralized' at the level of the ministry of finance, which then redistribute 70% of these revenues to 3 deconcentrated parastatal agencies in charge of fisheries management¹⁴. No redistribution is directed to the communes or to fishery stakeholders groups (e.g. fisheries professional organizations, local fisheries committees, etc.).

The case of Niger raises a different –but strongly related- issue. In Niger, several direct and indirect taxation mechanisms coupled with State subsidies and loans have been set-up –at least in theory- to ensure the financial autonomy of the new decentralized authorities (collectivités territoriales). In practice however, the extreme poverty in which a large majority of the population lives (in particular in rural areas) raises the question of the real capacity of these populations to pay these taxes and thus to support the decentralized entities (Makadassou et al. 2007). Additionally, the central treasury actively resists any allocation of resources to these governments. As a consequences, most of these 'collectivités territoriales' are actually not operational, reducing all the efforts made to set up a 'democratic' decentralized decision making process to almost nothing.

Elite capture

Elite capture is probably the most frequent pitfall described in decentralization reform literature. Both 'grey' and published literatures provide many examples of how local elite groups have captured the benefits of decentralization projects for their own use, thus considerably reducing the potential positive effect of the reforms for the rest of the local population (Moore and Putzel 1999; Dreze and Sen 1995; Abraham and Platteau 2000; Crook and Sverrisson 2001). Chiefs, headmen and other so-called "customary authorities" are often targeted by central governments, donors, and NGOs as appropriate local authorities in decentralization efforts. However, as highlighted by Devereux (1996), Johnson (1997), Moore and Putzel (1999) Leach *et al.*, (1999) Luckham *et al.* (1999) and many others, customary authorities are not necessarily supportive of democratic principles. They often inherit their positions, and their degree of local accountability depends on their personalities and local social and

¹⁴ Those are North Livestock Development Authority in Adamaoua, North and Far-North Provinces, the Marine Fisheries Development Authority and the North-West Livestock Development Authority for West and North-West Provinces.

political histories. Furthermore, customary authorities are notorious for entrenched gender inequalities and for favoring divisive, ethnic-based membership (Zufferey 1986; Colchester 1994; Baland and Platteau 1996; Pretty and Ward 2001).

TAs are not, however, the only local elites who may use their existing privileged status to ‘hijack’ part of the newly-devolved power and reinforce or extend their political, social or economic situation. In the case of Niger we have discussed that in a context where fishing communities are particularly isolated and lack organizational and institutional capacities, devolved power often ends up in the hands of the local agents of the deconcentrated administration, the TAs and/or their the fishermen chiefs. Unfortunately as recognized by Makadassou et al. (2007, p.x) “this type of unbalanced relationship is often a source of abuse”. These forms of elite capture are not unique to circumstances where literacy is an initial limitation, however. Given a new opportunity to expand their influence (such as the introduction of devolution or decentralization), various elites motivated by short-term economic interests may compete to establish control over resources, and less powerful groups (due to their caste or classifications of “non-residency” risk being marginalized (Nijenhuis 2003). Such elite capture by TAs or the larger gear owners, frequently in collusion with local Fisheries Department or decentralized local government staff have been documented in Malawi (Russell et al. 2007, Njaya 2007), Zambia (Malasha 2007), Cameroon (Belal and Baba 2007), and Niger (Makadassou et al. 2007).

Overall Assessment of co-management experiences in Africa

Co-management: Mainly deconcentration, some devolution (at least on paper) but little decentralization.

One of the initial points made in this report is that in order to improve our capacity to analyse governance reforms in fisheries it might be useful to go beyond the original distinction between levels of participation proposed by McCay and Berkes and try, instead, to ‘disentangle’ the different types of reforms that are usually described in the fisheries literature under the broad term ‘co-management’. In that respect we proposed to make an explicit distinction between the three main generic forms of governance reforms: deconcentration, devolution and decentralization¹⁵, while recognizing at the same time that co-management as observed on the ground is likely to involve some combination of these.

