ANALYSIS OF POWER IN FISHERIES CO-MANAGEMENT: EXPERIENCES FROM LAKE CHILWA, MALAWI

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ABSTRACT

In this article I analyse Lake Chilwa co-management arrangement in Malawi through the lenses of the concept of power. The analysis is at the local level where majority of the important actors operate. These include the fishing communities, Department of Fisheries, traditional leaders and the new local management entities created through co-management reforms called Beach Village Committees. The analysis, which is based on decentralisation and power frameworks, shows that there is unequal power distribution between these different actors, often resulting in the marginalization of the fishers themselves. While the Department of Fisheries and Beach Village Committee draw their powers from the Act of Parliament, policy and legislation, the traditional leaders have remained influential through their customary powers. They all, however, attempt to influence the outcomes of co-management reform through various indirect channels of power, often with the objective to advance their own political, economic, or institutional agendas. I observe, for instance, that although the powers of the traditional leaders vary from place to place, in most cases, they have interest in co-management, not because of the potential political empowerment of their community members or the resource management improvement that Lake Chilwa co-management is expected to provide, but because of the various personal benefits that they could derive from that reform.

Key words: Lake Chilwa, co-management, power, decentralisation, traditional leaders, incentives

INTRODUCTION

A need to define institutional arrangements and pursue governance reforms in the management of natural resources including fisheries continues to stimulate interest among scholars and practitioners (Ostrom, 1990; Bromley, 1991; Sen and Nielsen, 1996; Jentoft, 2000; Bene et al., 2009), as the open access nature of the common pool resources (CPRs) including fisheries resources remains a challenge in resource management. In the governance of the CPRs, the institutional arrangements may include state, common, private and non-property regimes (Ostrom, 1990). This is against the background of the popular "Tragedy of the Commons" theory that did not recognize the role of the user community in resource management but recommended either private or state property regimes (Hardin, 1968). Yet, other scholars like Ostrom (1990) and Jentoft, (2000) noted capacity of the community to self-regulate the exploitation of the CPRs.

Fisheries policy reviews on governance are taking place in several African countries in line with the community participation concept (FAO, 1993; Bell and Donda, 1993; Sowman et al., 1998; Hachongela et al., 1998; Lopes et al., 1998; Geheb and Sarch, 2002). Co-management at varying levels of participation by the user communities is governance regime that is popular. Co-management is an arrangement where user groups and government share the power and authority to manage fisheries resources (Sen and Nielsen, 1996).

In Malawi, co-management arrangements started on a pilot scale on Lake Malombe (Bell and Donda, 1993) in the early 1990s but by mid-1990s the government and community adopted it on other water bodies including Lakes Chilwa, Chiuta and Malawi and Lower Shire River system the (Hara, 1996; Njaya, 2002). Community participation in decision-making processes regarding resource monitoring and control through formulation and enforcement of fisheries regulations is a key element in these

arrangements (Njaya, 2007 while the government's role remains creating an enabling environment for community participation.

Jentoft, et al (1997) observes that community-based natural resource governance regimes, to a greater or lesser extent, are associated with state property systems. As such, state actors set the margins for comanagement regimes and define the level of participation of key partners, hence, the focus of this analysis. It is also important to understand that in every co-management arrangement the level of participation and the characteristics of different partnerships are dynamic.

For an effective co-management, the user community should have *power* for them to make decisions. *Power* is a force that alternatively can facilitate, hasten or halt the process of change promoted through advocacy. *Power dynamics* exist within specified spaces and place with participatory activities which can affect power relations in three ways including visible, hidden and invisible (VeneKlasen and Miller, 2002). This implies that in any co-management arrangement it is important to identify where power exist in terms of space and how the partners that mainly include the government and local community in the context of Lake Chilwa exercise their power.

The formation of the village level institutions, Beach Village Committees (BVCs), has had its problems mainly in terms of power struggle (Hara et al., 2002). The new structures did not clearly recognize the existing ones like chieftainships that have been controlling fishing beaches through appointed beach chairs. In this paper, I therefore, examine the type of *power* that the key stakeholders at village level have in the fisheries co-management arrangement on Lake Chilwa.

