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# **Charcoal, Chiefs and Chambo: Status of CBNRM Policies in Malawi**

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Community  
Partnerships for  
Sustainable  
Resource  
Management in  
Malawi

## **Charcoal, Chiefs and Chambo: Status of CBNRM Policies and Results of Collaborative Problem-Solving in CBNRM Programme Analysis and Implementation**

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## Acronyms

ADC	Area Development Committee
BVC	Beach Village Committee
CBNRM	Community-based Natural Resource Management
CLC	Customary Land Committee
COMPASS	Community Partnerships for Sustainable Resource Management
CURE	Coordination Unit for Rehabilitation of the Environment
DA	District Assembly
DAI	Development Alternatives, Incorporated
DANIDA	Danish International Development Agency
DDC	District Development Committee
DNPW	Department of National Parks & Wildlife
EAD	Environmental Affairs Department
ELDP	Evangelical Lutheran Development Programme
FCMA	Fisheries Conservation and Management Act
GOM	Government of Malawi
GTZ	Gesellschaft für Technisches Zusammenarbeit
GVLT	Group Village Land Tribunal
ICLARM	International Centre for Living Aquatic Resources Management
LAC	Land Adjudication Committee
M&E	Monitoring and Evaluation
MLH	Ministry of Lands and Housing
MNLP	Malawi National Land Policy
MUWA	Multiple Use Wildlife Area
NCE	National Council for the Environment
NGO	Non-Governmental Organization
NRM	Natural Resource Management
PRSP	Poverty Reduction Strategy Paper
TA	Traditional Authority
TALT	Traditional Authority Land Tribunal
TURF	Territorial Utilisation Rights Framework
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
VFA	Village Forest Area
VLT	Village Land Tribunal
VNRC	Village Natural Resource Committee
VNRMC	Village Natural Resource Management Committee



# **Charcoal, Chiefs and Chambo:**

## **Status of CBNRM Policies and Results of Collaborative Problem-Solving in CBNRM Programme Analysis and Implementation**

### **1 Background and Introduction**

In August 2001, the Community Based Natural Resources Management (CBNRM) Working Group requested COMPASS support for updating the natural resource management policy baseline study that was undertaken in 1999 called *Policy Framework for Community-based Natural Resources Management in Malawi: A Review of Laws, Policies and Practices*, COMPASS Document 7. The Working Group felt that this was especially critical since several new natural resources sector policies had been formulated (e.g., wildlife, fisheries) and major national efforts such as political decentralisation and land reform are being undertaken with profound consequence to CBNRM activities and sector legislation.

Rather than hiring a consultant to update the 1999 baseline analysis, it was decided that CBNRM in Malawi would be better served by using an innovative process that would fulfill the need to update the 1999 baseline study, but would also build the skills of the Working Group members and other key partners to undertake such assessments in the future. To meet these dual goals, a combination policy analysis training and CBNRM policy dialogue was designed and conducted in April/May 2002 in Limbe to achieve the following major objectives:

- improve policy analysis skills for members of the CBNRM Working Group and other key non-governmental organizations (NGOs) and Government of Malawi (GOM) partners; and
- update and expand the review of the policy and legislative framework for CBNRM in Malawi.

#### **1.1 Philosophy of Collaborative Policy Analysis and Training**

The event was a highly participatory four-day workshop exposing participants to policy analysis frameworks and skills and encouraging them to apply these skills to analyse, discuss and present solutions for vexing Malawian CBNRM issues. This effort was built upon a belief that experiential learning is critical to lasting behavioral change -- it aimed not only to teach principles and models of analysis, but also to strengthen capacity and confidence in the participants on how to apply these skills and advocate for change.

Not only did this design allow participants to experience and practice policy analysis as well as learn about it, it had the following related benefits:

- facilitated exchange of information regarding status of statutory, policy and regulatory information across CBNRM sectors;
- encouraged exchange of lessons learned, best practices and implementation successes useful across sectors;

- resulted in three collaboratively generated CBNRM-related policy analyses “owned” by groups of Malawian professionals. This collaborative accomplishment makes it more likely that information and learning from these analyses will be used than if an outside consultant performed them;
- convened a group of Malawian professionals who now have a common foundation in policy analysis who can continue to learn from, encourage and support each other; and
- updated the CBNRM Policy Framework/Understanding for Malawi including implementation successes, obstacles, gaps and solutions, a list of new policies and legislation, and key policy studies and analyses.

## **1.2 Workshop Methodology**

The first day of the workshop was a combination of short lectures and group discussion. It focused on developing a common foundation among participants of the tenets of policy analysis such as: uses and utility of policy analysis; key institutional actors; influences on decision-makers; a description of the governmental policy development cycle (from policy design to programme evaluation) and key analytical approaches, techniques and challenges.

On the second day participants employed the skills reviewed on the first day to conduct group analyses of several topics critical to CBNRM in Malawi. Aimed at developing a common, up-to-date state of knowledge about CBNRM activities, policies and practices in Malawi, the participants engaged in sessions where they brainstormed, sorted and discussed the state of policy analysis in Malawi, and successes and obstacles to CBNRM implementation.

The third and fourth days were spent in small group settings applying the experiences and skills from the first two days to three critical CBNRM issues: charcoal production and deforestation; role of Traditional Authorities in CBNRM; and sustainable fisheries management. These guided group analyses reinforced analytical skills, enabled information exchange, encouraged debate and dialogue, and resulted in policy analyses and recommendations captured in this report.

Participants of this training were chosen for their ability to train others in policy analysis and advocacy skills—those who are in positions that will enable them to influence other NGOs, government entities and Traditional Authorities. Furthermore, participants were chosen from a cross section of types of organisations in Malawi (e.g., NGOs, Government Ministries, Members of Parliament, attorneys and consultants) expressly to develop the capacity of intermediary organisations able to represent local views.

### 1.3 Organisation of This Report

This report serves multiple purposes. It is intended to be both informational and instructive. It is *informational* in that it:

- presents three legal analyses (on fisheries, wildlife and land reform) conducted by the trainers/facilitators to update understanding of these important sectors and support future CBNRM efforts; and
- serves as documentation of the consensus, processes and outcomes of the collaborative group analyses conducted over the course of the workshop.

It is *instructive* in that it:

- compiles training materials, checklists, helpful hints and analyses developed by the facilitators that can be used as a “toolkit” by participants for training others or conducting future analysis. The report is organized as follows:

**Section 2** -- Evolution of Natural Resource Management Policies in Malawi

**Section 3** -- Insights on Key Aspects of CBNRM Implementation in Malawi: Institutions, Successes and Obstacles

**Section 4** -- Collaborative Policy Analyses: Charcoal, Chiefs and Chambo

**Section 5** – Appendices of Additional Policy Analyses Tools

A copy of the agenda for the training can be found in Section 5 of this report.

## 2 Evolution of Natural Resource Management Policies in Malawi

Work was undertaken to assess the status of the legal and regulatory mandate for natural resources management in Malawi. Details of the major enactments for CBNRM in Malawi have been documented in *Policy Framework for Community-based Natural Resources Management in Malawi: A Review of Laws, Policies and Practices*, COMPASS Document 7, December 1999, but much activity in policy formulation has occurred since 1999. A draft chronology was put forward and workshop participants were canvassed to confirm the status of policies in Malawi supporting CBNRM. The results are provided in Exhibit 2.1, which provides a chronological overview of the laws, policies, regulations, and strategies that support community-based natural resources management in Malawi.

The typical (but not absolute path) for policy development in Malawi involves the drafting of a policy that is approved by the Cabinet, followed by enactment of a statute, which must be approved by Parliament. The implementing ministry issues a strategy to implement the law and promulgates any needed regulations. In turn, communities may pass bylaws to support village natural resource management initiatives. Presently, these must be approved by the appropriate ministry responsible for the resource sector. The decentralisation initiatives provide an excellent example of this chronology and process. The Government of Malawi (GOM) developed a *Draft National Decentralisation Policy* and Cabinet approved it in January of 1996. The Cabinet finalized the Policy in October of 1998 and Parliament passed the *Local Government Act* in December of 1998 with an effective date of March of 1999. Strategies are forthcoming.

As shown in Exhibit 2.1, Malawi has developed a complete set of natural resource management statutes covering wildlife, fisheries, forestry, water and environmental management. Policies and statutes were prepared for the most part between 1996 and 1999. Collectively, they provide a very strong platform to encourage community involvement and tenure in sustainable resources management. Comparatively Malawi's legal mandate for CBNRM is now one of the most advanced in the world.

Several recent developments reinforce Malawi's progress in embracing CBNRM principles and integrating them in natural resource management initiatives. As noted in Exhibit 2.1, new policies have been issued on land reform, wildlife, and, most recently, fisheries, within the last two years. These new policies are explicit and aggressive in advancing collaborative management of public resources. They each place real emphasis on strengthening tenure, provide for revenue sharing, and promote collaborative management of natural resources. These policies were needed as the land, fisheries and wildlife sectors were out of step with other natural resource policies, creating uncertainties and disparities for communities considering or undertaking resource management.

Statutes will need to be passed that codify these new policies. Nevertheless the issuance and approval of these policies is strong evidence that Malawi is not resting on its legal laurels, and is continuing to be actively engaged in improving the foundations upon which CBNRM is implemented. Updated analyses of the new sectoral CBNRM policies (fisheries and wildlife) are provided below, along with a

summary of the new *Land Reform Policy*. These have tremendous consequence for the advancement of CBNRM in Malawi.

Exhibit 2.1 also reveals a great deal of activity in the development of strategies to implement laws and policies that enable CBNRM, namely in environmental management, decentralisation and CBNRM itself. The promulgation of strategies may be a particularly important indicator of progress in the evolution of CBNRM policy in Malawi in that the strategies represent efforts by ministries and other stakeholders to develop practical and applied actions to implement change. These strategies have special relevance to CBNRM implementation and are discussed briefly at the end of this chapter.

**Table 2.1**  
**Evolution of Natural Resource Policies, Legislation and Regulation in Malawi**

	<b>Pre-94</b>	<b>95</b>	<b>96</b>	<b>97</b>	<b>98</b>	<b>99</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>
<b>Constitution</b>	<b>Yes</b>	*							
<b>Land</b>	<b>Yes</b>							<b>P</b>	<b>A?</b>
<b>Environmental Management</b>	<b>No</b>		<b>P+A</b>		<b>S</b>			<b>S</b>	<b>B</b>
<b>Decentralisation &amp; Local Government</b>	<b>No</b>				<b>P+A+S</b>			<b>S</b>	<b>B</b>
<b>Forests</b>	<b>Yes</b>		<b>P</b>	<b>A</b>			<b>S+B</b>	<b>B</b>	<b>B?</b>
<b>Fisheries</b>	<b>Yes</b>			<b>A</b>		<b>P</b>			<b>P+B, A?</b>
<b>Wildlife (&amp; National Parks)</b>	<b>Yes</b>					<b>(A)</b>		<b>P</b>	<b>A?+B</b>
<b>CBNRM</b>	<b>No</b>							<b>S</b>	

**P** = Policy; **A** = Legislation (Acts and Statutes); **S** = Strategies (Programmes etc.); **B** = Bylaws & Regulations; ? indicates that instruments (acts, bylaws) are expected shortly

Other related instruments: Water Resources 1999 – P; Waterworks 1995 – A; Gender 2000 – P; PRSP 2002 – S; NGO 2001 – A; and others.

## **2.1 Update of Malawi's Fisheries Policy**

Fisheries are a vital resource for Malawi. An important source of employment and nutrition, fishing is nearly the sole source of employment in lakeside communities and contributes to rural economic development throughout the countryside (ICLARM/GTZ, 1991). More than 200,000 people are directly employed in the fishing industry and approximately 2,500 farmers are involved in fish farming (*National Fisheries and Aquaculture Policy*, 2002). The sector makes up 4 percent of the Gross National Product (Fisheries Department, 1998). In a country where food shortages are acute, fish constitutes over 70 percent of animal protein intake (Kent, 1987).

Twenty percent of Malawi's surface area is covered by water. Lake Malawi is the fourth largest lake in Africa and largest and most significant fishing resource in Malawi. Lake Chilwa, Lake Malombe, Lake Chiuta and the Lower Shire Valley all have significant local importance. Fourteen percent of the population of Malawi lives on the lakeside.

### ***Description of Fisheries Sector***

The fisheries sector in Malawi is not uniform, but includes three major capture fisheries sectors. Artisanal fishers account for the largest number of fishers and land approximately 85 to 95 percent of the total catch. They tend to use gill nets and operate in shallow areas of less than 60 meters of water. They have virtually no outside capital infusion and are largely financed with family savings. They are largely subsistence fishers, but sell some fish in local or regional markets. A semi-commercial sector lands about 10 percent of the fish largely with pair trawlers in slightly deeper water (60 to 100 meters). The commercial sector operates in deep water (>100 meters) and lands only 5 percent of the fish in Malawi. Different species of fish are found at each depth. The most sought after fish for consumption is a group of fish commonly referred to as chambo, located in the most shallow zone.

A less well-developed fishery in Malawi is live capture and sale of ornamental fish for the aquarium trade. Ornamental fish require delicate handling, reliable transport and access to foreign markets, limiting access to this industry by artisanal undercapitalized fishermen. Although the quantities of fish exported per year are relatively small (95,500 fish per annum), the sector earns \$300,000 in national foreign exchange making it one of the few contributors to foreign exchange (Chimatiro, 2000).

Fish farming is another small, but important component of the Malawian Fisheries sector. Fish production is estimated at 579 tons per annum and employs more than 2,500 people (Chimatiro, 2000). Of that total, two hundred tonnes are produced by small scale fish farmers, 150 tonnes in small water bodies and 229 tonnes by commercial scale fish farmers (Maluwa, 1999 in Chimatiro, 2000). Although a relatively small sector compared to catch fisheries, fish farming shows some promise for food security in areas either near lakes or removed and could lessen the pressure on the wild resource.

### ***The State of Fisheries Resources***

Shallow water fish stocks (chambo) are under considerable stress. Although Department of Fisheries data show that fish catches from Lake Malawi have stagnated

at 70,000 tonnes per annum (Chimatiro, 2000) since the 1970s, other indicators show that fish stocks are dwindling. According to the *Analysis and Review of the National Fisheries and Aquaculture Policy* (Chimatiro, 2000) another source shows that the commercial catch in Lake Malawi has declined by over 20 percent between 1988 and 1992. Lake Malombe data shows a decrease from 16,000 tonnes in 1988 to less than 4,000 tonnes in 1997 (Njaya and Chimatiro, 1999). Department of Fisheries' staff indicate that overall fishers report catch sizes as smaller and fish sizes decreasing. A Department of Fisheries sponsored Stakeholders Forum (1999) and this 2002 Policy Dialogue and Training identified the following reasons why fish stocks have dwindled: low rainfall; catching fish below recruitment age; increase in number of fishers; fishing during the closed season; fishing in sanctuary areas; and use of illegal fishing gear (namely seine nets and smaller than regulation mesh size).

Malawi has gone from a fish exporting country to a fish importing country. Although official records are spotty, from the late 1970s to 1986 Malawi exported on average more than 1,040 metric tones of fish. By 1994 this number was down to 100 metric tonnes and records show that from 1997-99 virtually no fish were exported. During the same time periods, fish imports went from an average of 39 metric tones (1997-1986) to nearly 450 metric tonnes annually in the late 1990s (Chimatiro, 2000). This indicates that the Malawian demand for fish consumption is not being met. This trend, combined with a growing population, means that per capita fish consumption in Malawi has fallen from 12.3 kg in 1972 to 7.0 kg in 1991 (Fisheries Department, 1992).

### ***The Fisheries Conservation and Management Act of 1997***

The Fisheries Conservation and Management Act of 1997 (FCMA) has a resource protection orientation and describes the Department of Fisheries as the guardian of the resource. Virtually all powers and responsibilities associated with protecting and using fisheries resources are held under the purview of the Director of Fisheries including:

- Vessel registration
- Fishing licenses
- Aquaculture permits
- Fishery Management Plans
- Prohibited fishing measures
- Administrative penalties
- Enforcement
- Designation of Fishing Districts
- Regulations
- Seizure and retention of illegal fish

Section 6 of the *Act* designates that fisheries protection officers acting subject to the direction of the Director of the Fisheries Department shall enforce the *Act*. No members of communities of NGOs are mentioned. The Fisheries Fund is created in Section 22. No explicit mention is made of the use of the fund to enhance community fisheries management, training or technical assistance. It may be applied to, "the cost of any scheme which the Minister considers to be in the interest of the management of fisheries" (Section 26 (1)(c)). Even for de minimis administrative penalty imposition, the *Fisheries Conservation and Management Act* retains control in the Director. Fees collected from licenses in Districts are to be used to benefit people in that District, but

no provision is made to give revenues to Beach Village Committees or other community organizations.