Overall it seems that, although co-management has been presented by many as the way to devolve power towards the end-users, the reality is that the ‘balance’ is still in favour of some form of centralised government control. What the review suggests, however, is that this ‘centralised’ system is becoming increasingly deconcentrated, - resulting essentially in a redistribution of power toward the local (provincial/district) level of the central authority- probably as a result of the continuous pressure imposed on the governments to show some forms of governance reforms. But accountability

¹⁵ See p.3 for definition.

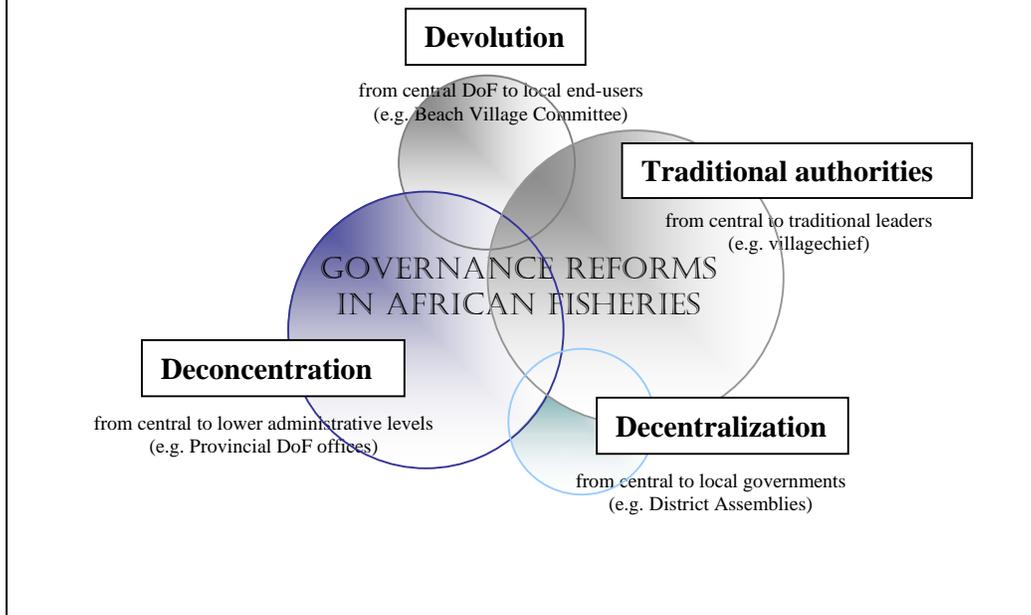
remains essentially upward, allowing the top level of the hierarchy to maintain overall control over the decision making process.

The analysis of the country reports also shows that another type of players has benefited from these governance reforms. In particular, with the withdrawal of the central government from the rural areas, and the inability of decentralized governments to gain access to sufficient resources and capacities, local power brokers, such as the traditional local authorities are given greater freedom to pursue their agendas. In some cases this resulted indirectly from constitutional or legislative changes induced by the decentralization process that was taking place conjointly with the co-management reforms, which gave some traditional authorities *de jure* roles as part of the decentralization process. In other cases, they simply were freed from oversight to continue or expand on their pre-existing *de facto* local roles as adjudicators and resource ‘managers’ and attempted to capture part of the financial and/or political power that was being delegated through the co-management process. In many cases, the poor capacities of sector ministries and decentralized governments led them to depend outright on the TAs to implement their regulations.

Finally the other important result that the review highlights is that although decentralization has been widely promoted across sectors in all of these countries (with the notable exception of Nigeria), there is very little evidence in the country reports of any positive interactions between small-scale fisheries and the local governments established through these decentralization. At its ‘worst’, there is little effective integration of small-scale fisheries in the agenda of local governments; at its ‘best’ the only relationship is based on the decentralized government’s or sector deconcentrated agencies’ motivation of extracting some of the rent generated by the sector.