Two frameworks, *Decentralisation*' and *Power Cube* are applied for anlsysis of power within the Lake Chilwa co-management arrangement. Njaya et al. (2011) also applied the same frameworks but it was at national level. Secondary sources from the Defragmenting African Management Resource (DARMA) Project (2010-2013) funded by European Union (EU) and coordinated by the Institute for Poverty, Land and Agrarian Studies (PLAAS) based at the University of the Western Cape, and a project on Food Security and Poverty Alleviation through Improved Valuation and Governance of River Fisheries in Africa (Béné et al., 2009) are used in this analysis.

The rest of this paper is as follows: The next section presents the two analytical frameworks, 'decentralization framework' (Agrawal and Ribot, 1999) and the 'power cube' framework (Cornwall, 2002). Next to that is the historical background of Lake Chilwa fisheries co-management followed by findings of the study and the synthesis and finally presenting some policy implications.

THEORETICAL FRAMEWORKS OF POWER

Njaya et al. (2011) describe the decentralisation and power cube frameworks in their analysis of Malawi's co-management. The power discourse continues to receive scholarly attention in the governance literature (Benjaminsen and Lund 2001) and is defined in varying ways. Lukes (2005) presents a comprehensive account of power which he defined as various forms of restriction on human action while making action possible but in a specified scope. On the other hand, VeneKlasen and Miller (2002: 3), stated that power is how sections of a society control resources (material, human, intellectual and financial), and this applies to this paper.

In this paper, I apply both the decentralisation and power cube frameworks, recognizing that they have strengths and limitations. Nevertheless by combining the two I expect complimentarily that would be necessary for analyzing specific power issues mainly in terms of its type and source for Lake Chilwa co-management arrangement.

Decentralisation framework

The decentralisation framework focuses on *actors*, *powers* and *accountability* as three critical dimensions determining decentralisation reform outcomes. Agrawal and Ribot (1999: 3) emphasize that 'without an understanding of the powers of various actors, the domains in which they exercise their powers, and to whom and how they are accountable, it is impossible to learn the extent to which meaningful decentralisation has taken place.' In the framework power is categorized into the following: (i) power to *create rules or modify* old ones, (ii) power to *make decisions* about how a particular resource or opportunity is to be used, (iii) power to *implement and ensure compliance* with the new or altered ruled, and (iv) power to *adjudicate disputes* that arise in the effort to create rules and ensure compliance (Agrawal and Ribot, 1999).

The decentralisation framework helps describe various power relations that are critical in the establishment of fisheries co-management. It falls short, however, in recognizing the key role played by some other important local actors. It is limited in particular to a specific environment in the sense that it mainly focuses on powers from the government side (i.e., legislative, executive and judicial) and not from the dimension of power as it is exercised within the community. The missing key element is a close consideration of local (formal or informal) community actors such as the village elite group, the traditional leaders and the roles they play in co-management. In a context like Malawi and other African countries where these actors are critically involved in the control and management of (natural) resource access, another complementary framework is needed to analyse more thoroughly local power relations. The *power cube* framework provides this complementary analytical framework (Cornwall, 2002; Guijt, 2005).

The 'Power Cube' framework

The 'power cube' framework recognizes spaces, place, and power as the main elements describing actor engagements and types of power held (Guijt, 2005). In the framework, 'place' refers to the levels at which participatory action takes place. These include the local level (household, village or district levels); the national level, which involves national networks or national Councils; and the international level, which includes regional bodies or networks. In this analysis I focus on the district and village levels because that is where implementation of Lake Chilwa co-management is taking place. 'Spaces' are understood to be spaces of engagement filled by power of varying kinds, visible and invisible, including knowledge and discourse. Thus, a 'space' is an arena, process or mechanism within which people communicate about issues, share information, make decisions and take actions, or in which civil society (people and organisations) seek to have influence on decisions which affect their lives.

In those spaces and places, 'participation' can affect power relations in three ways: visible, hidden, and invisible (VeneKlasen and Miller 2002). *Visible power* describes a situation whereby a community and/or interest groups openly hold power to influence formal decision-making processes. In this context, empowered actors openly make decisions based on their set goals. *Hidden power* involves situations whereby an agenda is set or pushed 'behind the scene' by a certain group of actors -- often to the exclusion of others – and where interests are mobilized to shape the agenda and outcomes, with empowerment being the ability to influence what appears on the agenda. *Invisible power* centres on deeper social conditioning, culturally embedded norms and values, effects of knowledge, ideology and global views (Njaya et al., 2012).