Two provisions in the *Act* counter this command and control bias. First, Part III, Sections 7 through 9, provides for “local community participation in conservation and management of fisheries.” The Director is authorized to enter into fisheries management agreements with fisheries management authorities to provide for a management plan and assistance to be provided by the Department of Fisheries. The Minister is to make rules for this participation to include:

- Conservation
- Establishment of fisheries management authorities
- Extension services
- Mechanisms for sharing costs and benefits for confiscated fisheries
- Procedures for local registrable fishing vessels and licensing of persons

Section 61(2)(w) enables the Director to establish local fisheries committees to which the Director, at his discretion, may “delegate some powers.” With this stroke of legal draftsmanship a wide range of community-based fisheries activities have been, and will be, undertaken. Note that these activities will be under the guise of the delegation of national power. Nevertheless this provision provides an opening for local licensing, enforcement, penalty recovery, and community organization.

#### ***Fisheries Management and Aquaculture Policy, 1999***

The tone and substance of the *Policy*, issued in October of 1999, stands in stark contrast to the FCMA. It seeks to incorporate the socio-cultural and socio-economic conditions prevailing in the sector by using participatory approaches. The Department of Fisheries specifically declares that it will work in close collaboration with other stakeholders in conserving and managing fisheries resources. It provides that the Department may enter into agreements with...communities, the private sector and NGOs (Section 4.1 Institutional Framework).

#### ***National Fisheries and Aquaculture Policy, 2002***

The new *National Fisheries and Aquaculture Policy* was ratified by the Cabinet in February of 2002. The policy effectively reorients nearly all fisheries management and protection activities to optimize the increase of incomes to people dependent upon fish and satisfy local demands within a sustainable use framework.

#### ***Maximum Sustainable Yield Focus***

The Preamble strongly states the role that the fisheries sector plays in overall economic development and poverty reduction in Malawi. It states, “the fisheries sector has a key role to play in poverty reduction through the provision of rural employment and, more importantly, through its contribution to household food security” (*Policy*, p. 3). The primary policy goal says that the *Policy*, “aims at maximizing the sustainable yield from the national waters of Malawi and man-made water bodies.” Secondary objectives are to: 1) improve the efficiency of exploitation, processing and marketing of quality fish products; 2) promote investment in the fishing industry and rural fish farming units; and 3) exploit all opportunities to expand existing and develop new aquatic resources. Protection of endemic fish is premised not only for scientific and educational value, but as an economic resource. Discussion

of resource depletion is not made in terms of the resource, but is described as a depletion of natural capital.

#### *Promotion of Participatory Fisheries Management*

The *Policy* further details and codifies a participatory and community-based approach to fisheries protection and management in Malawi. This excerpt was taken from *Section 3.3.1 Guiding Principle for Participatory Fisheries Management*,

*...participatory management has proved to be the most appropriate method to manage the fish resources in the lakes of Malawi...participatory management is based on establishing effective local fishing community institutions that will work jointly with Government in fish resource management...is intended to share rationally the responsibility and authority in managing the fish resources. This sharing of responsibility cuts across the entire community and will include the full participation of men and women with their capabilities as dictated by the local fisheries bylaws.*

#### *An Extension Approach*

Further, the *Policy* recognizes the high cost and low effectiveness of previous enforcement efforts and aligns its enforcement strategy toward an extension approach that fosters greater community participation in fisheries management and enforcement based on locally recognized zones. Further, the drafters of the *Policy* realize that significant training, message development and motivation of Fisheries Department staff is needed to be successful with an extension focus.

Below, are summarized by section the most clear and supportive language of community-based participatory tenets found in the *Policy*.

#### Section 3.1 – Fisheries Extension

- Mobilize communities to participate and play an active role in fisheries management and fish farming by: training community groups to conduct meetings; promoting and facilitating the introduction of fish farming.
- Review research priorities to address actual fishing community needs/problems and to make use of indigenous fisheries knowledge by: identifying areas of research to support participatory management; conducting meetings to develop joint work programmes; and exchanging information.

#### Section 3.2 – Fisheries Research

- Promote implementation of demand-driven, service-oriented research focusing on problems identified with stakeholders in the fishing industry by: reviewing research activities with stakeholders; developing a mechanism to allow for external peer review; and publishing research results regularly and timely.
- Provide reliable information on the status of fish stocks and the economic and environmental parameters by: conducting monitoring; involving fishing communities in data collection and research programmes; establishing and maintaining with extension a register of fishermen to control entry; and initiating community participation in the control of water hyacinth in close cooperation with extension services active in affected areas.

- Provide information about under-exploited resources to the fishing sector.
- Provide socio-economic information to fishing communities by: cooperating with NGOs and communities conducting surveys to broaden knowledge about fishing communities and the small-scale fishing sector; and identify market potential and problem areas for fish products, and additional income generation possibilities.

### Section 3.3 – Participatory Fisheries Management

- Achieve active participation of local fishing communities in the management of the fish resources by: identifying key stakeholders in the small-scale fishing sector; promoting formation of local fishing authorities; strengthening capacity of local fisheries management; harmonising strategy with other local sectors (forest, agriculture, water) and coordinating extension services; establishing and upholding local fishing boundaries; and elaborating local management plans (in line with the Fisheries Act).
- Provide legal instruments and procedures for participation of local fisheries management authorities by: creating agreements for management plans between local fisheries management authorities and the Department; supporting local authorities ability to enforce, research and monitor; and reviewing subsidiary legislation in consultation with relevant organizations.
- Develop and maintain capacity to monitor, support and conduct research on participatory fisheries management by: monitoring activities of Government and local authorities; reporting cases of corruption and making recommendations; investigating the effects of bylaws; and describing conflict areas between stakeholders and recommending solutions.

### Section 3.4 – Fish Farming

- While not specifically community-based or participatory in nature, the Department intends to increase and sustain fish production from smallholder (and large fish farming operations) in order to improve fish supply in Malawi by: providing suitable management strategies; developing management protocols to integrate fish farming into agriculture; introducing and supporting participatory extension and assess and exchange information.

### Section 3.5 – Fisheries Training

- Develop and provide a broad range of demand-driven courses for fisheries, co-management and aquaculture to support user communities by: identifying training needs for user communities; conducting tailor-made courses; and encouraging information sharing and training at all levels.

### Section 3.6 – Fisheries Enforcement

- Maintain an effective fisheries inspectorate in order to support local communities in the formulation and enforcement of fisheries regulations and bylaws by: encouraging the participation of local fisheries management authorities in patrols; encouraging local fisheries management authorities to issue licenses; and establishing a mechanism to monitor compliance.

### Section 3.7 – Riverine and Floodplain Fisheries Policy

- Involve riparian communities in the sustainable management of the riverine environment and adjacent floodplains and wetlands by: evaluating suitable measures to involve riparian communities in sustainable exploitation; recording the catch and effort of full and part-time fishermen; and applying co-management approaches practiced in Malawi's lakes.

#### *Summary Observations*

This *Policy* is the latest in an evolution of policy documents that continues to strengthen the foundation for co-management of Malawi's fisheries resources by lakeside communities—it explicitly supports the principles of CBNRM. It calls for the collaborative development of locally understood and enforced zone-specific regulations and management plans. It provides guidance on resolving conflicts and strongly authorizes local enforcement of fishing regulations. It anticipates the need to monitor scientific baselines and management activities. It recognizes that cross-sectoral impacts do affect fisheries and encourages collaboration across sectors at the community level.

In addition to strengthening CBNRM, the *Policy* also clearly promotes a business-oriented and commodity-oriented approach to fisheries management. While this approach encourages the development of underutilized resources (e.g., promoting access to capital, providing information to under-exploited resources, encouraging joint ventures with foreign companies) it is silent on two key aspects that are worrisome. Overexploitation of the resource could easily occur if the Department of Fisheries is successful in opening up additional areas (e.g., deep water fisheries, aquarium trade) and promoting fisheries-related activities (e.g., large scale aquaculture, value-added fish products) but does not substantially improve enforcement effectiveness and clear scientific understanding of those fisheries. Secondly, the *Policy* has no clear provisions for who may benefit from these activities.

Finally, the *Policy* does little to assist the Department of Fisheries in prioritising its activities. An extension approach with significant participatory co-management combined with an impressive amount of research and business development activities are probably more than the Department can hope to fund. If the Department attempts to do everything, it is likely they will do nothing well. Efforts should be prioritised that protect the natural capital and focus on food security. Activities that maximise the non-extractive uses of the resource (e.g., scuba diving, eco/cultural tourism) and make use of the differentiators that Malawi's lakes have like unique and rare fish and bird species (e.g., underwater photography, birding expeditions) are promising in that they could simultaneously increase incomes, promote conservation and generate hard currency.

## 2.2 Update of Malawi's Wildlife Policy

### *Description of the Sector*

Wildlife is another of Malawi's extraordinary natural assets. Malawi possesses remarkable biodiversity with exceptional range of mammals, birds, fish, and butterflies, among others. Liwonde National Park is the protected area in Southern Africa that can claim the presence of the "big five" mammals (elephants, hippopotami, rhinoceri, lions, and buffaloes). Within five national parks, four wildlife reserves and numerous forest reserves, Malawi has conserved over 21 percent of its total area (*Wildlife Policy*, Ministry of Tourism, Parks, and Wildlife, October 2000). Lake Chilwa in Malawi is a RAMSAR site, a wetland of critical international importance, and thought to be one of the most biologically productive freshwater bodies in the world. A high degree of endemism for plants and butterflies is found in Mount Mulanje Forest Reserve and for freshwater fish in Lake Malawi. While the wildlife base in Malawi may not be as extensive as some neighboring countries, opportunities do exist to generate income from wildlife-based enterprises such as ecotourism, professionally managed trophy hunting, and other sustainable uses of wildlife.

### *The National Parks and Wildlife Act*

As reported in *Policy Framework for Community-based Natural Resources Management in Malawi: A Review of Laws, Policies and Practices* (COMPASS No. 7, December, 1999) the National Parks and Wildlife Act is the one of the oldest environmental laws in Malawi. Passed in the Banda era in 1992, it champions national dominion over wildlife and lays out extensive national police powers to preserve Malawi's wildlife. It stands in stark contrast to Forestry, Fisheries, and Local Government Acts that are more supportive of community-based approaches to resources management. This would all change should the new *Wildlife Policy* {approved by Cabinet in May of 2000 and published in October of 2000 by the Department of Tourism, National Parks and Wildlife (DNPW)} be codified into law. There is some evidence that the *Wildlife Policy* is already guiding more constructive relationships between the government and communities.

### *The Wildlife Policy*

The *Policy* is quite direct in underscoring a more inclusive approach to wildlife management. Consider the following Guiding Principles:

- i. *Ownership of wildlife is vested in the people of Malawi, to be protected, conserved and managed for their benefit...Those who legitimately use the land on which wildlife occurs are primary custodians, and utilization rights shall accrue to them.*
- ii. *Fair sharing of the benefits and costs associated with the use of wildlife in Protected Areas (PAs) amongst local communities, park management, Treasury, and wildlife entrepreneurs.*
- iii. *Promoting community empowerment and gender equity* (Section 2(c) Guiding Principles).

Section 3 describes the Departmental mandate. It asserts that DNPW is responsible for protection of Malawi's wildlife and its use. It acknowledges other stakeholders who can, through cooperation, substantially contribute. These stakeholders principally include local communities, the private sector, government institutions, NGOs and

international aid agencies. In two tables it lays out DPNW's philosophy for collaborative management:

<b>In conjunction with local communities, NGOs, and the private sector:</b>
<ul style="list-style-type: none"> <li>• Protect wildlife against illegal use;</li> </ul>
<ul style="list-style-type: none"> <li>• Collaboratively manage protected areas;</li> </ul>
<ul style="list-style-type: none"> <li>• Reduce the detrimental effects of wildlife on human livelihood;</li> </ul>
<ul style="list-style-type: none"> <li>• Build up institutional capacity in the sector; and</li> </ul>
<ul style="list-style-type: none"> <li>• Promote wildlife-based tourism and related enterprises.</li> </ul>

<b>In collaboration with local communities:</b>
<ul style="list-style-type: none"> <li>• Determine the type of consumptive and non-consumptive use to be permitted in each protected area, and agree on benefits and beneficiaries; and</li> </ul>
<ul style="list-style-type: none"> <li>• Maintain the ecological and aesthetic qualities of protected areas by preventing illegal access, settlement, and cultivation, and controlling the introduction of exotic plants and animals.</li> </ul>

In laying out the objectives for national parks and wildlife reserves, the *Policy* seeks “to allow for sustainable use of wildlife resources in order to contribute to the national economy, particularly to enhance rural development” (Section 4.1).

***Wildlife Management in Protected Areas***

Formerly, protected areas management was exclusively within the purview of central government. Now, the *Policy* invites collaborative management in the guiding principles (Section 4.1(b) for Protected Areas):

- (ii) *Participation by the communities living close to protected areas is essential for good management so the adjacent communities will be actively involved;*
- (iii) *For each protected area, arrangements and mechanisms will be agreed upon for the fair distribution of benefits amongst the surrounding communities, DNPW, and the Treasury.*

Strategies to implement this include (Section 4.1(c)):

- (ii) *Improve law enforcement capabilities; sensitise communities on the need for such laws; establish rules of engagement during anti-poaching campaigns;*
- (iii) *Develop and implement guidelines for involving local communities, NGOs and the private sector in planning and executing management activities, and...*
- (vii) *Establish guidelines for awarding and monitoring concessions to private tourism operators. Support local communities to actively benefit and participate in ecotourism.*

***Wildlife on Customary Land***

On customary land where up to 60 percent of wildlife habitat is found, communities are given responsibility for wildlife management. Strategies are particularly supportive of community-based wildlife initiatives as shown in the following excerpts from Section 5.2(c) of the *Policy*:

- (i) *Strengthen our advisory capacity in the field of community-based wildlife conservation and management;*
- (ii) *Assist communities to develop and implement schemes for managing wildlife resources on their land;*
- (iii) *Support capacity and institution building at community level;*
- (iv) *Develop enabling legislation for Multiple Use Wildlife Areas (MUWA) and encourage its implementation;*
- (v) *Assist communities to establish MUWAs on their land where suitable.*

It is hard to envision a policy more supportive of community undertakings. These changes create a strong parallelism between community fisheries supervised by Beach Village Committees (BVC), Village Forest Areas (VFA) overseen by Village Natural Resource Management Committees (VNRMC) and Multiple Use Wildlife Areas (MUWA) that will be overseen by so-called Village Natural Resources Committees (VNRC). In the absence of the *Policy*, one village had formed a Village Trust under an older trust statute to engage in community management in Lake Malawi National Park. Explicit entitlement of MUWAs may support the formation of additional community committees.

#### ***Participation in Revenue Generation and Enforcement***

Principles of collaborative management are carried through for wildlife management and utilization. The *Policy* seeks “to enhance the economic value and productivity of wildlife. To use this enhanced value to provide incentives to local communities to support conservation in protected areas. Through these mechanisms we intend to broaden the wildlife-based economy towards self-reliance” {Section 6.3 (a)}. Law enforcement is similarly enlightened to draw strength from collaboration. Section 7.1 (b) provides that “Successful law enforcement requires adequately skilled, equipped and motivated staff. As this is insufficient on its own, it must be combined with the support of local communities motivated by a sense of ownership, and long term benefit from protected resources.” The transition from game warden to community liaison officer will require institutional culture change. This change is also manifested in the public education and extension provisions of the *Policy*.

Malawi’s new *Wildlife Policy* is a major step in support of community-based wildlife management. Its codification in law will provide excellent legal mandate for enhancing community tenure of wildlife resources. This, in turn, may provide incentives for community participation in eco-tourism, habitat restoration on customary lands, and community-based enforcement of anti-poaching laws.

Other fair winds are blowing for wildlife in Malawi. It appears that Liwonde National Park may almost double in size with the merger of a forest reserve with the park itself. This will introduce new ecosystems within the Park and expand species diversity and migratory range. It also suggests effective collaboration between the Forestry and Wildlife Departments.

## 2.3 Update of Malawi's National Land Policy

The Government of the Republic of Malawi (GOM) issued the *Malawi National Land Policy* on December 20, 2001. The *Policy*, promulgated by the Ministry of Lands and Housing (MLH), is the product of a seven-year effort to:

- *Collect and analyse scientific and empirical information necessary...about land utilization.*
- *Place ownership of the Land Policy in the public domain through the work of the Presidential Commission of Inquiry on Land Policy Reform and reliance on national consultants;*
- *Build consensus among key stakeholders....;*
- *Establish synergies and areas of complementarity with other land sector agency policies to ensure consideration of crosscutting issues. (p. 12, MNLP)*

To this end, the GOM, with World Bank support, established a Policy Planning Unit and Task Force in 1995 and undertook a number of land utilization studies and special reports on land use, agricultural use on customary lands, and land tenure, with the assistance of a broad array of donors. A Presidential Commission on Land Policy Reform was created in 1996 “to promote scholarly discourse, gather the opinions of the private sector, citizens and NGOs.” Additionally, the Secretariat and an Interministerial Steering Committee assisted the MLH in formulating this policy. The Ministry also had an extensive programme of consultation at the local, regional and national level.