Revisiting the framework presented in Fig.2 with these different conclusion conclusions leads to a totally different representation (**Fig.3**) of governance reforms as they have effectively been taking place in fisheries in Africa. At the present time the bulk of the *de jure* power still remains with the DoF but has been partially delegated to lower levels of its hierarchy. This new arrangement is beneficial for the top level of the administration as it has managed to transfer the load of the monitoring and enforcement to its lower-level representatives, but keeps the responsibility of the decision-making and maintains overall control through strong upward accountability mechanisms. The other major beneficiaries of these reforms are the traditional leaders and other elites at the local level who have received part of this ‘decentralized’ power through *de jure* decentralization legislation or *de facto* coercion or collusion with the local DoF staff. The real ‘losers’ are the end-users (fisherfolk) who have only gained limited control over the resources, and may possibly be compelled to implement regulations that are poorly suited to local ecological realities or contrary to their own livelihood needs.

Fig.3. Share of power in fisheries co-management in Africa. The bulk of the new power remains with the DoF but has been partially transferred to the lower levels of hierarchy. Another major player are the traditional authorities



Conclusion

Synthesizing the findings of the five country review documents into one single message is difficult, as the overall outcome is rather complex and ‘patchy’. Some would certainly like to emphasize the few success stories that have occurred. Some would be tempted to underscore the other, less successful, results. They all would probably be correct as many different criteria could be used to ‘evaluate’ co-management reforms. Ultimately however, the core issue is about governance and the central question remains the same:

Have co-management projects as they have been implemented so far in Africa improved the governance of inland fisheries?

From the information collected in the five country documents reviewed in this research it seems that the answer to this question is: “not necessarily”. One can hardly dispute that the new governance system introduced by co-management was –at least partially- genuinely intended to improve the governance in fisheries. The previous ‘model’ of governance in operation in the fisheries (centralized governance) was one where all decisions, power and responsibilities were concentrated with the DoF top level’s hands. The new governance system introduced by co-management through its objective of devolution of some of these decision-making processes and responsibilities to the end-users, was therefore in principle aimed at improving this governance.

In practice, however, as was outlined in several of the previous sections in this report, the outcome was not systematically positive. As a starting limitation, in many of the countries reviewed, co-management policies either, were not accompanied with necessary legal frameworks (Zambia, Cameroon), such legal supporting mechanisms were effectively blocked from being used (Malawi), and extension services were generally poorly sensitized, educated or empowered to design locally accountable devolved institutions (Malawi, Zambia, Cameroon, Niger). Therefore, in the majority of the cases reviewed here the newly introduced co-management programmes failed to *improve* governance, they simply *modified* the status quo by altering the distribution of power and responsibility amongst the main fisheries stakeholders. If one accepts that the 5 countries included in this review provide a reasonable representative ‘sub-sample’ of African inland fisheries, it seems that the (mainly-donor funded and often top-down implemented) fisheries governance reforms in a large number of African countries over the past 2 decades have indeed been successful in challenging the previous (centralized) governance system. However, contrary to their intent of empowering primary resource users and local governments, the inabilities of local governments, deconcentrated agencies, and fisherfolk to take up their newfound mandates has frequently resulted in the division of influence among local power brokers and/or the ‘instrumentalization’ of the co-management process. This result provides some complexity to the claim in the literature that DoF and other local or national powerful stakeholders who controlled the fisheries sector prior to the co-management reign have been ‘dragging their feet’ in an attempt to preserve the old status quo. What the reviews reveal instead is a very dynamic institutional landscape where poorly designed and empowered co-management programs have enabled a variety of actors and institutions to protect their individual interests.

It should be recognized that the ultimate beneficiaries of these governance reforms have only in few occasions been the ‘genuine’ end-users of the fisheries, that is the small-scale (migrant and local) fishers and small-scale (usually local) fish processors. As evidenced through this project, the process of weakening the centralized authority opened an ‘window of opportunity’ for other actors (mainly at the local level) to reshape the institutional landscape in ways that allowed them to pursue their own agendas or reinforce their own socio-political or economic power, often to the detriment of other groups, in particular the allochtonous fishers. In essence this is not surprising as it simply reproduces the usual social process through which one or a combination of groups of actors shape the institutional landscape to create a new status quo favorable to their own interests.