CO-MANAGEMENT REFORMS ON LAKE CHILWA

Lake Chilwa became a site for fisheries co-management in 1996 due to the recession of the lake Njaya et al., 1996; 1998, 2002). The initiation of the co-management followed the advocacy for community participation in fish resource management countrywide as the government was drafting new laws to accommodate involvement of the resource users. Apparently communities on Lake Chilwa had in the past, during similar recessions like that of 1968 came together and agree on specific course of action on recovery of the fish stocks (Njaya, 1998; 2009). During recessions, traditional leaders banned use of seines in river mouths and lagoons where remnant stocks were found and then after recovery of the lake, fishing could resume without any limitations.

Therefore, during the 1995/96 recession, the government and traditional leaders around the Malawian and Mozambican sides of Lake Chilwa agreed to follow similar approach they had in the past, for example that of 1968 recession, thus banning seining in lagoons and polls of water along the influent rivers. When the lake and fishery recovered in 1997, the government took advantage of introducing fisheries co-management by facilitating formation of BVCs along the lake and rivers mouths. The key partners in the co-management include DoF and local leaders that have made themselves to work as patrons of the BVCs. However, there is no clear role of the local leaders and BVCs.

The Fisheries Conservation and Management Act (FCMA) of 1997 enabled the BVC members to become Honorary Fisheries Protection Officers (Government of Malawi, 1997). Under these conditions, the BVCs were legally vested with power to enforce fisheries regulations, including closed seasons, gear and mesh restrictions, closed areas and licensing of gear; to authorize both small-scale and commercial fishers to land on their beach; and to maintain beach registers containing information about counts of registered fishing vessels, gear, gear owners and fishing crew.

POWER ANALYSIS

Power types

In this section, I examine the four types of powers distinguished by Agrawal and Ribot (1999), as they are exercised by the different key actors (traditional leaders, DoF, BVCs, fishers and beach chair persons) in Lake Chilwa co-management. District councils and the judiciary are also included although their roles especially for the councils are not prominent in the fisheries co-management. For the sake of this paper, I combine power to create rules and make decisions into one type, and power to adjudicate disputes and ensure compliance as another. Table 1 shows power types and sources of various actors in the Lake Chilwa fisheries co-management.

Table I: List of actors and their powers in Malawi's co-management at community level

Key actors	Power type	Tasks/Roles	Source of Power
Traditional leaders	Adjudicate disputes	 Authorise use of their beaches for fishing and landing Resolve conflicts Development work Formulate rules especially during recession periods 	Customary Government
Beach Village Committees	Implement and ensure compliance	 Formulate rules and regulations Enforce regulations Disseminate messages on fisheries management and health Resolve conflicts 	Government
Beach chairpersons	Adjudicate disputes	 Collecting tribute locally defined as <i>mawe</i> Resolve conflicts among fishers 	Traditional leader
Fishers	Create or review rules	Participate in managing fisheries resources	Not applicable
Department of Fisheries	 Create rules or review rules Make decisions about how particular resource or opportunity is to be used Implement and ensure compliance 	 Manage resource Formulate and enforce regulations Conduct research Licence fishing gears Train community Resolve conflicts 	Government
Judiciary (Ministry of Justice)	Adjudicate disputesDrafting laws	Sanction offendersDraft laws	Government
District Councils		Collecting fish leviesResolve transboundary conflicts	Government

From Njaya, Donda and Béné (2011)

Power to create new rules and to make decisions

On the power to create new rules and make decisions, both the DoF and BVCs have powers to create new rules and to make decisions about how resources are to be used. The framework for community participation is stipulated in both the National Fisheries and Aquaculture Policy of 2001 and Fisheries Conservation and Management Act of 1997. For effective governance and sustainability of the comanagement process, provisions are made for mobilisation of fishers into BVCs, associations, formation of a Fisheries Board. The BVCs and associations broadly termed as Local Fisheries Management Authorities (LFMAs) are empowered to regulate fisheries resource exploitation through the formulation and enforcement of rules and local bylaws (Government of Malawi, 2000a). There is also an additional regulatory framework, the 2000 Participatory Fisheries Management Supplement that empowers the LFMAs to make or review fishing rules in the interest of the resource users (Government of Malawi, 2000b).