*The Policy* expresses six explicit land policy objectives to:

1. *Promote tenure reforms that guarantee security and instill confidence and fairness in all land transactions*
2. *Promote a decentralized and transparent land administration system.*
3. *Extend land use planning strategies to all urban and rural areas.*
4. *Establish a modern land registration system for delivering land services to all.*
5. *Enhance conservation and community management of local resources.*
6. *Promote research and capacity building in land surveying and land management.*

*The Policy* recommends several significant changes to land rights and responsibilities in Malawi, emphasizing public ownership of lands, strengthening legal recognition of customary tenure, promoting gender equality and changes to inheritance schemes, ending private ownership of lands by non-citizens, supporting community-based land management, and establishing new administrative approaches to land registration and titling that rely heavily on Traditional Authorities. The *Policy* explicitly recognizes that “a new, comprehensive land law will be necessary to give legal effect to the policy guidelines.” (p. 17, MNLP). Below, a digest of the *Policy* is provided covering the major components—land tenure, land administration, land use planning, surveying

and registration, environmental management, and intersector coordination. Then summary observations are provided on the potential effects of the *Policy* on Community-based Natural Resources Management in Malawi.

### ***Land Tenure***

Several provisions of the Land Policy have import for community-based natural resources management. *Section 4, Land Tenure Reforms, Acquisition, and Disposition* provides basic definitions and categories of land tenure. At the risk of oversimplification, land in Malawi is to be deemed in *the Policy* as **Government land, Public land, and Private land**. Government land is land acquired by the Government for public buildings or other specified national uses (such as to protect Malawian development interests.) **Public land** is the largest category of land and is land held in trust and managed by the Government or Traditional Authorities and openly used or accessible to the public at large. Importantly, a community's land—customary land, not allocated specifically to a group, family or individual, within a Traditional Authority—is **Public land**. **Private land** is any land held under freehold tenure and/or customary ownership that has been allocated to a specific entity or individual. Such allocation is henceforth known as “customary estates.”

The *Policy* asserts that all land not expressly registered as private land or gazetted as government land, is classified as customary land (i.e. the default position). It officially recognizes a powerful “private” ownership right in customary land, a private usufructuary right in perpetuity that can be leased or used as security for mortgage loans. Customary lands are to be demarcated and registered to document “Traditional Land Management Areas.”

The *Policy* intends to encourage market transactions of customary land through change in communal property regimes. Given land fragmentation, it asserts that land inheritance rules be changed so that they are gender neutral and that children should retain their interest in land even if parents die. Cultural norms supporting both matrilineal and patrilineal inheritance may make implementation of these proposed changes difficult.

While the *Policy* takes steps to strengthen tenure associated with customary lands, it does reserve a number of functions related to acquisition and disposition of land for the Government. (Section 4.14 of the MNLP). The state can grant leasehold rights to third parties for customary lands, acting as a trustee on behalf of customary landowners. The Government may acquire any property by virtue of its sovereign authority under the principle of eminent domain. The *Policy* also envisions that the Ministry will ensure that land is allocated to investors according to their ability to develop them. To this end the Government plans to review, approve and monitor development on land. The Government shall set ceilings on the size of land controlled by any one person, group of persons or organization. To guard against fraudulent sales of family land, the *Policy* restricts the sale of customary estates to persons outside the immediate family for a period of ten years, except in cases of emergency or where all family members are above the age of 18 and have agreed to the sale. It is unclear what effect such provisions might have on community holdings for natural resource enterprises.

Non-citizens fare differently under the *Policy*. Only citizens will be permitted the privilege of owning freehold title in Malawi. Effective September 1, 2001, non-citizens cannot acquire or transfer any new freehold interests. Foreign citizens currently in possession of freehold estates in Malawi have seven years to obtain Malawian citizenship. If they fail to do so, this will automatically trigger expropriation, causing the interest to be converted to renewable leasehold contracts for fifty years or less. Some special types of investments such as mining, forestry and some perennial tree crops such as tea may be afforded longer lease terms.

### ***Land Administration***

The *Policy* undertakes to establish a new system for land administration in *Section 5 Land Administration and Resettlement*. It asserts that the powers of administration for land matters are vested in the Ministry of Land and Housing. To quote *the Policy*, “All other land sector institutions and agencies of the government are functionally specific land based appendages and shall perform their statutory duties in consonant (sic) with the policy objectives of the Ministry responsible for lands” (p.42, MNLP). Sectoral ministries and departments responsible for natural resources management (Forestry, Fisheries, Parks and Wildlife, Environmental Affairs) will certainly be influenced by actions taken to implement the Land Policy.

The new system for land administration under the *Policy* is vested in formalizing traditional land administration, in recognition of the role traditionally played by family heads, Clan Leaders, Village Headpersons, Group Village Headpersons, Chiefs of a Sub-Traditional Authority, Traditional Authorities, and the Paramount (collectively “Traditional Authorities”) in customary land allocation, administration, monitoring, natural resource management, and adjudication of land disputes. At the same time, the *Policy* seeks to establish a system of accountability and transparency to prevent discrimination and abuse of administrative privilege. The *Policy* calls for enactment of “Traditional Leaders Accountability Law” and regulations that will provide procedures for a more democratic, transparent, and accountable customary land administration and dispute settlement system (p.48, MNLP).

The system envisioned in the *Policy* would establish Customary Land Committees (CLC) headed by a Headperson with three elected community elders (at least one being a woman). The CLCs are to oversee the formalization of family land grants and the allocation of village lands, replacing the *Chief's Consent Form*. Traditional Land Clerks employed by the District Assembly and assigned at the Chief level are to maintain a record of land transactions. The *Policy* also envisions that the presence of the Land Clerks will also provide, “better information on environmental management, land use planning, and basic survey and parcel demarcation...” (p.49, MNLP).

The *Policy* embodies some significant changes in the “authority” of Traditional Authorities. They will no longer have exclusive authority for allocating land and will instead participate in the Land Committees. Traditional Authorities will be required to register all land transactions within their jurisdictions, maintaining a Traditional Lands Record Storage and Management System. They are expected to monitor land transactions and to collect and account for revenues derived from community lands. The *Policy* also asserts that they should act as “agents for the government, enforcing conservation and environmental regulations” (p.51, MNLP).

The *Policy* also asserts a government role in resettlement to aid landless farmers and smallholders, creates a Land Resettlement and Social Development Board and puts forward a plan to resettle 3,500 households on at least 14,000 hectares.

### ***Land Use Planning and Development***

Section 6 of the *Policy*, *Land Use Planning and Development*, puts forward some very broad mandates for urban and rural land use planning. Drawing on the application of the *Town and Country Planning Act*, District, and Town Assemblies are required to prepare Township planning schemes for all settlements within their jurisdiction. Villages are also to undertake multi-use planning. It asserts rural development principles that support access to lakes for fishing communities, protection for fragile areas, and the establishment of fuel wood plantations to meet demand for wood energy. (These provisions are very general. It is unclear what import they have for more evolved fisheries and forestry policies in Malawi). Lakeshore development is restricted (Section 6.7) including restricting local chiefs and head persons from having the sole authority to allocate land, creating a special planning committee, and calling for development of a master plan. Monitoring and enforcement is to be accomplished by the Ministry working through District Planning Offices and the Area Development Committees at the Traditional Authority level, and Village Assemblies at the Group Village level.

### ***Surveying and Registration***

Section 7 provides for the surveying, mapping, and cadastral plans for lands in Malawi. It calls for the Government to undertake the demarcation of Traditional Authority and allows for individuals to commission surveys and prepare deed/cadastral plans of their customary estates to facilitate the registration of individual titles. The intent is to help people protect customary holdings. Care will need to be taken to make sure that these tools are not used by sophisticated players to grab land. It is asserted that communities will be able to protect land areas reserved for communal uses such as village forests by demarcating and registering them. The *Policy* calls for less stringent survey requirements to allow customary land transactions.

Section 8 establishes the goals and procedures for titling, registration and dispute settlement. The *Policy* sets the goal to extend title registration to all tenure categories by 2020 and to modernize the registration process. It requires that all land interests be registered. Disputes are to be brought in the first instance to Village Land Tribunals comprised of the Village Headperson and at least 4 elected members. Appeals are to be taken in parallel structures up the hierarchy to Group Village Tribunals, Traditional Authority Land Tribunals, District Tribunal of Traditional Authorities, with final appeals to the Central Land Settlement Board. These tribunals are to be empowered with the passage of the Customary Land Dispute Settlement Act.

### ***Environmental Management***

Section 9 of the *Policy* lays out ten objectives for environmental management in Malawi governing: 1) Urban Management of Solid and Liquid Wastes; 2) Protection of Sensitive Areas—small islands, forest and wildlife reserves, lakes, and shorelines; 3) Agricultural Resource Conservation; 4) Community Forests and Woodlands; 5) Overdependence on Fuel Wood; 6) Forestation Programmes; 7) Coordination of Multiple Land Uses; 8) Water Resources and Wetlands; 9) Lakeshore Environmental

Management; and 10) Mining and Minerals. *The Policy* recognizes the degradation in each of these areas from improper land use and asserts that impacts should be assessed and actions taken to protect valuable resources. It supports the use of buffer zones, the protection of sensitive areas, community management of resources and coordination amongst uses. It calls for steps to be taken for more effective use of resources and exploitation of alternative energy sources. The environmental management provisions are general in nature. Recognizing that land supports many uses and that a wide range of sectors affect land use, the *Policy* (in Section 10) calls for intersectoral coordination. It asserts that “following the promulgation of this new land policy as the basic policy framework on land, the Ministry (of Lands and Housing) will propose an internally coherent and coordinate(d) scheme for the implementation of land sector policies” (Section 10.5).

### ***Summary Observations***

Malawi’s new land policy is explicitly supportive of community-based natural resources management. On page 10 of the Summary of the *Policy* it is stated that “the Government supports community participation in the management and the right to a share of the revenue derived from public land established on land managed by a Traditional Authority. This includes land reserved for national parks, forest reserves and protected areas.”

Throughout, the *Policy* announces its support for community land acquisition and management:

- Policy objective E. “Enhance conservation and community management of local resources”.
  - “Promote community participation and public awareness at all levels to ensure environmentally sustainable land use practices and good land stewardship” (p.18, MNLP);
- Regulations Guiding the Disposition of Customary Land—Section 4.17.1.b. “To be effective in encouraging land market resources, communal property regimes will be changed to accommodate principles necessary for recognizing the exclusive property rights of groups as well as individuals” (p. 37, MNLP);
- Land Administration—Advantages for encouraging transparency Section 5.12.2 “The rationale behind divesting the allocating authority is to democratise village land allocations and to confer collective responsibility upon the corporate group.” The communal ownership arrangement makes the community responsible for development control. It also makes customary land dispositions a matter of public debate within the purview of the village” (p. 50, MNLP);
- Customary Land Demarcation, Section 7.6.4.(b) “Land areas reserved for communal use, such as areas for forestation, communal grazing lands, or cooperative farming and other areas set aside for village or communal projects will be respected. The community will be given the authority to protect these against encroachment” (p.72, MNLP); and
- Community Forests and Woodlands Management, Section 9.5.a. “Local villages should be encouraged to manage the forest products locally and be watchdogs to protect community forests and woodlands” (p.84, MNLP).

Underscoring these explicit endorsements of CBNRM, is the *Policy's* overall intention to enhance tenure, and security of tenure for customary lands, while expanding the role of Traditional Authorities and communities for administration of their customary lands. Such initiatives, if successful, may strengthen the ownership interests of communities in their natural resources, thereby providing incentive for community entrepreneurial investment. The introduction in the *Policy* of principles of transparency and accountability in land administration by Traditional Authorities may help to ensure that villages receive the fruits of their efforts from income generating activities.

The *Policy* presents substantial implementation challenges for government and citizens alike in understanding new tenure arrangements, and demarcating, surveying, registering, and titling of public lands. Implementation of this system will require resources, literacy, sophistication, and integrity in bureaucratic processes. If these are lacking, villagers may be exploited and actually lose ground in gaining tenure over land. The *Policy* also relies on a decentralised approach to planning that may exceed current capacities. Like other sectoral programmes, decentralisation is a work in progress, challenged by a lack of resources, institutional capacity and expertise.

More constraints are placed on private ownership in the *Policy* with the Government charged with monitoring development, challenging speculation, and imposing planning restrictions. If these restrictions are overly broad, they may have a chilling influence on private participation in community-based enterprises. Finally, the *Policy* supports development, resettlement, and planning initiatives by the Government that may provide opportunities for ill-advised schemes.

## **2.4 Important Strategy Developments**

Malawi has developed a full set of policies and laws most of which are overtly supportive of community-based natural resources management. With passage of legal mandates supporting the new land, wildlife and fisheries policies, the statutory portfolio empowering collaborative management will be complete.

Equally encouraging to note in Exhibit 2.1 is the preparation of strategies in 2001 on decentralisation, environmental management, and CBNRM. Each represents tangible evidence of the momentum behind implementation of CBNRM policy. The *Strategy for the Decentralisation of Environmental Management*, Environmental Affairs Department, November 2001, Lilongwe represents a concrete effort to specify the strategies and actions needed to:

- decentralise environmental planning;
- coordinate decentralised environmental management;
- strengthen the preparation of environmental impact assessments at the District level;
- formalise the “State of Environmental” reporting”; and
- rationalise environmental funds allocation, among other objectives.

The draft *Strategy* also contains a plan to devolve Environmental Affairs Department (EAD) functions to the Districts, a major step in making decentralisation real.

### ***CBNRM Strategy***

CBNRM is not supported by an individual statute or policy, but, as shown above, by a range of sector-specific laws and policies that very much endorse principles and practices fundamental to CBNRM. Some commenters have suggested that a unifying statute would strengthen CBNRM. Others strongly believe that such an approach would run roughshod over legitimate sectoral differences and that it would actually hinder community based management by interjecting unnecessary change and turmoil. They observe that the real challenges lay in more aggressive and effective efforts to implement existing authorities and to coordinate and promote CBNRM opportunities.

In response, the National Council on the Environment formed a CBNRM Working Group in 2000 to: coordinate CBNRM efforts; commission development of a strategic plan for implementing CBNRM; promote sustainable financing and public awareness; give guidance to remove barriers; develop monitoring systems for CBNRM; ensure community representation; and annually assess the effectiveness of CBNRM, among other terms of reference. The Working Group did major work in 2000 and 2001 assessing progress and examining weaknesses limiting broader adoption of CBNRM, with COMPASS support (see *Framework for Strategic Planning for CBNRM in Malawi*, COMPASS Document 23.) The Working Group fulfilled its first objective by developing the *Strategic Plan for CBNRM in Malawi* approved by the NCE in November of 2001.

*The Strategic Plan* directly targets major impediments to vigorous implementation of CBNRM, calling for the following six strategic actions:

- *Strategic Action 1—Developing a commonly understood CBNRM concept and vision*
- *Strategic Action 2—Maintaining a dynamic policy reform process*
- *Strategic Action 3—Developing coordinated CBNRM sectoral strategies and action plans*
- *Strategic Action 4—Developing planning and implementation tools*
- *Strategic Action 5—Providing strategic support to coordinated CBNRM implementation*
- *Strategic Action 6—Investing in monitoring and evaluation*

Details of many of the action steps supporting these strategic actions are presented in Exhibit 3.4: *Correlation of Work Group Insights About Obstacles with CBNRM Strategic Actions and Steps*. As is shown, the strategic actions are targeted to tackle what workshop participants perceive to be the principal obstacles to CBNRM implementation.

A final, critical measure of policy evolution in Malawi is the proliferation of the development of bylaws at the community level to govern village forestry and fisheries activities. As will be discussed in the next section, government approval of these community bylaws has not been forthcoming, a hurdle that must be overcome if real empowerment is to occur.

### **3 Insights on Key Aspects of CBNRM Implementation in Malawi: Institutions, Successes and Obstacles**

Community-based Natural Resources Management (CBNRM) has gained momentum in Malawi. Institutions have evolved, actions have been taken, programmes have been developed, projects have been implemented and lessons have been learned. With one of the strongest platforms in the region to champion CBNRM, stakeholders in government, NGOs and in communities are frustrated that more progress has not been made. One of the key objectives of the COMPASS Policy Analysis Training and Dialogue was to take stock of implementation progress made and obstacles encountered to establish a foundation for further enhancement of CBNRM policy. The following subsections report participant assessment of the key policy actors, implementation successes, and perceptions of principal obstacles to CBNRM implementation. The chapter closes with an analysis of major opportunities to enhance CBNRM in Malawi.

#### **3.1 Institutional Actors**

Malawi is in a state of significant political transition. From the days of a one party system under Banda, Malawi has moved vigorously into multi-party democracy. In stark contrast to the past, Malawi is taking major steps to decentralise government. Roles for Traditional Authorities are resurfacing in some governmental functions and civil society institutions are strengthening. As shown in Exhibit 3.1, this makes for a rich cast of players to formulate, advocate, implement, and critique CBNRM policies.