Recommendations

A series of recommendations emerges from this analysis.

Moving beyond the co-management paradigm

One of the most fundamental (and urgent) challenges for the academic and donor fisheries communities will be to move beyond the co-management narrative and to recognize that the existing approach (crystallized in the McCay Berkes framework)

does not provide the adequate framework to identify and tackle the major issues facing the fisheries sector in its current attempt to improve governance. As we saw “More participation” is not the panacea and cannot be achieved through the introduction of new policy frameworks. Such a view tends to reduce the issues to a too simplistic one-dimensional problem, while governance reforms in fisheries are in fact a complex process related to many issues. Over the last twenty years, academics engaged in the design of policies for natural resources management in the developing work have increasingly espoused and promoted the co-management narrative, gradually giving it the status of a scientific paradigm. Adopting a critical view on the current paradigm has always been difficult for the scientific community and will definitely represent a major challenge for many of us.

Participation, yes but more importantly accountability

Ensuring or enhancing the participation of the end-users and other legitimate stakeholders in the decision making process is important -as correctly pointed out many years ago by Berkes, Pomeroy, Ostrom, and others (Berkes 1989, Ostrom 1990, Pomeroy 1995, 2001). The involvement of these end-users is, in particular expected, to increase their sense of responsibility and ownership, thus facilitating the self-enforcement of the management system and in principle the ‘sustainability’ and equity of the system.

But participation cannot work without accountability. As the involvement of every single fisherfolk in the decision making process (that is, direct democracy) is not possible as it would increase *ad infinitum* the transaction costs of the political process, one has to rely on the system of representatives. What recent political and social sciences research on ‘decentralization’ has shown however, is that unless these representatives are strongly accountable to the rest of the stakeholders who they are supposed to represent, any devolution of power to these representatives is likely to become a source of misuse and abuse (Ribot 2001, Campbell and Shackleton 2002; Mearns and Bruce 2002, Dupar and Badenoch 2002) –see also paragraph on traditional leaders below. Additionally, as discussed above, there are no assurances that “local” elites or local governments, if not held accountable, are motivated to act in the common interest.

Focusing on implementation issues

Co-management –and more broadly governance reforms- are high in the agenda of most African countries. It would therefore be misleading to present the failure of co-management reforms as a consequence of lack of ‘official’ political will¹⁶. Co-management failure comes essentially from an unwillingness and inability to support all the processes needed to allow its implementation. There is therefore an urgent need for academics to turn our attention toward the ‘nitty-gritty’, ‘on-the-ground’, and context-specific aspects of co-management implementation. While this has been highlighted many times, there is no ‘one sizes fits all’ and the success (or failure) of a co-management programme will essentially depend on local details: the integrity of

¹⁶ Although the lack of political will, or more particularly political weakness can still explain in some specific cases why national or even local legislation have not been amended to support co-management. Zambia is a typical example, as may be Malawi.

the DoF local staff, the ‘ethic’ of the traditional leaders, the balance between the different groups of fishers (allochtone versus autochtone), the presence of local NGO, and in particular the pre-reform relationship between all these different groups and individuals, etc. Note that very little in these failures / successes has to do with the resource itself. Most of the issues are institutional.

Recognizing the political economy of co-management reforms

In direct relation to the point above, it is crucial to recognize that the socio-institutional landscapes where governance reforms in general and co-management in particular are implemented are not ‘empty’. These landscapes are in fact the result of a constantly evolving status quo which reflects the current distribution of power between different actors (essentially at local level) and their control over the resources. The introduction of co-management have been perceived –and transformed- by these different actors as new opportunities for them to continue to shape the socio-institutional landscape in such a way that allows them to pursue or even increase their political, social or economic advantages. In this continuous (open or more subtle) struggle, the poorest and most marginalized of the fishing community have generally been the losers as they ‘started the game’ with some disadvantages.