For the roles of local government, the Decentralisation Policy of 1998 and gives powers to district councils to manage fisheries resources while the Devolution Plan of 2003 provides an outline of fisheries functions that are devolved form the central government to the local government. In this context, the DoF is responsible for licensing all commercial fishers while the district Councils are in charge of licensing small-scale fishers.

The traditional leaders have powers to make a decisions regarding allocation of fishing areas to inmigrant fishers, especially to those with *Nkacha* seine fishers from Lake Malombe unlike the resident seine fishers in return for fish catch portions (*cha kwa mfumu*) as a group of fishers at Ntila stated:

When it comes to enforcement by BVCs during closed seasons, we notice that the patrolling teams always confiscate our Matembaⁱⁱ seines leaving the *makoka a mfumu*, to continue fishing which are left for the local leaders. This demonstrates favouritism just because the local leaders look for the catch portions or cash during the closed seasons, which is also usually a lean period when majority of households are food insecure from December to March. This is bad because we also need to fish to get money and buy food for our households. Moreover, we [Lake Chilwa fishers] always participate in fish resource management while our colleagues from Lake Malombe just come to fish without managing the fisheries resources.

Consequently, conflicts between the fishers and BVCs or among resident and in-migrant fishers abound. Majority of the BVCs around the lake always seek permission from their local leaders before they go out patrolling on the lake during closed seasons. In most cases, local leaders appoint members of the BVCs so that they have indirect influence on the committee's activities (Njaya, 2009).

The rules and regulations that governed resource conservation were formulated with participation of the LFMAs in 1995 principally aimed to protect remnant fish stocks in lagoons and pools of water along influent rivers during the recession of Lake Chilwa. The fishing community believed that the protected remnant fish stocks would naturally restock the dried up lake (Njaya, 2002). Later, some rules and regulations were formed to protect habitat or breeding fish. For example ,the BVCs introduced closed seasons (December to March), mesh size restrictions for gillnets (minimum 62mm) and banning use of open water seines locally known as *Nkacha*, which were common on Lake Malombe and have been perceived as destructive due to their unselective nature in terms of fish sizes and species when fishing. This implies that the BVCs have powers to formulate rules that govern exploitation of the fisheries resources within their jurisdiction.

Power to adjudicate disputes and ensure compliance

In terms of adjudicating disputes and ensuring compliance, the Judiciary through Magistrate Courts have powers to decide on penalties for offenders. There are ranges of penalties stipulated in the Offences and Penalties section of the Fisheries Conservation and Management Act and Regulations (Government of Malawi, 1997; 2000a). Despite revocation of traditional courts, some regulations like closed seasons and restrictions on mesh and types, respectively, have been applied by Lake Chilwa traditional leaders to penalise offenders. The fee paid by offenders is considered a form of incentive for the traditional leaders who claim to own fish landing sites. For example, during the Defragmenting African Resource Management (DARMA) Action Research in November 201,1one village head (VH) at Kachulu beach stated: "From next year, [2012] we [traditional leaders] will charge a seine net owner a penalty fee ranging from MK20,000 to MK30,000, the same amount that the courts also charge."

The penalty fee charged is basically shared among several traditional leaders depending on ranks. A VH gets a smallest share. Then a GVH receives at least more than the VH while the TA is supposed to get the largest amount. There is, however, no specific formula for sharing the money but a moral sense guides the

sharing principle. This was evidenced by one BVC member as he reported during the Action Research in November 2011 who indicated that:

Last year [2010], when we[BVC members] went to meet the Traditional Authority (TA) to give him his share of money amounting to MK 10,000 [equivalent to USD60 at that time] that we realised from penalties charged on illegal fishers who were operating during closed season. To our surprise, the chief charged on us stating that the money was just too little. He said that he expected more than that figure when he ordered us to go and patrol the lake during the closed season...

The system of engaging the traditional leaders in penalising offenders and charging fines in form of money is illegal. Traditional leaders have are not supposed to demand money as a form of penalty but should instead, impose traditional types of fines such as chickens, goats or cows depending on the severity of the penalty. Although the situation may appear relatively confused, power to implement regulation and ensure compliance rests with all stakeholders except the fishers.