##### ***National Institutions***

At each level of government and society, roles are being developed, articulated and changed. Within the Office of the President, both the Vice President and the Department of Local Government have roles to play in evaluating and implementing natural resource management initiatives. The Vice President's Office completed a study on the implementation of environmental protection and resource management in Malawi, concluding that not enough resources are being budgeted to implement protection efforts (*Policy Analysis Initiative: Sectoral Report on Environment and Natural Resources* - Office of the Vice President, Lilongwe 2000). The Cabinet, which reports to the President, has jurisdiction for approval of changes to natural resources management policy. The Cabinet, for example, recently approved changes to the National Fisheries Policy. The Department of Local Government oversees the implementation of the Local Government Act and provides policies, rules and regulations pertaining to the operation of District Assemblies, including the allocation of revenues ceded to them.

Matters are evolving within the National Assembly. Parliament had formed a Parliamentary Committee on the Environment that was engaging in oversight and policymaking for CBNRM. This committee has been reorganised to encompass agricultural matters, a development which may dilute its attention to natural resource matters.

Major change is afoot within ministries as decentralisation moves forward and responsibilities are shifted from central ministries to government employees working under the auspices of District government. The consequences of such changes will be considerable for CBNRM as forest rangers, game wardens, extension workers and others fall under more localised jurisdiction. Organisational development efforts to plan and organize new models for operation are needed to assist in this transition. Three ministries have the most direct involvement in CBNRM in Malawi. The *Ministry of Natural Resources and Environmental Affairs*, which houses the Departments of Environmental Affairs, Forestry and Fisheries (among others) plays a principal role in managing Malawi's natural resources. Moreover, the *National Council for the Environment* (comprised of all Principal Secretaries) reports through this Ministry to ensure interministerial coordination on environmental policy and implementation. Interestingly, the *Ministry of Tourism, Parks and Wildlife* is a separate ministry, making coordination on community-based initiatives affecting parks and wildlife more difficult. The Ministry of Lands and Housing has jurisdiction over land policy in Malawi. Malawi's new Land Policy dictates that the natural resource agencies coordinate with Ministry of Lands and Housing to ensure that management initiatives are in harmony with the land policy.

### ***District Government***

As mentioned, decentralisation is advancing in Malawi. Significant work has been done to articulate roles and responsibilities (see for example *Decentralisation Process in Malawi, The Department of Local Government, July 2001, Lilongwe and Strategy for the Decentralisation of Environmental Management, Environmental Affairs Department, November 2001, Lilongwe*). The new local government system is made up of District, Town, Municipal and City Assemblies that have principal jurisdiction for administration and implementation of land resource utilization, natural resources management, and environmental protection, among other functions. Line ministries "will retain responsibility over the following areas: policy formulation, policy enforcement, inspectorate, establishment of standards, training, curriculum development, international representation, etc." (Section 11.2 of the Malawi Decentralisation Policy). Central government transfers of 5 percent of the national revenues are to be used for the development of Districts and other funds such as education, health and capital development are to be distributed based on specific percentages tied to District population and poverty count. This devolution of responsibility is well advanced in the preparation of District Development Plans and Environmental Action Plans, while implementation and administration of natural resources management initiatives remain largely in the hands of central government.

### ***Traditional Authorities***

The role of Traditional Authorities is explored at length in the collaborative analysis reported in Chapter 4. Countervailing forces may be at work with regard to their prominence in CBNRM. Traditional Authorities have a very small part to play in the broad decentralisation efforts, yet they are quite pivotal in land administration under the new *Land Policy*. Traditional Authorities have explicit and implicit opportunities and responsibilities for conducting village natural resource management initiatives ranging from village forestry, fishing and other income generating activities. Uncertainty about their relative roles, as well as issues of capacity and accountability may weaken their involvement in promoting CBNRM

### ***Other Actors***

Civil society organisations are involved in CBNRM efforts, supporting village projects, exposing citizens to prospects and helping to build capacity. Both environmental groups such as the Wildlife & Environmental Society of Malawi and CURE, as well as church-based organizations such as ELDP and Christian Services Committee support community-based activities. There are concerns about the geographic range, capacity, and extent of NGO involvement in CBNRM in Malawi. Private sector involvement in natural resources policy formation and implementation is just starting, with private consultants and lawyers just now becoming involved at the community and national level. Donors have played a critical role in promoting CBNRM. Participants registered concern about the donor dependency, the imposition of external agendas, and the lack of consistency in donor directions. British and American foreign assistance may be strengthening while some European donors appear to be disengaging in Malawi

Exhibit 3.1 records key actors in CBNRM across the spectrum of executive, legislative, ministerial, community levels of government and in civil society. This institutional platform for developing, implementing, and evaluating CBNRM policy will continue to undergo change as democratisation, decentralisation, land reform, and empowerment initiatives evolve in Malawi.

<p><b>Office of the President and the Cabinet</b></p> <p><b>President</b></p> <p><b>Vice President</b> Department of Local Government</p> <p><b>National Assembly</b> Committee on Agriculture and Natural Resources Members of Parliament Legal Affairs Committee</p> <p><b>Other</b> Donors Political Parties</p>	<p><b>Ministries</b></p> <p><b>Ministry of Natural Resources and the Environment</b> National Council for the Environment Environment Affairs Department Department of Fisheries Department of Forestry Department of Energy and Mines</p> <p><b>Ministry of Agriculture</b> <b>Ministry of Tourism, Parks and Wildlife</b> <b>Ministry of Water Development</b> <b>Ministry of Land and Housing</b> <b>Ministry of Justice</b> <b>Ministry of Gender and Community Services</b></p> <p>Headquarters Field Operations</p>	<p><b>Districts, Towns Municipalities and Cities</b> Councilors Assemblies</p> <p><b>Traditional Authorities</b> Paramount Chief Chiefs Group Village Headmen Village Headmen Headmen</p> <p><b>Villages</b> Committees (Beach, Natural Resource Management)</p>	<p><b>Civil Society</b> Citizens NGOs Trusts Private Sector Press Universities Churches Associations Traditional healers Women's groups Youth groups Vendors</p>
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**Table 3.1: Principal Institutions Involved in CBNRM in Malawi**

## 3.2 Implementation Successes

Workshop attendees were invited to bring forward successes across sectors that demonstrated progress in CBNRM implementation. Exhibit 3.2 presents the results of this inquiry.

### **Exhibit 3.2: Workgroup Output: Successes in CBNRM Policy Implementation**

#### **1. Capacity Building**

- Stakeholders are clearer on CBNRM concepts and approaches.
- Good relationships and partnerships between government and fishing communities exist.
- There are successful examples of co-management of natural resources.
- A sense of influence and power has been imparted to local communities over their natural resources.
- Acceptance of CBNRM by communities is providing opportunities to consolidate democracy and good governance.
- Committees are helping communities be empowered to look after natural resources in their respective areas.
- The community becomes a tool in implementing the policies.
- Knowledge and participation/involvement plus adaptation equals empowerment.

#### **2. Institutional Arrangements**

- CBNRM committees/associations have been established in various parts of the country for sectors such as forestry and fisheries.
- Most of the sectoral policies are in place.
- The development of strategies and institutions related to CBNRM activities such as the Strategic Plan for CBNRM approved by NCE and the establishment of the CBNRM Working Group.
- Local involvement in formulation and implementation.
- Documentation is important step to defuse tensions.
- Provisions to support establishment of CBNRM activities in various sectoral legislative instruments.

#### **3. Indigenous Knowledge**

- Improved management of natural resources (e.g., fish, forests) has occurred in isolated cases when communities have used “policies” to reinforce traditional practices.
- Acknowledgement, recognition, and use of indigenous knowledge.
- Valuing cultural and ancestral aspects of natural resources.
- Local indigenous practices in management of natural resources, especially in the management of fish stocks (e.g., Mbenje Island, Chembe).

#### **4. Governance and Advocacy**

- New approaches are taking advantage of community respect for chiefs.
- There is political commitment at high levels for CBNRM.
- Presence of bylaws, associations and trusts at the community level.

## **5. Legal Framework**

- Compliance with regulations has increased.
- The Fisheries Policy and Act have been evaluated and analysed.
- Bylaws have been formed and implemented.
- Loose and informal arrangements exist with communities and they are not too legalistic.
- With support from an external donor, community bylaws get approved quickly by government authorities (e.g., Blantyre Fuelwood Project, Kam'wamba Natural Resources Management project).

These reported successes underscore several encouraging trends in CBNRM implementation in Malawi. Community capacity to engage in income generating natural resource management activities is increasing. Several notable successes were asserted, particularly where indigenous knowledge and/or the leadership of Traditional Authorities were drawn upon. Bylaws are in place in some communities and effective working relationships are developing between some government ministries and villages. The recent establishment of the *CBNRM Strategic Plan* may engender systematic efforts to remove obstacles.

### **3.3 Obstacles to Full Implementation of CBNRM**

The participants were invited to provide detailed insights into remaining obstacles to CBNRM implementation in Malawi. Contributions here were robust, as reflected in Exhibit 3.3.

#### **Exhibit 3.3 Work Group Insights: Obstacles to CBNRM Implementation in Malawi**

##### **1. Political Will**

- There is lack of political will for CBNRM at some levels.
- Politicians confuse people because they want to win people's votes.
- Local leaders are influenced by members of political parties.
- Political interference is commonplace.

##### **2. Policy/Knowledge**

###### Comprehension/Capacity

- Policies are not clearly understood.
- Misconceptions of CBNRM concepts exist among stakeholders.
- There is limited experience in policy analysis across the Malawian population.
- Government officials and the community at large have not been oriented to CBNRM.
- Some government officials do not understand the interpretation of policies.
- There lacks a clear understanding of the policies at local community level
- There lacks an understanding of the provisions in NRM legislation with respect to CBNRM which leads to lack of support by higher authorities.
- There lacks of human capacity among communities to implement policies successfully.

- There is a lack of legal awareness.
- There is inadequate legal support at the community level.

#### Legal Framework

- There is an insufficient legal framework to completely anchor the approach.
- Non-harmonisation of acts and penal code causes enforcement confusion.
- Overlapping legal regimes (customary and statutory) co-exist.
- There are too many CBNRM policies and they are difficult to coordinate.

#### Consultation/Coordination between Government and Local Communities

- Consultation during formation stage of the policies with communities and Traditional Authorities often does not occur.
- Top authorities are unwilling to devolve power/authority to communities.
- Benefits sharing of resources between Government and localities communities is not well defined.
- Imposition of policies by government departments occurs.
- Sometimes there is no involvement of key stakeholders by policy makers and enforcers.
- Generally, there is limited involvement of women and youth in policy making mechanisms.

### **3. Institutional---Government “Bureaucracy”**

#### Government Operations

- Overall, there is too much bureaucracy.
- The ongoing decentralisation process means that communities are in a state of transition, creating gaps of understanding and capability.
- The formulation and approval of community bylaws is too bureaucratic.
- There is chronic delay in approval of bylaws related to CBNRM associations by government entities.
- There are delays in official recognition and enforcement of grass roots bylaws.
- There are delays in implementation of programmes.
- There is unclear transition of roles between central offices and district (decentralised) offices.

### **4. Institutional General (Problems with Institutional Arrangements)**

#### Implementation Resources

- Lack of financial resources by technical front line offices directly linked with CBNRM activities limits capability.
- Poor institutional arrangements exist such as limited capacity in extension; funding constraints; and limited staffing.
- Implementation of CBNRM is constrained by lack of support from central government—especially approval of bylaws and management regulations.
- Lack of accountability on traditional leaders is sometimes a problem.
- Traditional Authorities misuse their power.

#### Economic Inducements

- Local groups are not sufficiently empowered (e.g., decision-making and ownership).

- Incentives and benefits are expected by communities and individuals in exchange for limiting access to a resource.
- Poverty and a lack of viable income generation alternatives push people to overexploit natural resources.
- Marketing of natural resources products is difficult—e.g. honey, guinea fowl.
- Poor tenurial arrangements make individuals hesitant to invest in improving the resource base and contribute to a “tragedy of the commons.”
- There is a lack of ownership of property and property rights.

#### Donor Dependency

- Where CBNRM concepts and activities are initiated by donors local capability and buy-in suffer.

#### NGOs

- CBNRM—NGOs are not evenly covering the country

This broad list constitutes a thorough analysis of shortcomings in CBNRM implementation in Malawi. As such, it is an excellent platform for change. Some deficiencies noted, align with observed successes (e.g., community capacity, adequacy of the legal foundation, coordination between government and villages.) Either the standards guiding the beholder are different or the successes noted are not consistently achieved across sectors.

Commentors expressed concern about a lack of political will to carry CBNRM forward. They observed that capacity at all levels (village, Traditional Authority, Government) was inadequate. Several comments were registered about the failure of government to approve bylaws in a timely fashion. Some saw this as a strong sign that central ministries have not made the changes necessary to devolve operational authority to District offices. Others noted that the Forestry Law requires Director approval and that this function was not delegable. It was asserted that implementation was hindered by a lack of resources, the lack of economic inducements, and by the insecurity of tenure for some community arrangements.

There seems to be broad consensus about the existence of many of these obstacles. This list provides a useful roadmap for specific actions to remove impediments to CBNRM implementation. As shown in Exhibit 3.4 (which correlates insights about obstacles with provisions of the recently passed CBNRM Strategy) the CBNRM Working Group is specifically targeting most of the concerns addressed by participants in the Workshop.

**Table 3.4: Correlation of Work Group Insights  
About Obstacles with CBNRM Strategic Actions and Steps**

<b>Obstacle</b>	<b>Strategic Actions and Steps</b>
<b>Political</b>	
<ul style="list-style-type: none"> <li>◆Lack of Political Will</li> <li>◆Politicians confuse people because they want to win people's votes.</li> <li>◆Political interference</li> <li>◆Lack of accountability on traditional leaders\</li> <li>◆Traditional Authorities misuse their power</li> </ul>	<p>CBNRM Strategic Action 1: Developing a Commonly Understood CBNRM Concept and Vision</p> <p>1.2 Generate Guiding Principles</p> <p>1.5 Core Values for CBNRM in Malawi</p> <p>1.6 Disseminate CBNRM Guiding Principles, Core Values and Strategy</p> <p>2.4 Analyse Local Government Act and Decentralisation Policy</p> <p>2.5 Update District and National State of Environment Reports, Action Plans, and National Environmental Action Plan</p>
<b>Policy Comprehension/Capacity</b>	
<ul style="list-style-type: none"> <li>◆Policies are not clearly understood</li> <li>◆Misconception of CBNRM concepts among stakeholders</li> <li>◆Lack of orientation on both government officials and the community at large</li> <li>◆Lack of understanding of the provisions in NRM legislation with respect to CBNRM which leads to lack of support by higher authorities</li> </ul>	<p>1.6 Disseminate CBNRM Guiding Principles, Core Values and Strategies</p> <p>2.5 Update District and National State of Environment Reports, Action Plans, and National Environmental Action Plan</p> <p>4.7 Develop Awareness Raising Approaches and Tools</p>
<ul style="list-style-type: none"> <li>◆Limited experience in policy analysis</li> </ul>	<p>2.6 Develop Policy Analysis and Advocacy Skills in Key Agencies to Enable Dynamic Policy Review and Improvement Process</p>
<ul style="list-style-type: none"> <li>◆Lack of clear understanding of the policies at local community level</li> </ul>	<p>3.1 Translate existing sectoral policies into user friendly formats and languages</p> <p>3.2 Disseminate sectoral policies to grass roots communities</p> <p>4.7 Develop Awareness Raising Approaches and Tools</p>

<p>◆Lack of human capacity among communities to implement policies successfully</p>	<p>4.8 Design and Carry out District and Sub-District Training Needs Assessment</p> <p>4.3 Design District Assembly and Community Level Financial Management Systems</p> <p>4.6 Review Participatory Methodology Toolbox to Assist Community Level Decision making</p> <p>4.10 Develop Participatory Monitoring and Evaluation Toolbox</p> <p>5.9 Increase Capacity at the District Assembly and Community Level to Improve Technical, Administrative, Financial and M&amp;E Systems</p> <p>4.5 Develop Clear Legal Mandates for Community Level Institutions and Traditional Authorities in CBNRM</p> <p>4.4 Develop Guidelines for District Bylaws and Community Natural Resource Management Plans</p> <p>5.10 Enable Sharing of Experiences and Knowledge and Awareness Raising of CBNRM Progress</p> <p>5.13 Carryout Participatory M&amp;E Training and Exercises at Community Level</p>
<b>Legal Framework</b>	
<p>◆Insufficient legal framework to completely anchor the approach</p>	<p>2.3 Review and Update Relevant Laws</p>
<p>◆Non-harmonisation of acts/penal code</p> <p>◆Overlapping legal regimes (customary and statutory)</p> <p>◆Too many CBNRM policies—difficult to coordinate</p>	<p>2.1 Analyse all Appropriate Policies to Assess CBNRM Content</p> <p>2.2 Harmonise all Policies to Incorporate CBNRM requirements</p> <p>2.3 Review and Update Relevant Legislation</p> <p>3.2 Harmonise Sector Wide Approaches</p>
<p>◆Lack of legal awareness</p> <p>◆Inadequate legal support at the community level</p>	<p>4.5 Develop Clear Legal Mandates for Community Level Institutions and Traditional Authorities in CBNRM</p> <p>4.4 Develop Guidelines for District Bylaws and Community Natural Resource Management Plans</p>