The recognition of this political economy dimension has strong implications in the way co-management should be planned and implemented. In particular it means that a good understanding of the current ‘landscape’ and of the current interactions between the different groups susceptible to be directly or indirectly involved (or rejected) by the co-management is essential before the first step of the reform is actually initiated. This preliminary analysis should help in predicting the changes in the landscape that are likely to occur as a result of the reform, and thus provide appropriate guidance and recommendations on how to limit the ‘unexpected’ / negative outcomes.

The unavoidable traditional leaders

Although this situation is not an exclusivity of Africa -as many Pacific fisheries also seem to be in the same case- African small-scale inland fisheries are for their majority still under the strong influence of the local traditional leaders. While co-management could have been one way to reduce this influence (if one wished to do so), these reports reveal that its poor implementation has in some cases actually had the opposite effect. Because co-management projects were usually poorly prepared to face this issue¹⁷, these traditional leaders have usually been one of the groups which systematically managed to strengthen their local power during the establishment of the co-management arrangement. This situation means that a large part of the success (or failure) of these co-management reforms depends on the *bon-vouloir* (good will) of these traditional leaders. In particular, trying to pass-by these traditional leaders would almost systematically be followed by direct or indirect opposition.

The influence of these traditional leaders is not, however, necessarily always negative. In effect several cases demonstrate that they can be one of the key-players ensuring

¹⁷ We recall that this issue of traditional leader was totally absent from the initial McCay-Berkes framework. Interestingly it has emerged in the African literature (see, e.g. Sverdrup Jensen and Nielsen 1998, or Mafaniso *et al.* 2002).

the success of the project. When this happens, however, it is essentially the result of their own integrity and commitment, and frequently depends on the extent to which the co-management process has actively engaged with them. Regardless, until clear downward accountability mechanisms are embedded into the process, co-management projects will always depend on the personal commitment and capacities of few key actors, leaving the overall projects' fate –and its impact on the whole community– entirely in the hand of these few actors.

Reconsidering the balance between decentralization and devolution

As evidenced in the country level reports, but also through other literature (e.g. Satria and Matsida 2004, Hara 2006) co-management in fisheries has been poorly integrated with decentralization reforms. Several reasons may be brought forward to explain this situation. Historically co-management has been promoted –at least in its early development– independently from the decentralization narrative (Berkes 1989, Pinkerton 1989). The fishery literature is also known to be usually remarkably sectoral in its analysis and links to broader rural development issues, political or political ecology sciences are generally poor (Béné and Neiland 2004, Allison and Badjeck 2004.). On the other 'side' of the equation, small-scale fisheries are usually not considered as an important or relevant sector by national and local planners and decision-makers. This has certainly contributed to the predatory-behaviour adopted by national and local government (or their agencies) whereby small-scale fisheries are usually heavily taxed but receive few services in return.

The collection of taxes from fisheries is not the central criticism here, however, and governments' predatory dependence on fisheries-related income can be harness to benefit all (Ross 1999). This simply requires a more 'equitable' relationship where both parties (the fishery sector and the local government) could benefit from one another through a more strongly integrated approach. Better supported small-scale fisheries could contribute more effectively to local economic development, thus supporting the objective of the local government through revenue generation but also –perhaps more appropriately– through employment (labour buffer), food security and women economic empowerment. This might be supported by the fact that local levels of decision/planning are known to be much more favorable to integrated approaches than higher (national) levels and, should therefore be in a much better position to integrated and account for the aspirations and needs of the small scale fisherfolks than national planners (Ribot 2002, Satria and Matsida, 2004; Hara 2006). It is therefore the responsibility of the fisheries stakeholders (starting with the DoFs) to effect this integration for the mutual benefit of the resources and end-users.

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