In summary, powers have been legally provided to the newly created local level structures (BVCs) to formulate and enforce regulations for resource conservation (Government of Malawi 1997). However, such powers are not fully or effectively exercised in some cases due to the strong influence that traditional leaders still exercise on the fisheries through their beach chair persons. While BVCs are elected, these beach chairmen are just appointed by the traditional leaders, resulting in limited accountability and lack of legitimacy. McCraken (1987) and Chirwa (1995) note that in the past, the traditional leaders played an important role in the natural resource management. However in the modern times their roles have been questionable, as they take financial inducements as their incentives (Hara, 1996).

Power types by applying the 'power cube'

In this section, I apply the Power Cube framework (Cornwall, 2002) by focusing on power types: visible, hidden, and invisible power. In the context of Lake Chilwa co-management, visible power includes the new responsibilities which were devolved to the decentralized structures including Village Development Committees (VDCs), Area Development Committees (ADCs and district councils (Njaya et al., 2011). The functions include enforcement of fishing regulations and rules especially for the small-scale fisheries sector, message dissemination including fish resource management, health issues (prevention of the spread of HIV/AIDS and cholera) and collection of fish catch data. Additionally, the customary power of the traditional authority is another source of visible power.

To some extent, visible power is the easiest source of power to deal with from an analytical point of view as it is openly exercised and enforced by use of legislation or law. It is the type of power that has been widely been described in the co-management literature. Being visible does not mean, however, that this power remains uncontested or its beneficiaries not challenged. The case of the BVCs is very informative in this respect. Hara (2007) showed how the ability of these BVCs to function is more often than not impeded because their authority and power are challenged by the traditional leaders. First, the existence of powerful customary authorities makes it sometimes difficult for the BVCs to assert their new authority especially when that authority is poorly supported by the DoF. In some cases, the VHs claim that BVCs are deriving their authority from customary powers and, as such, should fall under their own authority. In some places, due to fear of reprisals by fishers and the continued exercise of customary authority within villages by the VHs, BVCs cannot sanction offenders within their jurisdiction without the approval of VHs. This was the case between 1999 and 2002 in Lake Chilwa south where the Traditional Authority of the area could not allow BVCs to obtain money from offenders until he was informed. This concentration of sanctioning power leaves the BVCs dependent on the VHs.

On the other hand, BVCs often depend on the DoF and donors for financial and material resources, making them more accountable to the DoF than to the fishers, and making it therefore difficult for them to

act independently. Finally, because those BVCs are elected by the village population as a whole and not simply by the fishers, their composition does not necessary reflect the vested interests of those fishers whom they are supposed to represent. Feeling excluded from the operations, these fishers often resist the BVC authority. Ironically, the capacity of the elected BVCs to function is undermined by being more accountable to the general community than to the fishers' interests they were supposed to support (Hara, 2007).

Although some types of power are visible and institutionalised through either formal or more traditional forms of authorities, this visibility does not prevent these powers from being contested in various ways. In that sense, the analysis reveals that the visible nature of the co-management reform on Lake Chilwa has not been systematically successful at its inclusiveness by co-opting different groups of stakeholders involved in the activity such as district councils that have visible power.

Hidden power involves situations whereby an individual or a group of actors is driven by a hidden agenda and use their position and/or official power to achieve their objective, sometimes at the detriment of others. For example, the traditional leaders on Lake Chilwa are engaged in the co-management process, not for the sustainable utilisation of the fisheries resources but rather the financial benefits including regular provision of *cha-kwa-mfumu* handouts (money of fish catch portions given to the traditional leaders either on a regular basis), penalty fee charged on illegal fishers and receiving project-supported meeting allowances that they get from participating in the co-management meetings.

Invisible power refers to the social and cultural norms, perceptions and beliefs that condition or influence people in their individual or collective views. In most communities, traditional leaders are custodians of culture. It is common to associate traditional leaders with invisible power, especially when one recognizes the culturally embedded nature of their authorities. The influence of these customary leaders on the rest of the community relies essentially on hegemonic power 'legitimated' through their social status. The nature of their power is invisible in the sense that it is culturally and socially rooted in the customary institutions (Njaya et al., 2011). For example, during the previous Lake Chilwa recessions (1968/69 and 1995/96), a number of cultural practices take place with a belief of calling for rains after a period of drought or hunger. The traditional leaders lead their community members to pray to their spirits for mercy so that they have rains and harvest (Njaya, 2009).