<b>Consultation and Coordination between Government and Local Communities</b>	
<ul style="list-style-type: none"> <li>◆ Lack of consultation during formation stage of the policies with communities and Traditional Authorities</li> <li>◆ Top authorities unwilling to devolve power/authority to communities</li> <li>◆ Imposition of policies by government department</li> <li>◆ Non involvement of key stakeholders</li> </ul>	<p>5.6 Formally Integrate TAs into the Process of NRM Planning at the District Level by giving them a Clear Role in Developing and Implementing CBNRM Initiatives</p> <p>5.7 Develop Mechanisms for Active Participation by Community-Based Institutions in Preparation of Management Plans</p> <p>1.6 Disseminate CBNRM Guiding Principles, Core Values and Strategy</p> <p>2.4 Analyse Local Government Act and Decentralisation Policy</p>
<ul style="list-style-type: none"> <li>◆ Limited involvement of women and youth in policy making mechanisms</li> </ul>	
<ul style="list-style-type: none"> <li>◆ Benefits sharing of resources between Government and localities communities not well defined</li> </ul>	<p>5.2 Disseminate Sectoral Policies to Clarify Tenure and Ownership Rights</p> <p>5.11 .....Increased Revenues from NRM Enterprises</p>
<b>Government Operations</b>	
<ul style="list-style-type: none"> <li>◆ Too much bureaucracy</li> </ul>	<p>3.1 Infuse CBNRM Approaches into Sector Programmemeing</p> <p>3.2 Harmonise Sector Wide Approaches</p> <p>3.3 Infuse CBNRM Coordinated Approaches into DEAPs and NEAPs</p> <p>3.4 Infuse CBNRM Coordinated Approaches into District Sector Plans</p>
<ul style="list-style-type: none"> <li>◆ Bureaucratic processes in formulation and approval of by laws</li> <li>◆ Delay in approval of by laws related to CBNRM associations by the government side</li> <li>◆ Delays in official recognition and enforcement of grass roots bylaws</li> <li>◆ Implementation of CBNRM is constrained by lack of support from central government— especially approval of bylaws and management regulations</li> </ul>	<p>4.4 Develop Guidelines for District Bylaws and Community Natural Resource Management Plans</p> <p>5.5 Creation of Community Institutions to Make Formal Approval of their Constitutions easier</p>
<ul style="list-style-type: none"> <li>◆ Delays in implementation of programmes</li> </ul>	3.1-3.4 (See Above)

<ul style="list-style-type: none"> <li>◆ Unclear transition of roles between central offices and district (decentralised) offices</li> <li>◆ Transition gaps which are going along with the decentralisation process</li> </ul>	<p>2.4 Analyse Local Government Act and Decentralisation Policy</p> <p>5.3 Re-orient District Assemblies to Existing Sectoral Policies and their Coordination</p> <p>5.4 Empower District Authorities to Approve Community NRM Plans Ensuring Cross-Sectoral Coordination</p>
<b>Implementation Resources</b>	
<ul style="list-style-type: none"> <li>◆ Lack of financial resources by technical front line offices directly linked with CBNRM activities</li> </ul>	<p>5.11 .....Explore Options for Increased Fiscal Support for CBNRM and Increased Revenues from NRM based Enterprises</p>
<ul style="list-style-type: none"> <li>◆ Poor institutional arrangements: limited capacity in extension; funding constraints; limited staffing</li> </ul>	<p>4.8 Design and Carry Out District and Sub-District Training Needs Assessment</p> <p>5.8 Train District Line Department Staff, Local Government Officers and NGOs to Increase their Technical and Administrative Capacity to Provide CBNRM Extension Services on Demand and to Manage Local Programmes Effectively</p>
<b>Economic Inducements</b>	
<ul style="list-style-type: none"> <li>◆ Local Groups not sufficiently empowered (decision making and ownership)</li> <li>◆ Poor tenurial arrangements</li> <li>◆ Lack of ownership; issues of property rights.</li> </ul>	<p>5.2 Disseminate Sectoral Policies to Clarify CBNRM Tenure and Ownership Rights</p> <p>4.1 Develop Sustainable Financing Mechanisms</p>
<ul style="list-style-type: none"> <li>◆ Poverty and lack of viable income generation alternatives</li> </ul>	<p>5.10 Enable Sharing of Experiences and Knowledge and Awareness Raising of CBNRM Progress</p>
<ul style="list-style-type: none"> <li>◆ Marketing of products difficult—e.g. honey, guinea fowl</li> </ul>	
<b>Donor Dependency</b>	
<ul style="list-style-type: none"> <li>◆ Donor dependency syndrome where CBNRM is initiated by donors</li> </ul>	<p>5.6 Formally Integrate Traditional Authorities into the Process of NRM Planning at the District Level by giving them a Clear Role in Developing and Implementing CBNRM</p> <p>3.2 Harmonise Sector-wide Approaches</p>
<b>NGOs</b>	
<ul style="list-style-type: none"> <li>◆ CBNRM—NGOs not evenly covering the country</li> </ul>	

### **3.4 Key Opportunities to Enhance CBNRM in Malawi**

Real momentum exists to improve community management of natural resources in Malawi. The extent of rural poverty invites grass roots strategies to sustain people and the resource base. Malawi has established a strong foundation in its laws, policies, and practices that will anchor future CBNRM initiatives.

Continued forward progress is critical if complexities and problems are to be overcome. Many of the best ideas wither due to a lack of persistence as early glories fade in the toil of implementation challenges. A few simple steps might be taken to maintain the course. Exhibit 3.5 distills obstacles and challenges and suggests some broad initiatives across resource sector that may lead to a further strengthening of CBNRM in Malawi.

#### **Exhibit 3.5: Opportunities to Improve Policy Implementation in Malawi**

##### **1. Build Capacity for Natural Resource Management at the Community Level:**

- Disseminate laws, policies and regulations--make available in indigenous languages
- Support committee organization—e.g. provide examples of other organizations, contacts, seminars.
- Support bylaw development—e.g. model templates, examples.
- Provide financial management training.
- Provide natural resources management training (best practices in forestry, fisheries, income generation).
- Compile best traditional practices.
- Provide technical assistance in marketing.

##### **2. Strengthen the Roles, Responsibilities, Knowledge and Accountability of Traditional Authorities and Resource Users**

- Disseminate opportunities and obligations for Traditional Authorities under NRM laws and policies—e.g. outreach campaigns, seminars, media.
- Provide tools to support Traditional Authority NRM leadership—e.g. internal marketing materials, example resource management plans.
- Train Traditional Authorities in approaches to regulation and enforcement.
- Clarify institutional arrangements between Traditional Authorities, District Field Staff, Local Assemblies
- Develop accountability measures—e.g. explore the applicability of Mphala, role of the National Association of Traditional Authorities.

##### **3. Rationalise/Harmonise Decentralised NRM Planning, Monitoring and Extension**

- Implement “decentralisation road maps” by sector—e.g., identify individuals, convene parties, execute roles, responsibilities, operations, procedures, approval protocols, review criteria.
- Look for synergies, coordinate planning and management activities across sectors—e.g. opportunities for joint meetings, sharing of lessons learned, core capacities (legal, financial), common information needs and submittals.

#### **4. Strengthen Central Ministry Regulatory Functions Across Departments and Sectors**

- Support policy and management regulation development—e.g., charcoal permitting requirements, basic fishery regulations.
- Perfect review and approval protocols—e.g., for bylaws, village NRM plans.
- Develop and implement ministry oversight functions at District and Village Level—e.g. nature, frequency, data collection and reporting of audits, inspections, and evaluation activities.

#### **5. Conduct Organisational Analyses to Define New Ministerial Operating Profiles in Each Sector**

- Engage in strategic planning to redefine missions, values and purposes—How will the particular ministry operate in the future?
- Conduct needs assessments to identify strengths, weaknesses and gaps—What has the ministry done well? What needs to be improved? What skills are lacking? Etc.
- Perform institutional analyses to consider organizational changes, right sizing—e.g. review organizational options, appropriate staff size, resource requirements, etc.
- Conduct group processes to build consensus for change—e.g. consultations with District, Regional and Headquarters staff.
- Implement changes—e.g. reorganize offices, transfer staff, affects changes to roles and responsibilities.
- Provide training to empower staff—e.g. training to improve customer service, technical assistance, policymaking roles.
- Monitor transformation—e.g. track staffing changes, performance of units, evaluate effectiveness.

#### **6. Maintain Consensus and Coordination for CBNRM Policy Development and Assessment at the National Level**

- Support the CBNRM Working Group, the Technical Committee on Environment, and the National Committee for Environment in implementing the Strategic Plan for CBNRM—e.g. prepare policy analyses, white papers on problems, action plans, etc.
- Support the Parliamentary Committee on CBNRM Policy Development and Oversight—e.g. briefings on key issues and problems, white papers, draft legislative positions.
- Support high-level CBNRM outreach across ministries—e.g. conferences, leadership workshops to instill knowledge and engagement by senior leaders in CBNRM.
- Develop national outreach and media campaigns to promote CBNRM—e.g. communications strategy with messages, modalities, schedules.

## 4 Collaborative Policy Analyses

Three critical CBNRM issues facing Malawi today were chosen by the trainers as meaningful topics for discussion at this workshop: charcoal production and its contribution to deforestation; dwindling fish stocks and their relationship to food security and sustainable resource extraction; and the unclear and changing role of Traditional Authorities in CBNRM activities. All of these topics were chosen because they are deemed critical by Malawians, have enough conflict to make for an interesting and robust analysis, and are likely to go unresolved without thoughtful participation and understanding of the government and NGO sectors. In addition, each topic was chosen for its likelihood to provide specific analytical experiences as articulated below.

- *Charcoal production* is a multi-faceted problem that can be viewed with a variety of lenses. On its face, it is a problem related to a failure to license charcoal production. Upon closer inspection, the problem is embedded in a much larger debate regarding energy policy and both supply and demand side economics.
- *Dwindling fish stocks* is an issue that appeared to be primarily an implementation challenge of the Department of Fisheries, since the *National Fisheries and Aquaculture Policy (2002)* provides a solid framework for community-based co-management. Within that analysis are difficult questions of using sound science and managing natural resources alongside imperfect or uncertain information, tailoring regulations and rules to local environmental conditions, and the challenge of enforcement of a common resource with open access.
- The *Role of Traditional Authorities* in CBNRM was chosen because it is an issue that affects individual's initiative, organization and mobilization of communities, and effectiveness of CBNRM activities across natural resource sectors. Furthermore, it is an issue ripe for discussion as it is critical to larger questions of decentralisation, land reform and democratization.

## 4.1 Charcoal: Problem Definition and Options Analysis of Approaches to Limit Production and Consumption

Team Members: Luke Malembo, Steve Kamuloni, Francis Chilimampunga, Moses Mpezeni, Innocent Makolo Phiri, Nellie Chiphwanya, Smart Mtambalike, Dalitso Kafumbata, Tadeo Shaba, James Milner, Victor Mhoni and Hon. D.G. Dzoole Mwale.  
Facilitators: Peter Trick, Andrew Watson

Problem Statement: The Director of Forestry believes charcoal production is deforesting the countryside and he should receive a substantial budget increase to enforce the existing ban. Traditional leaders and local politicians say that charcoal production is critical for poverty reduction. Urban dwellers say they cannot afford an alternative. *Define the essential policy questions associated with the use and production of charcoal in Malawi and how you would tackle them.*

The Group was given the problem (shown above) to analyse. They were guided to analyse all of the elements of the problem, to distinguish major problems from supporting issues, and to think through possible solutions and advocacy approaches to address the problem. The facilitators were not active participants in the discussions but checked in to observe progress. Results of the group's initial brainstorm identifying problems and their components along with related solutions are shown below.

**Table 4.1: Problems and Associated Solutions Related to the Charcoal Issue**

<b>Problem</b>	<b>Solution</b>
Poor harvesting techniques <ul style="list-style-type: none"> <li>• Inefficient Use of Tree Products</li> <li>• Lack of Coordination Among Users</li> </ul>	<ul style="list-style-type: none"> <li>• Civic education of NGOs, government and politicians</li> <li>• Participatory monitoring and evaluation</li> <li>• Targeting charcoal producers for tree planting</li> <li>• Linkages among users (intra and inter)</li> </ul>
Poor Crop Yields Necessitate Need for Cash to Buy Maize <ul style="list-style-type: none"> <li>• Low Soil Fertility</li> <li>• Low Rural Incomes</li> </ul>	<ul style="list-style-type: none"> <li>• Civic Education</li> <li>• Participatory monitoring and evaluation</li> </ul>
High Market Demand in Urban Areas <ul style="list-style-type: none"> <li>• Increased Population</li> <li>• Lack of access to affordable, reliable alternative energy source</li> <li>• High Cost of Equipment</li> <li>• Cooking Preferences</li> </ul>	<ul style="list-style-type: none"> <li>• Low priced alternatives (e.g., subsidy for paraffin paid by levy on petrol, solar panels)</li> <li>• Civic education on energy management</li> <li>• Use of recycling (e.g., waste briquettes)</li> </ul>

The group felt that education for all segments of society is needed to adequately address this issue. Particular groups mentioned included political and local leaders, Traditional Authorities, NGOs, government, parliamentary committees, civic leaders and community members.

### ***Homework***

The group was asked to discuss with their peers and colleagues the following questions and report back opinion and information to the group.

- ❖ *Why hasn't the Department of Forestry issued licenses for charcoal production?*
- ❖ *Why hasn't the existing (defacto) ban been effective?*

Responses included:

- The Director of Forestry believes that the legal basis for licensing is problematic, that the Act authorizes charcoal production by supporting licensing and does not specifically make charcoal production illegal. He believes that this creates a legal conundrum.
- Villagers /producers were not involved in developing the regulations governing charcoal production so they have ignored enforcement efforts.
- The Director of Forestry has effectively imposed a temporary freeze on licensing because of concern for deforestation and a respect for new community based forestry.
- Enforcement of the “ban” has been ineffective because the Department of Forestry does not have enough resources to really do the job.
- Corruption has comprised enforcement.

### ***Problem Restatement***

The Group agreed that the problems identified around the charcoal issue could be organized in two discrete parts: illegal and unsound charcoal production and those relating to uncontrolled demand and consumption of charcoal. The group agreed to develop policy options and solutions addressing charcoal production and charcoal consumption.

### ***Initial Alternatives Development***

The Group was counseled to brainstorm and to develop as wide a range of options as possible. The Group tended to put ideas forward and shoot them down quickly. They were encouraged not to be instant critics, to affirm suggestions, and then look at them broadly to make sure they were capturing a full spectrum of ideas. The Group arrived at the following set of initial options, organised by charcoal production and charcoal demand:

### ***Alternatives to More Effectively Regulate Charcoal Production***

1. Maintain the Status Quo
2. Repeal the Law and Rely on Public Education
3. Nationalise Charcoal Production
4. Strengthen Ban: “No Charcoal Production in Malawi”
5. Restrict Production to Village Forest Areas and Control through Community By Laws
6. Tax Charcoal Production and Commerce

The charcoal production options were reviewed to confirm that a breadth of regulatory choices had been achieved. The options were arrayed according to the extent of their regulatory impact and it was concluded that a wide spectrum had, in fact, been put forth as shown below:

**Option 2 Option 1                      Option 5 Option 6 Option 3                      Option 4**  
**LAX>----->AGGRESSIVE**

It was suggested that six options might be too many to carry forward for the purposes of our analysis so the Group was polled to eliminate two. Option 3 (Nationalisation) was dropped because it was contrary to current initiatives in Malawi to decentralise initiatives, to privatise business ventures, and to reduce the role of central government. Option 4 (Total Ban) was rejected as politically unacceptable and impossible to enforce

***Alternatives to More Effectively Regulate Charcoal Consumption***

1. Promote Use of Alternative Fuels—Coal, Paraffin, Electricity, Solar
2. Promote Use of Fuel Efficient Stoves
3. Introduce a Levy on Charcoal Consumption
4. Educate the Public about the Health Effects, Economics, Recipes for Cooking, etc.

The Group reviewed the types of technical, legal, economic, and institutional analyses that might be undertaken to evaluate these alternatives. Simple decision analyses were undertaken to consider each of the options. The results of these pros and cons analyses are presented below.

**Table 4.2: Pros and Cons of Alternative Solutions to Charcoal Production**

<b>Option</b>	<b>Pros</b>	<b>Cons</b>
1. Maintain the Status Quo	<ul style="list-style-type: none"> <li>• Some confiscations are occurring</li> <li>• Encouraging “fuel savings” as price is increasing</li> <li>• Generates income for the rural poor</li> <li>• Politically acceptable</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of enforcement</li> <li>• Open to corruption</li> <li>• Deforestation is occurring</li> <li>• Charcoal price is increasing</li> <li>• Conflicts between policy and practice, and between Government and Legislature</li> <li>• Fines are too low to be disincentives</li> </ul>
2. Repeal the Law and Rely on Public Education	<ul style="list-style-type: none"> <li>• Aligns Government with civil society</li> <li>• Solves the corruption issue</li> <li>• Lower prices for consumers (short term)</li> <li>• Long term reduction in</li> </ul>	<ul style="list-style-type: none"> <li>• Acceleration of charcoal production will result in increased deforestation</li> <li>• Lower prices for producers</li> <li>• Disincentive for</li> </ul>

	charcoal production and use <ul style="list-style-type: none"> <li>• Reduced need for law enforcement</li> </ul>	seeking longer term solutions relating to increased fuel efficiency and alternative energy <ul style="list-style-type: none"> <li>• Loss of revenues from fines and confiscations</li> </ul>
3. Restrict Production to Village Forest Areas (VFA) and Control through Community By Laws	<ul style="list-style-type: none"> <li>• Easy to regulate and monitor</li> <li>• Empowers communities to generate income from charcoal</li> <li>• Reduces deforestation of gazetted forests and other protected areas</li> <li>• Implementation weakened by slow government approval process</li> </ul>	<ul style="list-style-type: none"> <li>• VFAs (actual and potential) are often very small (insufficient production capacity)</li> <li>• Only ~8000 hectares of legally registered VFAs as of 2002</li> <li>• Scarce supply will lead to higher prices</li> <li>• Uneven capacity to implement sound forest management at community level</li> <li>• Weak accountability vis-à-vis Traditional Authorities</li> <li>• Regulation of VFAs weakens sense of ownership by communities</li> </ul>
4. Tax Charcoal Production and Commerce	<ul style="list-style-type: none"> <li>• Reduces demand by raising prices, thereby reducing production</li> <li>• Generates revenue for government and stakeholders (Funding for enforcement, subsidies for fuel efficiency, promotion of alternative energy)</li> <li>• Makes alternative fuels more attractive</li> </ul>	<ul style="list-style-type: none"> <li>• Increases charcoal prices and cost of living for middle class</li> <li>• Implementation costs are high</li> <li>• Politically unpopular (as with all tax increases)</li> </ul>

The Group was then invited to rank the options according to appropriate criteria. The Group discussed the criteria and confirmed five for ultimate use: Environmental Benefit, Political Acceptability, Enforceability, Income Generation Potential and Gender Impact. Participants were asked to rate each option with a High (√), Medium (~) or Low (X) score for each criterion with numerical scores of 3, 2, and 1 assigned respectively. Equal weighting of the criteria led to comparatively equal scores so the group was asked to weight the criteria in terms of importance. Environmental benefit was rated highest and given a value of 4, income potential next most important with a value of 3, enforceability 2, and political acceptability 1. An option was scored by multiplying the rank for each criteria by the weighting. Given that gender was rated

equally across the options it was dropped from the weighted scoring. The results are presented below.

**Table 4.3: Weighted Criteria Results of Options Analysis on Charcoal Production**

Options/ Criteria	Environmental Benefit 4	Political Accept- Ability 1	Enforce- Ability 2	Income Generation Potential 3	Gender 0	Score/ Weighted Score
Option 1 Status Quo	<b>X</b>	√	<b>X</b>	√	~	10 18
Option 2: Repeal Ban	<b>X</b>	~	√	<b>X</b>	~	9 15
Option 3: Production By VFAs	√	<b>X</b>	~	<b>X</b>	~	9 20
Option 4: Tax Charcoal Production	√	<b>X</b>	~	√	~	11 26

√=3

~=2

**X**=1

### ***Reactions to A Proposed Tax on Charcoal Production***

The group then explored the acceptability of the favored option, the tax on charcoal production. Since the group was composed of members from Government ministries, NGOs, Legislators, and the private sector, individuals from each sector were polled to gauge their reactions to the proposed tax. These opinions, while not reflective of official positions, reveal some intersects across sectoral interests.

#### **Government Ministries**

Environmental Affairs Department—sees real benefit to the proposal; believes that it is a better way to accomplish goals in terms of reducing deforestation while allowing income generation.

Forestry Department—supportive of the approach; thinks it would be more realistic than current situation. Mentioned concerns about ease of implementation and monitoring.

#### **Nongovernmental: Organisations**

Supports the proposal provided that provisions are built in to ensure that communities share in the revenues generated by the tax. Also insists that the tax be shown to result in the reduction of charcoal production.

#### **Legislators:**

Expressed initial concern that Parliament could pass a charcoal tax. Asserted that support could be garnered if Members could be convinced that the tax would have positive

impacts on the rural poor and it was demonstrated that deforestation would be slowed. Felt that the tax could be used to generate revenues to offset the impacts of subsidies.

**Private Sector:** Very supportive. Felt that revenues should be used to support efforts to protect the environment in Malawi.

The group reported out the results of its analysis, describing the alternatives considered, the pros and cons of each option, the criteria used to evaluate the options and the resulting preferred option. The group was encouraged to evaluate the demand options, as well. The group reconvened for two hours to complete the analysis for the following demand options:

***Alternatives to More Effectively Regulate Charcoal Consumption***

1. Promote Use of Alternative Fuels—Coal, Paraffin, Electricity, Solar,
2. Promote Use of Fuel Efficient Stoves
3. Introduce a Levy on Charcoal Consumption
4. Educate the Public about the Health Effects, Economics, Recipes for Cooking, etc.

(In the course of examining option 1 it was recognised that the lumping of all alternative fuel choices together was ill advised as the pros and cons varied by fuel type. Subsequent analysis should look at each fuel individually.)

**Table 4.4: Pros and Cons of Alternative Solutions on Charcoal Consumption**

<b>Option</b>	<b>Pros</b>	<b>Cons</b>
1. Promote Use of Alternative Fuels—Coal, Paraffin, Electricity, Solar	<ul style="list-style-type: none"> <li>• Reduces demand for charcoal</li> <li>• Some fuels will be cheaper (e.g. electricity)</li> <li>• Some fuels are healthier to use</li> <li>• Development of Alternative Fuels may create employment opportunities</li> </ul>	<ul style="list-style-type: none"> <li>• Some fuels are more expensive and have high capital investment costs both at the national level and at the consumer level</li> <li>• Limited availability (e.g. coal)</li> <li>• Reliance on imports may make impractical</li> <li>• Some are less healthy (risk of accidents)</li> </ul>
2. Promote Use of Fuel Efficient Stoves	<ul style="list-style-type: none"> <li>• Reduces demand for charcoal through conservation</li> <li>• Some are inexpensive</li> <li>• Demonstrably cost-saving</li> <li>• Reduces household fuel costs</li> <li>• Source of</li> </ul>	<ul style="list-style-type: none"> <li>• Some are expensive to buy</li> <li>• Some health risks due to accidents with children</li> <li>• Lack of information on appropriate usage</li> <li>• Cultural resistance (preference for open</li> </ul>

	employment and income <ul style="list-style-type: none"> <li>• Cooking times reduced</li> </ul>	fires)
3. Introduce a Levy on Charcoal Use	<ul style="list-style-type: none"> <li>• Higher prices will reduce demand and deforestation</li> <li>• Peoples' perceptions of the value of the resource will change for the good</li> <li>• Revenue can be invested in afforestation and forest management activities</li> </ul>	<ul style="list-style-type: none"> <li>• Implementation would be costly and difficult</li> <li>• Higher prices for consumers</li> </ul>
4. Educate the Public about the Health Effects, Economics, Recipes for Cooking, etc.	<ul style="list-style-type: none"> <li>• Wider choices become obvious</li> <li>• People will act responsibly when they are better informed</li> <li>• General improvement in communications, awareness, and participation</li> </ul>	<ul style="list-style-type: none"> <li>• Costs of campaigns will be high</li> <li>• May be opposed by vested interests</li> <li>• May not bring about enough change</li> </ul>

The Group evaluated the demand options against a revised set of criteria. Economic impact was introduced as an important consideration but could not be applied given a lack of certainty. The criteria were weighted again, but this proved to be unnecessary given there was a clearly preferred option.

**Table 4.5: Weighted Criteria Results for Options Analysis of Charcoal Consumption**

Criteria/ Options	Environ- mental Benefit 3	Political Accept- Ability 2	Enforce- Ability/ Implement- ability 1	Social Impact 3	Economic Impact 0	Rank
Option 1 Alternative Fuels	~	<b>X</b>	<b>X</b>	√		4th
Option 2: Fuel Efficient Stoves	√	√	√	√		1st
Option 3: Charcoal Levy	~	<b>X</b>	<b>X</b>	~		3rd
Option 4: Public Education	<b>X</b> ~	√	~	√		2nd

The group recognised in identifying a preferred option that the demand side options are not mutually exclusive. Option 4 could be used in conjunction with every other option. In fact all options could be carried forward together as a comprehensive mid-term energy strategy for Malawi. The ranking tended to suggest the most practical, short-term solution. It was also discussed that a comprehensive solution to the charcoal problem required combined efforts to address both production and consumption.

## 4.2 Chambo: Problem Definition and Options Analysis to Strengthen Fisheries Management and Regulation

Team Members: Esther Mede, Collins Jambo, Moses Banda, Patrice Nkhono, B. Kumchedwa, Jonathan Mchungula

Facilitator: Linda Manning

Problem Statement: Local fishers say they cannot make a good living from fishing anymore because their catch is down. They feel this is because the government does not properly develop and enforce fishing regulations. The government is concerned about the adequacy of village bylaws. *Conduct a policy analysis to develop tools to strengthen the sustainability and productivity of Malawian lakes and their fisheries.*

The group was given the problem statement above and asked to discuss and come to agreement on three major areas: the nature of the problem; possible solutions to the problem; and how you might advocate for change. The group was guided to analyse all of the elements of the problem, to distinguish major problems from supporting and to relate proposed solutions to core problems. The facilitator was not an active participant in this discussion and the following information is what the fisheries group reported in the plenary.

**Table 4.6: Problems and Associated Solutions of Dwindling Fish Stocks**

<b>Problem</b>	<b>Solution</b>
Failure to Enforce Existing Fishing Regulations <ul style="list-style-type: none"> <li>• Inadequate Legal Regime</li> <li>• Inadequate Bylaws</li> <li>• Inadequate Information Flow</li> </ul>	<ul style="list-style-type: none"> <li>• Cost sharing of revenue collection from enforcement with communities.</li> <li>• Decentralisation of enforcement activities to the District Assemblies</li> <li>• Broad consultancy to ascertain and create regulations in a collaborative manner to fill the gaps.</li> <li>• Increase Public Awareness Through Active Participation</li> </ul>
Open Access	<ul style="list-style-type: none"> <li>• Introduce sanctuary areas</li> <li>• Adopt TURF (territorial utilization rights framework) approach</li> </ul>
Population Increase <ul style="list-style-type: none"> <li>• Lack of Diversification of income generating activities</li> <li>• Over fishing</li> </ul>	<ul style="list-style-type: none"> <li>• Facilitate child spacing and birth control programmes to lower demand.</li> <li>• Diversify economy through income generating activities to reduce dependence on fishing.</li> </ul>
Dwindling Stocks	<ul style="list-style-type: none"> <li>• Identify and establish fish breeding sites by protecting nursery areas</li> <li>• Restock</li> <li>• Formulate management measures to sustainably utilize the fish resources.</li> </ul>

The group also listed possible ideas about how to advocate for change, but did not link these advocacy ideas with any particular problem of solution.

### ***Ways of Advocating Solutions***

- Create public awareness campaigns through media
- Brief political and traditional leadership through decentralized and centralized training
- Convene stakeholders to document case studies and share best practices in CBNRM.
- Litigation against offenders under well-designed legal regimes.

### ***Additional Problem Definition and Restatement***

The group revisited the problem statement and discussed at length the nature of the problem posed. It was agreed that the dwindling of fish stocks was not a uniform problem across all species and all waterbodies, but could be subdivided into two major problems: 1) decrease of desirable fish (as defined by artisanal and small scale fishermen), namely chambo in shallow water (0-60m); and 2) localized over fishing of exotic aquarium fish in deeper waters. Not all species are dwindling. Those in deeper waters that are accessible only with large outlays of capital and equipment, are not significantly impacted.

The group then engaged in a critical analysis of the validity of the question, “What evidence do we have that some fish stocks are dwindling – is this a real problem?” According to Fisheries Department participants, evidence of chambo and other shallow water fish decrease has been measured by several parameters including scientific research, reports of smaller catch sizes by artisanal and small commercial fisherman and a decrease in fish size. The group discussed and identified the root causes of the dwindling of shallow water species (chambo). The following redefinition of the problem and discussion of root causes are found below:

### ***Root Causes of the Dwindling of Shallow Water Fish Stocks***

#### ***Failure To Enforce Existing Regulations***

It was agreed by participants that failure to enforce existing regulations such as net type, mesh size, closed season, sanctuary areas, is a major problem related to the ability of shallow water fish to reproduce. Because chambo are mouth breeders (i.e., carry eggs in their mouths), illegal catch of chambo during the closed season is particularly egregious. Another enforcement is that some stern trawlers are operating in the prohibited shallow zone on their way to deeper waters.

#### ***Population Increase***

Population increase was more carefully defined as the increase of the number of families and the size of those families at the lakeshore. The increase in family size at the lakeshore has had several impacts. It results in a greater need for fish to meet the subsistence and income generating needs of larger families. More people grow up in fishing families and become fishermen themselves. Additional population creates pressures on the surrounding environment and takes the form of deforestation, pollution, human waste and other problems.

#### ***Chambo is Economically Lucrative***

The fact that capture fisheries require relatively little inputs at the artisanal level, and the resource is a common and free one means that it is economically more lucrative than most other income generating activities available to rural Malawians. This effect is exacerbated by the fact that the sale price for chambo continues to increase. This

problem was highlighted by an experience where the Fisheries Department was working with a lakeside village to grow tomatoes for sale as an income substitute for fishing to try to reduce the stress on the resource by reducing the number of fishers in the lake. Although the tomato production was successful, fishermen used the proceeds to buy more nets since they could make relatively more money with that activity. The economic incentives to sell fish are great.

### *Environmental Degradation*

The group debated at length the relative contribution of environmental degradation and pollution to the dwindling of fish stocks. Obvious and acute problems that should be addressed is the practice of removing vegetation to ease navigation, the continued use of seine nets that destroy breeding grounds and remove vegetation, and translocation of exotic species. There is evidence of some localised pollution problems (e.g., Lilongwe River, Dwangwa River) that should be further studies to better understand their impacts on fish species. Finally, large-scale environmental issues such as climate change and possible mining impacts up stream in the catchment area could have disastrous impacts on Malawi's lakes should they materialise.

### *Open Access and Ownership*

There is a conflict in how Malawians view their fishery resources. The Malawian Constitution states that the natural resources of Malawi are for all Malawians. The Fisheries Act and 2002 Policy support limiting access to this resource for protection of the resource and to the benefit of lakeside communities. While the Act and Policy provide legal limitations and are within the mandate of the Department of Fisheries, this inconsistency in message has already caused some problems. For example, in during last year's closed season and during a time of famine a certain Member of Parliament encouraged his constituents to fish without licenses and against regulations. The related question of ownership has to do with who has accountability and responsibility of lakeside communities and/or Traditional Authorities in managing and protecting the fisheries resource. This confusion contributes to a tragedy of the commons -- all want to maximise their exploitation of the resource before someone else beats them to it.

*Note:* participants also mentioned that some cultural practices and traditions such as initiation and circumcision rites create a higher pressure on the fishing resource for a few months per year, both as a way of getting money to support these customs, and as need for additional protein to promote healing.

### ***Root Cause Problem Prioritisation***

The group developed a ranking system for determining which of the root causes to focus on for solutions development. The group decided upon the following criteria to which they gave a low (1), medium (2), or high (3) value. Results and totals are noted below.

**Exhibit 4.7: Criteria for Prioritizing Solution Creation for Dwindling Fish Stocks**

<b>Root Cause</b>	<b>Positive Impact on Resource</b>	<b>Department has the ability to affect change</b>	<b>Achievable in the short term (1 yr.)</b>	<b>Creates Economic Value</b>	<b>Total</b>
Failure to Enforce	2.5	1	1	3	<b>7.5</b>
Population Increase	2	1	1	1	<b>5</b>
Environmental Degradation	3	2	2	2	<b>9</b>
Economically Lucrative	Na	Na	Na	Na	<b>Na</b>
Cultural Causes	Na	Na	Na	Na	<b>Na</b>
Natural Calamities	2	1	1	1.5	<b>5.5</b>
Open Access and Ownership	3	2	1	2	<b>8</b>

***Options Development***

On the third day, the group quickly moved to developing and fleshing out alternatives aimed at addressing the largest root causes of dwindling shallow water fish stocks, namely lack of enforcement, open access/ownership and environmental degradation. The three options below were developed and then the group discussed pros and cons for each option.