Although democratic decentralization and modernization of the institutions in several African countries including Malawi have challenged the authority of those traditional leaders, as Hara and Nielsen (2003) assert, customary leaders remain pivotal among their respective rural communities. In the context of comanagement, the existence of powerful customary authorities challenges the roles and power of the BVCs. This is compounded by the fact that in most areas there is weak support that the BVCs get from DoF, district councils and non-governmental organisations (NGOs).

Other forms of invisible power are also prevalent within the Lake Chilwa basin community. This invisible power has impact either, directly or indirectly in the way co-management outputs are achieved. For instance, around the Lake Chilwa basin, culture does not allow women to openly criticize views raised in community meetings that are dominated by men. Additionally, it is commonly known that young people are not allowed to criticize any suggestion put forward by either traditional leaders or old men. Although co-management is in theory designed to empower all stakeholders engaged in fish-related activities, that include fishing, processing and marketing, women fish traders that are in majority among fish trading stakeholder group, have always been excluded in the new decision making processes (Njaya, et al (2011).

SYNTHESIS AND CONCLUSION

This analysis has shown that power is shared among several stakeholder groups at varied degrees in the lake Chilwa fisheries co-management. DoF and traditional leaders are invested with much power than the BVCs which are legally empowered to manage the recourse. It is also noted that power differentials exist between the various key players with varied sources. While the DoF and BVCs draw their powers from the Act of Parliament, policy and legislation, the traditional leaders have remained influential through their customary powers. They all, however, attempt to influence the outcomes of co-management reform through various indirect channels of power, often with the objective to advance their own personal agendas. Although the powers of the traditional leaders vary from place to place, in most cases, the actor group (traditional leaders) are highly involved in the Lake Chilwa co-management. However, their involvement is mainly for various forms of incentives that they could derive from that reform. This implies that the traditional level can influence outcomes of institutional reforms including common property management regimes if not well considered.

Despite the challenges of engaging traditional leaders in co-management activities, it is necessary to recognize its positive side. Traditional leaders are, in most cases, drivers of development in the rural areas and have customary hidden power and authority. In many cases, within African context where traditional institutions exist, fishers tend to respect traditional leaders and hence comply with the traditional rules more than rules and regulations from the government. This situation is complicated further by the fact that the traditional leaders' customary powers are not provided for in the principal fisheries statute. Furthermore, Agrawal and Ribot (1999) emphasise on the need for co-management actors that are elected to advance accountability in co-management arrangements. This needs a review of the decentralised framework as Njaya (2007) noted with consideration of the customary powers that traditional leaders have.

The recognition of the power dimension has strong implications on the way co-management should be planned and implemented. In particular, it means that a good understanding of the current institutional set up and interactions between the different stakeholders susceptible to be directly or indirectly involved in the co-management reform is required before the first step of the reform can be initiated. This preliminary analysis should help in predicting the changes in the power distribution that are likely to occur as a result of the reform, and thus provide appropriate guidance and recommendations on how to limit the outcomes of those reforms.

Based on this understanding, it is, therefore necessary to consider policy reform shifts where comanagement is often perceived as the panacea to the myriad fisheries management issues, especially in Africa's small-scale sector. Co-management like other forms of decentralization reforms in other natural resource sectors will not achieve its true empowerment objective and benefits to the most marginalized unless the power distribution and recognition of its type of various actors is recognized and addressed. In any co-management arrangement it is important to undertake preliminary analysis. This preliminary analysis will help in predicting any potential power changes and distribution that are likely to occur as a result of the reform, and thus provide appropriate guidance and recommendations on how to mitigate any impacts of any institutional changes for high resilience.

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ENDNOTES

ⁱ In this paper, traditional leaders include all levels of authorities at community level including Traditional Authorities (TAs) who have their respective jurisdictions with each having several Group Village Heads (GVHs) and in turn each GVH looking after a number of Village Heads (VHs).

[&]quot;Seine net operated on Lake Chilwa by local fishers to target Barbus paludinosus