*Option 1: Develop waterbody-specific District-level and Village Beach Committee level policies and management plans.*

The group agreed that management plans and accompanying rules and regulations should be developed jointly by Beach Village Committees and the appropriate Department of Fisheries' line staff. The following activities should be included:

- The Department of Fisheries will identify management zones based on sound scientific and management criteria. These should then be harmonised through negotiation with Beach Village Committees.
- The Department of Fisheries will develop rules and regulations for each zone jointly with the Beach Village Committees.
- Should fisheries zone management plans not be enforced by the designated Traditional Authority, the Ministry of Environment and Natural Resources would assist the Beach Village Committee in litigating against the Traditional Authority.

<b>Pros (+)</b>	<b>Cons (-)</b>
<ul style="list-style-type: none"> <li>• Process will serve to educate and sensitize communities to environmental and management issues.</li> <li>• Approach empowers local communities and raises the</li> </ul>	<ul style="list-style-type: none"> <li>• Scientific concepts and management complexity could be initially confusing to communities.</li> <li>• Low rates of literacy make development and use of written plans difficult.</li> </ul>

<p>legitimacy of co-management.</p> <ul style="list-style-type: none"> <li>• Clear, agreed upon local plans clarifies and raises accountability for enforcement.</li> </ul>	<ul style="list-style-type: none"> <li>• Collaborative development approach (including education and sensitization) is time consuming and therefore expensive for the Fisheries Department</li> <li>• Time consuming for local Traditional Authorities and Beach Village Committees.</li> </ul>
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*Option 2: Develop an Integrated Management Approach*

The group held that the purpose of adopting an Integrated Management Approach was to ensure that natural resources ministries and departments would employ a common approach to interacting with communities, so as to harmonise cross-sector natural resources management and protection messages and ensure that ministries are not working at cross purposes. The group agreed that the following activities should be a part of this integrated management approach:

- Develop complementary natural resources messages across ministries;
- Develop common approach to interacting with communities;
- Collect indigenous knowledge from communities to identify gaps in scientific knowledge or management understanding and develop “smart” natural resources messages;
- Sensitise line staff in ministries about the tenets of an Integrated Management Approach;
- Instill networking at all levels to encourage development and dissemination of best practices and lessons learned; and
- Develop woman-centric income generating activities that provide alternative (to fishing) income to a family that will not contribute to fishers buying more or better gear to increase fishing activities.

<b>Pros (+)</b>	<b>Cons (-)</b>
<ul style="list-style-type: none"> <li>• Integrated approach will lessen confusion about approach and messages at the community level.</li> <li>• Integration will result in an harmonisation of policies across ministries.</li> <li>• Integration could reduce operational costs for ministries.</li> <li>• Promotes holistic thinking and understanding of a wide range of natural resource management issues.</li> </ul>	<ul style="list-style-type: none"> <li>• Conflicts and turf issues could arise between ministries and departments. This may be particularly true in relation to the Ministry of Tourism, Parks and Wildlife that is outside the Ministry of Environment and Natural Resources.</li> <li>• Commodity-oriented approaches to natural resource management could make it difficult to maximize multiple commodities (e.g., firewood, fish catch, wildlife).</li> <li>• Operating procedures and practices between ministries and departments may be difficult to harmonise.</li> </ul>

*Option 3: Continuous Review of Institutional Arrangements and Objectives*

The group felt that an approach to continually reassess both the scientific basis and management success of local fishing regulations was necessary due to the fact that sound fisheries management is not static, but must take into consideration natural fluctuations and stochastic events. A cooperative periodic review convened by the

District Assembly and involving Department of Fisheries line staff and Beach Village Committees and Traditional Authorities could serve to develop more robust natural resource management partnerships, update regulations and rules, strengthen enforcement and resolve conflicts. The following activities should take place:

- Department of Fisheries should develop social and biological indicators; and
- District Assembly should take the lead to convene and organise review groups including the range of stakeholders from Beach Village Committees to Traditional Authorities to Department of Fisheries staff.

Pros (+)	Cons (-)
<ul style="list-style-type: none"> <li>• Eliminates conflicts and bottlenecks in enforcement and scientific uncertainty.</li> <li>• Villages will gain an increased understanding of the resource management issues.</li> <li>• Local management capability of Beach Village Committees will be improved.</li> </ul>	<ul style="list-style-type: none"> <li>• Time consuming and expensive due largely to the number of people involved.</li> <li>• Coordination among all parties and stakeholders could prove challenging.</li> <li>• Donor wishes and requirements can be in conflict with each other and community understanding.</li> </ul>

### ***Prioritisation***

The group was asked to prioritise these activities across two different parameters. First they were asked to choose which of the three options would be the most useful in addressing the core problem of diminishing fish stocks. The group unanimously chose *Option 2: Develop an Integrated Management Approach* as the option most likely to result in real resource improvements. As a way to determine which of the specific activities across options showed the most promise, the participants were allowed to cast three votes in any combination for the activities they thought would be the most useful. The purpose of this voting was to model decision making criteria and to determine what options for packages you might put forward in building coalitions for change. The following list include the results of the voting:

#### *3 Votes*

- Collect indigenous knowledge from communities to identify gaps in scientific knowledge or management understanding and develop “smart” natural resources messages.

#### *2 Votes*

- Develop complementary natural resources messages across ministries.
- District Assembly should convene review meetings with line departments and stakeholders.
- Instill networking at all levels to encourage development and dissemination of best practices and lessons learned.
- Should fisheries zone management plans not be enforced by the designated Traditional Authority, the Ministry of Environment and Natural Resources would assist the Beach Village Committee in litigating against the Traditional Authority.

#### *1 Vote*

- Develop common approach to interacting with communities.
- Develop social and biological indicators.

- Develop woman-centric income generating activities that provide alternative (to fishing) income to a family that will not contribute to fishers buying more or better gear to increase fishing activities.
- Develop social and biological indicators.
- District Assembly should take the lead to convene and organize review groups including the range of stakeholders from Beach Village Committees to Traditional Authorities to Department of Fisheries' staff.

### 4.3 Chiefs: An Analysis of Ways to Better Integrate Traditional Authorities into Community Based Natural Resource Management Activities

Team Members: Luke Malembo, Steve Kamuloni, Francis Chilimampunga, Moses Mpezeni, Innocent Makolo Phiri, Nellie Chiphwanya, Smart Mtambalike, Dalitso Kafumbata, Tadeo Shaba, James Milner, Victor Mhoni and Hon. D.G. Dzoole Mwale, Esther Mede, Collins Jambo, Moses Banda, Patrice Nkhono, B. Kumchedwa, Jonathan Mchungula.

Facilitators: Linda Manning, Peter Trick

Problem Statement: The *Decentralisation Policy* and the *Local Government Act* establish procedures for decentralised administration and devolution of authority to the local level. The de facto role of Traditional Authorities is not well integrated in either the Act of the Strategy for decentralisation of environmental management. Traditional Authorities hold real power in making resource decisions at the village level. *What policy recommendations would you make to address the issue?*

The group was quickly guided through a discussion of the challenges associated with the activities and roles of Traditional Authorities in CBNRM activities. Namely the problem statement above was reviewed then group brainstorming occurred on the following questions:

- What are the explicit and implicit roles of Traditional Authorities for each resource sector?
- What are the actual roles of Traditional Authorities in management of resources for key CBNRM policies, regulations and practices?
- What are the challenges associated with Traditional Authority engagement?

The following table describes the results of the brainstorming session.

**Table 4.8: Sector Specific Analysis of Traditional Authority Role by Major Natural Resource Laws and Policies**

Relevant Natural Resources Statute	Legal Underpinnings Allowed/Promoted in the Law	Current Role of Traditional Authority in Practice	Problems Associated with Current Practice of Traditional Authorities
Land	<ul style="list-style-type: none"> <li>• Customary Land Committee is headed by a TA and 3 elected elders (1 must be a woman)</li> <li>• Traditional Land Clerks are designated by the District Assembly for each Chief</li> <li>• Appeals process for land decisions (VLT, GVLT, TALT, District plus of TA)</li> </ul>	<ul style="list-style-type: none"> <li>• TA has authority over disposal of customary land.</li> </ul>	<ul style="list-style-type: none"> <li>• TA's have poor consultation with elders or make unilateral decisions.</li> <li>• TA's "resell" land already allocated to a person, making tenure uncertain.</li> <li>• There is uncertainty and overlap between customary land and land in reserves.</li> <li>• In some areas all of the customary land is granted, making further needs difficult to fill.</li> </ul>
Forestry	<ul style="list-style-type: none"> <li>• TA's (village headmen) are</li> </ul>	<ul style="list-style-type: none"> <li>• TA endorses, rather than</li> </ul>	<ul style="list-style-type: none"> <li>• There are conflicts between VNRMCs and</li> </ul>

	<p>allowed to demark Village Forest Areas.</p> <ul style="list-style-type: none"> <li>• Director of Forestry can sign agreement with TA for co-management.</li> </ul>	<p>demarks village forest areas.</p> <ul style="list-style-type: none"> <li>• Some VNRMCs have TAs as elected officials, but not all community members are active.</li> </ul>	<p>TAs over land use.</p> <ul style="list-style-type: none"> <li>• VNRMCs can be organized outside of approval by the TA. This can lead to the TA feeling undermined and undercutting VNRMC activities.</li> </ul>
Fisheries	<ul style="list-style-type: none"> <li>• BVCs are overseen by the TA (Act).</li> <li>• Explicit, but vague endorsement of TA involvement.</li> <li>• TAs are involved in Fisher Associations.</li> </ul>	<ul style="list-style-type: none"> <li>• TAs enforcing regulations (have the power to surcharge).</li> <li>• TAs represent fishing communities at high level meetings and serve as a bridge to local communities.</li> <li>• TAs preside over local meetings in absence of the Department.</li> <li>• TAs serve as honorary fisheries officers within their zones and conduct joint patrols in cooperation with other TAs in neighboring zones.</li> </ul>	<ul style="list-style-type: none"> <li>• Range of effectiveness varies from being a figurehead to an opponent of fishing regulations.</li> <li>• TAs ability to enforce varies widely.</li> <li>• TAs can be greedy at the expense of the natural resource by allowing too many fishermen (who each pay a fee) on the lake.</li> <li>• TA's are demanding incentives to mobilise communities.</li> <li>• TAs understand that payments can be made out of public funds.</li> </ul>
Parks and Wildlife	<ul style="list-style-type: none"> <li>• Explicit role in granting licenses for wildlife hunting.</li> <li>• Existing community institutions (TAs) involved in management committees.</li> </ul>	<ul style="list-style-type: none"> <li>• TAs mobilize communities.</li> <li>• TAs form trusts.</li> <li>• TAs sit on the LAC.</li> </ul>	<ul style="list-style-type: none"> <li>• TAs are not convinced that Department of Tourism, Parks and Wildlife has embraced co-management and believe that punishment like beatings still occur.</li> <li>• TAs fear they will lose status as chiefs as a result of seeing tribal authority reduced in wildlife management schemes such as SCBOs in Botswana.</li> </ul>

Environmental Management	<ul style="list-style-type: none"> <li>TAs prepare action plans every 3-5 years.</li> </ul>	<ul style="list-style-type: none"> <li>TAs endorse or approve plans rather than prepare them. The higher up in the TA ladder, the less likely to be involved.</li> <li>DANIDA and UNDP were assisting TAs in preparing plans, but after funding stopped so did activity.</li> <li>Some TAs are involved in the plan committee.</li> </ul>	<ul style="list-style-type: none"> <li>TAs largely do not have technical expertise needed to develop environmental management plans.</li> <li>TAs (and the villagers) expect incentives to develop plans.</li> </ul>
Local Government Act	<ul style="list-style-type: none"> <li>TAs as non-voting member of DEC</li> </ul>	<ul style="list-style-type: none"> <li>TAs sometimes serve as chairs of the ADCs, but role of committees is in decline.</li> <li>DA may be replacing DDCs.</li> </ul>	<ul style="list-style-type: none"> <li>Decentralisation is causing the role of the TA to be in conflict.</li> </ul>

In the course of the discussion, it became apparent that there are several challenges related to Traditional Authorities that cut across all sectors and should be stated more generically. Participants were also careful to point out that there are huge amounts of variation among Traditional Authorities regarding capability, respect or authority given by community, and integrity.

### ***Cross Sector Challenges***

- Traditional Authorities are looking for/expecting direct economic benefit for mobilising communities.
- Traditional Authorities are being paid or bribed by political parties.
- Villagers are resisting authority as backlash to the previous repressive dictatorship.
- In cases where Traditional Authority is weak, other village leaders (e.g., educated, teachers) are mobilising villagers, causing conflict, and further undermining of Traditional Authority.
- Traditional Authorities are losing influence and respect in communities.
- Bribe accepting by Traditional Authorities is getting worse.

*Note:* there is a tension between government decentralisation initiatives and the role of Traditional Authorities. Many participants observed that the minimal role asserted for Traditional Authorities in the Local Government Act was quite intentional, that the decentralisation initiative in Malawi is committed to full democratisation at all levels. In dealing with the issue of the role of Traditional Authorities in CBNRM in Malawi, it is important to distinguish the different aspects of the issue: respect from the people, authority under the law, responsibility by natural resources sector, and accountability to local people.

***Suggestions and Principles for Improving the Role of Traditional Authorities***

Also in the course of the conversation about obstacles, participants offered some initial suggestions to follow or principles to adhere to in order to improve the role of Traditional Authorities in CBNRM activities. Time did not allow formal closure on these issues although consensus seemed genuine.

- Update Chiefs Act.
- Develop CBNRM Policy.
- Make Traditional Authorities Accountable to Local People.
- Depoliticise Recognition of Traditional Authorities.
- Take Democratisation Steps for Operation of Traditional Authorities.
- Put in place a reward system for Traditional Authorities that is merit based and not political.
- Strengthen decentralisation to make Traditional Authorities more accountable at the local level.

## 5.0 Additional Policy Analysis Tools

This final section of the report compiles a toolkit of policy analysis tools used in this training session. This series of handouts serves as the building blocks for training others in policy analysis and continuing analytical and advocacy work begun in this workshop. Specifically, these tools provide the analyst insights into how and when to engage in the policy development process, decision-making and prioritisation tools to make choices and rationally narrow options, and how to use the outcomes of various analyses. This section contains the following handouts:

**Exhibit 5.1: The Policy Cycle**—provides the lifecycle of governmental policy development and programme implementation and evaluation. Helps the analyst see where best to engage in advocacy.

**Exhibit 5.2: Strategic Opportunities Presented Through Policy Analysis**—reminds the analyst of the range of uses of policy analysis. Can assist the analyst in: communicating with public officials, interest groups, NGOs, and donors of the utility of a specific analysis; raising the level of debate on an issue; or advocating for a particular outcome.

**Exhibit 5.3: Key Concepts of Policy Analysis**—outlines a step-wise process of the major steps of conducting a policy or implementation analysis focusing on the major questions applicable to any analysis. Offers the analyst practical, experiential rules of thumb and helpful hints.

**Exhibit 5.4: Checklist for Group Policy Analysis**—provides a fill-in-the blanks questionnaire to get groups started conducting policy analysis. Could be useful in a case study format to transfer policy analysis skills to others.

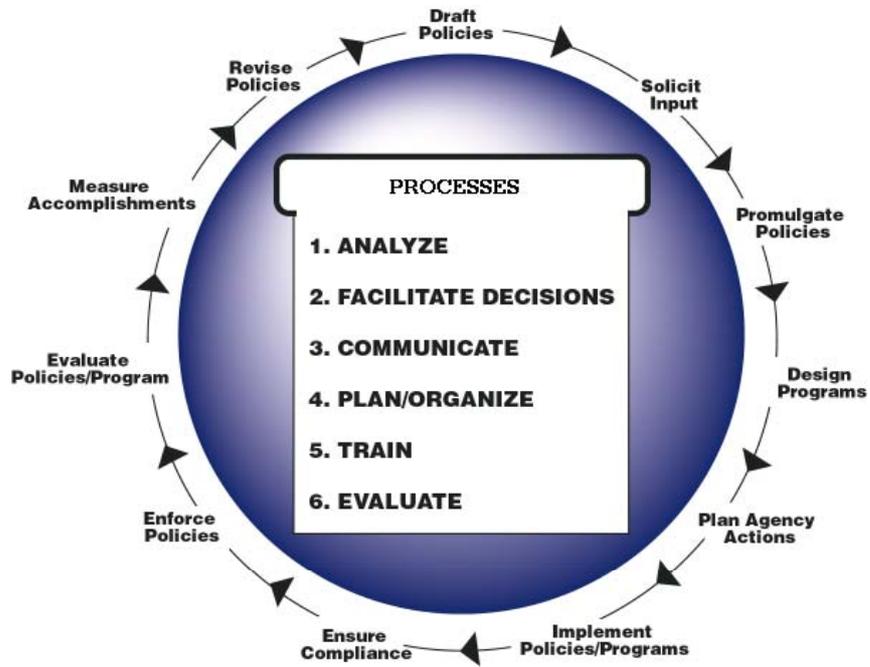
**Exhibit 5.5: Collaborative Advocacy**—lists key questions helpful for successful advocacy and provides tactics for building consensus among parties and coalitions of support.

**Exhibit 5.6: Presentation Principles**—reminds the analyst of basic tenets to good communications and presentation.

**Exhibit 5.7: Agenda from Charcoal, Chiefs and Chambo: Working Sessions in Policy Analysis and Advocacy**



## Exhibit 5.1: The Policy Cycle







### **Exhibit 5.2: Strategic Opportunities Presented Through Policy Analysis**

Successful environmental policy studies help to shape the thinking of key policy makers and give them the confidence that they are doing the right thing, regardless of their initial thinking on the subject. Such studies share certain characteristics in that they:

- **Define Problem in a Helpful Fashion**
- **Ensure Full Considerations of Options**
- **Help to Overcome Actors' Resistance to Change**
- **Provide Opportunities to Engage Stakeholders**
- **Enhance Legitimacy of Actions**
- **Help Set Resource Priorities**





### Exhibit 5.3: Key Concepts of Policy Analysis

- 1. Problem Definition: What problems are we trying to solve?** Thorough consideration of the societal problem at hand and all associated issues—define as broadly as possible, and then list all related issues. Distill issues into categories that will organize research and alternatives development.
- 2. Research: What information do we need to solve this problem?** Iterative collection of qualitative and quantitative information to confirm problem, identify potential alternatives, support study methodology development, analysis, and conclusions—be strategic in information collection, case studies may be just as valuable as “data;” figure out how you are going to use information before you collect it.
- 3. Methods Development: How are we going to solve this problem?** Analytical design establishing study resources, schedule, information sources, analytical tools, consensus-building approaches, decision tools, and communication steps—make sure that all parties involved know their roles. Things will go wrong, persist.
- 4. Alternatives Development: Are there different approaches to solve the problem?** A full range of potential solutions to the societal problem being studied laying out the goals and approaches to resolution. Subsequent analyses will provide data for each alternative, enabling a comparison—put forward options that take different approaches to solving the problem (e.g. command and control, entrepreneurial, informational, etc.) Limit alternatives to a manageable number (e.g. 4 or 5). Establish criteria here for alternatives ranking.
- 5. Legal/Regulatory Analysis: Are the legal authorities sufficient to allow problem resolution?** An assessment of existing laws and regulations to understand what the current status of enabling authorities allow and where laws may need to be changed to accomplish alternatives—you may discover that policies are ample, just not implemented.
- 6. Scientific/Technical Analysis: Are problems well understood and are solutions grounded in sound science?** Resolution of any technical issues upon which the viability of alternatives may depend (e.g. biology, geology, hydrology, limnology, silviculture, etc.). Important examples in a natural resources context include environmental impact assessments, risk analysis, and resource management assessments—frequently in the natural resources/environmental field you will not have the certainty you will desire.
- 7. Institutional Analysis: Who is involved and how are they affected?** Identification of all of the players affected by the problem—those that may have a

role in addressing the problem and/or who have an opinion about the problem— supports alternatives development, implementation recommendations, and consensus building and communications strategies.

- 8. Economic Analysis: What are the economic implications of a problem and its resolution?** A range of tools used to gauge the economic impacts of a problem and how it may be improved—the costs and benefits of individual options are frequently forecast. It is always easier to calculate the costs. Make sure you capture both direct and indirect benefits (e.g. restoring a lake will benefit fishermen, tourism, commerce).
- 9. Decision Analysis: How do you choose the preferred alternative?** A range of tools may be developed/used to integrate analyses, rank alternatives. (Examples include: pros and cons analysis, strengths, weaknesses, opportunities and threats (SWOT), statistical analysis, predictive models, optimization models, voting etc.)—if resources are limited, keep it simple.



## **Exhibit 5.4: Checklist for Group Policy Analyses**

*“Ichi chakoma ichi chakoma pusi adagwa chaga da”  
(focus on one thing at a time)*

- 1. Problem Definition: What problems are we trying to solve?**
  - **Essential Problem:**
  
  - **Supporting Issues:**
  
- 2. Research: What information do we need to solve this problem?**
  - **Key facts that we know:**
  
  - **Information questions/gaps that we will research:**
  
  - **Important reports and information sources:**
  
- 3. Methods Development: How are we going to solve this problem?**
  - **Roles and responsibilities of the study team: Who will record discussions? Who will report out?**
  
  - **How will we decide amongst ourselves (e.g. unanimous vote, consensus, the loudest voice?)**

**4. Alternatives Development: Are there different approaches to solve the problem?**

- **Alternative 1:**
- **Alternative 2:**
- **Alternative 3:**
- **Alternative 4:**

**5. Legal/Regulatory Analysis: Are the legal authorities sufficient to allow problem resolution?**

<b>Principle Legal Mandates</b>	<b>What They Support</b>

**6. Scientific/Technical Analysis: Are problems well understood and are solutions grounded in sound science?**

**List Any Major Scientific Uncertainties:**

**7. Institutional Analysis: Who is involved and how are they affected?**

<b>Major Players</b>	<b>Roles and Responsibilities</b>	<b>Concerns</b>

**8. Economic Analysis: What are the economic implications of a problem and its resolution?**

<ul style="list-style-type: none"> <li>• <b>Alternative 1</b></li> </ul> <b>Government Communities</b>		
<ul style="list-style-type: none"> <li>• <b>Alternative 2</b></li> </ul> <b>Government Communities</b>		
<ul style="list-style-type: none"> <li>• <b>Alternative 3</b></li> </ul> <b>Government Communities</b>		
<ul style="list-style-type: none"> <li>• <b>Alternative 4</b></li> </ul> <b>Government Communities</b>		

**10. Decision Analysis: How do you choose the preferred alternative?**

<b>Alternative</b>	<b>Strengths</b>	<b>Weaknesses</b>
<b>Alternative 1</b>		
<b>Alternative 2</b>		
<b>Alternative 3</b>		
<b>Alternative 4</b>		





## **Exhibit 5.5: Collaborative Advocacy**

Who has power to influence or bring about change?

(statutory responsibility, ministerial discretion, traditional power, moral influence)

- What are their interests? How compelling?  
(re-election, prestige, career, ideology)
- What are the constraints? How important?  
(resources, image, professional norms)
- Who is likely to have significant costs and benefits?  
(communities, Traditional Authorities, women, youth, politicians)

How much agreement is there among parties?

- Is consensus possible?
- If consensus is not likely, is there room for compromise?

Tactics for Building Consensus

- Form coalition(s)/destroy opponent's coalition(s)
- Expand the Pie (redesign proposals to draw in more support)
- Horse trade (exchange favors or issues)
- Cut Your Losses (unlink problematic issues)
- Change scale (regionalize or nationalize)





### **Exhibit 5.6: Presentation Principles**

- Tell a Story
- Support Your Recommendations with a Rationale
- Appeal to Your Audience
- Be Brief – People are Busy
- Write and Speak in Plain Language
- Engage a Credible Spokesperson
- Tell a Story



## **Exhibit 5.7: Agenda from Charcoal, Chiefs and Chambo: Working Sessions in Policy Analysis and Advocacy**

### **Session Objectives:**

- Confirm a common framework for policy and implementation analysis in Malawi.
- Enhance policy analytical tools and skills for participants.
- Review implementation of CBNRM policies and identify gaps and solutions.
- Develop a collaborative strategy for improving CBNRM policies and implementation.

**Monday, April 29, 2002**

### **Developing a Common Framework and Baseline**

#### **Welcome and introductions 8:30 to 9:30**

Andrew Watson, Chief of Party of COMPASS, will welcome participants and review objectives of meeting and explain how this working session builds on past and on-going efforts. Participants and consultants will introduce themselves.

#### **Who are the key actors? 9:30 to 10:00**

This session will focus on gaining group understanding of the key institutions involved in the policy formation and implementation cycle in Malawi.

#### **What forms do policies take? 10:00 to 10:30**

This session will focus on the different forms policy takes in Malawi. Participants will engage in a dialogue regarding the status of Community Based Natural Resources Management (CBNRM) policies in Malawi including status of laws, regulations, policies, administrative actions and bylaws.

#### **Morning tea break 10:30 to 11:00**

#### **When is policy made? 11:00 to 12:30**

This session will focus on the functional activities of government and points of intervention for policy analysis. Participants will discuss examples and opportunities for intervention.

#### **Lunch break 12:30 to 13:30**

#### **What influences policy decision-makers? 13:30 to 14:00**

This session will focus on understanding the influences on human decision-making in a policy formation and implementation context.

#### **What are the ingredients of robust policy analysis? 14:00 to 15:00**

This session will focus on the utility of policy analysis, generally, and explore some helpful hints for conducting policy analysis.

#### **What is the state of policy analysis in Malawi? 15:00 to 15:30**

This session will be a group discussion of how policy analysis is conducted in Malawi and what components are the most relevant in the Malawian context.

#### **Afternoon tea break 15:30 to 16:00**

#### **What is the state of policy analysis in Malawi? 16:00 to 17:00**

Continued.

#### **Day one closing remarks 17:00 to 17:10**

**Tuesday, April 30, 2002**  
**Collaborative Policy Analysis**

**What is the status of community based natural resources management implementation in Malawi? 8:30 to 10:00**

This session will focus on exchanging information about and developing a group understanding of the status of CBNRM implementation in Malawi including success stories and obstacles to effective implementation.

**What are the principal gaps and deficiencies in community based natural resource policy in Malawi today? 10:00 to 10:30**

This session will focus on identifying and analyzing obstacles to effective implementation of CBNRM policies, programs and projects as discussed in the previous session.

**Morning tea break 10:30 to 11:00**

**What are the principal gaps and deficiencies in community based natural resource policy in Malawi today? 11:00 to 12:30**

This session will look broadly across the range of natural resources policies in Malawi and explore areas where improvements could be made.

**Lunch break 12:30 to 13:30**

**Policy analysis of three community based natural resource management challenges in Malawi: charcoal, chambo and chiefs 13:30 to 15:30**

This session will be conducted in three groups and focus on conducting an in-class policy analysis of three key CBNRM challenges facing Malawi today.

**Afternoon tea break 15:30 to 16:00**

**Group report out of policy analyses 16:00 to 17:00**

**Day two closing remarks and homework 17:00 to 17:10**

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**May 1 – May 8, 2002**  
**Out-of-Class Analysis and Information Gathering**

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**Thursday, May 9, 2002**  
**Refinement of Case Studies: The March Toward Consensus**

**Welcome Back and Introductions 8:30 to 9:00**

**Finalizing Charcoal and Chambo Policy Analyses 9:00 to 10:30**

This session will focus on filling information gaps, concluding analyses and finalizing methodologies and policy recommendations within the small groups.

<b>Morning Tea Break</b>	<b>10:30 to 11:00</b>
<b>Refining Charcoal and Chambo Analysis</b>	<b>11:00 to 12:30</b>
This session will focus on group presentation of the analyses and recommendations for charcoal and chambo with further refinement by the larger group.	
<b>Lunch Break</b>	<b>12:30 to 14:00</b>
<b>Developing an Action Plan for Charcoal and Chambo</b>	<b>14:00 to 15:30</b>
This session will focus on developing an action plan for charcoal and chambo that the group feels comfortable advocating.	
<b>Afternoon Tea Break</b>	<b>15:30 to 16:00</b>
<b>Removing CBNRM Implementation Challenges</b>	<b>16:00 to 17:00</b>
This session will be a group exploration of the obstacles to effective implementation to NRM policies and laws in Malawi.	
<b>Day Three Closing Remarks</b>	<b>17:00 to 17:10</b>

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## **Friday, May 10, 2002**

### **More Consensus Building: Planning and Next Steps**

#### **Conducting Policy Analysis on the Role of Traditional Authorities 8:30 to 10:30**

This session will be a large group exercise to analyze the role of Traditional Authorities in CBNRM issues and policies and develop a recommended action plan.

#### **Morning Tea Break 10:30 to 11:00**

#### **Conducting Policy Analysis for Role of Traditional Authorities 11:00 to 12:30**

Continued from earlier session.

#### **Lunch Break 12:30 to 14:00**

#### **Discussing Malawi's CBNRM Opportunities 14:00 to 15:30**

This session will focus on group discussion of Malawi's most promising CBNRM opportunities and implementation activities.

#### **Afternoon Tea Break 15:30 to 16:00**

#### **Translating Analysis to Action 16:00 to 16:45**

This session will focus on coming to agreement on how the group wishes to document, communicate, coordinate activities and monitor progress from this effort.

#### **Evaluation and Feedback 16:45 to 17:00**

#### **Day Four Closing Remarks 17:00 to 17:10**

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### COMPASS Publications

Document Number	Title	Author(s)	Date
Document 1	COMPASS Year 1 Work Plan	COMPASS	Jul-99
Document 2	COMPASS Small Grants Management Manual	Umphawi, A., Clausen, R., Watson, A.	Sep-99
Document 3	Year 2 Annual Work Plan	COMPASS	Dec-99
Document 4	July 1 - September 30, 1999: Quarterly Report	COMPASS	Oct-99
Document 5	Training Needs Assessment: Responsive Modules & Training Approach	Mwakanema, G.	Nov-99
Document 6	Guidelines and Tools for Community-Based Monitoring	Svendsen, D.	Nov-99
Document 7	Policy Framework for CBNRM in Malawi: A Review of Laws, Policies and Practices	Trick, P.	Dec-99
Document 8	Performance Monitoring for COMPASS and for CBNRM in Malawi	Zador, M.	Feb-00
Document 9	October 1 - December 31, 1999: Quarterly Report	COMPASS	Jan-00
Document 10	Workshop on Principles and Approaches for CBNRM in Malawi: An assessment of needs for effective implementation of CBNRM	Watson, A.	Mar-00
Document 11	January 1 - March 31, 2000: Quarterly Report	COMPASS	Apr-00
Document 12	Thandizo la Ndalama za Kasamalidwe ka Zachilengedwe (Small Grants Manual in Chichewa)	Mphaka, P.	Apr-00
Document 13	Njira Zomwe Gulu Lingatsate Powunikira Limodzi Momwe Ntchito Ikuyendera (Guidelines and Tools for Community-based Monitoring in Chichewa)	Svendsen, D. - Translated by Mphaka, P. and Umphawi, A.	May-00
Document 14	Grass-roots Advocacy for Policy Reform: The Institutional Mechanisms, Sectoral Issues and Key Agenda Items	Lowore, J. and Wilson, J.	Jun-00
Document 15	A Strategic Framework for CBNRM Media Campaigns in Malawi	Sneed, T.	Jul-00
Document 16	Training Activities for Community-based Monitoring	Svendsen, D.	Jul-00
Document 17	April 1 - June 30, 2000: Quarterly Report	COMPASS	Jul-00
Document 18	Crocodile and Hippopotamus Management in the Lower Shire	Kalowe kamo, F.	Sep-00

Document 19	Cost-Sharing Principles and Guidelines for CBNRM Activities	Moyo, N.	Sep-00
Document 20	Workplan: 2001	COMPASS	Nov-00
Document 21	July 1 - September 30, 2000: Quarterly Report	COMPASS	Oct-00
Document 22	Opportunities for Sustainable Financing of CBNRM in Malawi: A Discussion	Watson, A.	Nov-00
Document 23	Framework for Strategic Planning for CBNRM in Malawi	Simons, G.	Nov-00
Document 24	Kabuku Kakwandula Ndongomeko ya Thumba Lapadera la Wupu wa COMPASS (chiTumbuka version of the COMPASS Small-grant Manual)	Umphawi, A., Clausen, R. & Watson, A. Translated by Chirwa, T.H. & Kapila, M.	Dec-00
Document 25	COMPASS Performance and Impact: 1999/2000	COMPASS	Nov-00
Document 26	October 1 - December 31, 2000: Quarterly Report	COMPASS	Jan-01
Document 27	COMPASS Grantee Performance Report	Umphawi, A.	Mar-01
Document 28	January 1 - March 31, 2001: Quarterly Report	COMPASS	Apr-01
Document 29	Natural Resource Based Enterprises in Malawi: Study on the contribution of NRBEs to economic development and community-based natural resource management in Machinga District	Lowore, J.	Apr-01
Document 30	Proceedings of the First National Conference on CBNRM in Malawi	Kapila, M., Shaba, T., Chadza, W., Yassin, B. and Mikuwa, M.	Jun-01
Document 31	Natural Resource Based Enterprises in Malawi: Action Plans	Watson, A.	Jun-01
Document 32	Examples of CBNRM Best Practices in Malawi	Moyo, N. & Epulani, F.	Jun-01
Document 33	Media Training for CBNRM Public Awareness	Kapila, M.	Jun-01
Document 34	April 1 - June 30, 2001: Quarterly Report	COMPASS	Jul-01
Document 35	Strategic Plan for CBNRM in Malawi	CBNRM Working Group	Oct-01
Document 36	Workplan: 2002	COMPASS	Oct-01
Document 37	July 1 - September 30, 2001: Quarterly Report	COMPASS	Oct-01
Document 38	COMPASS Performance and Impact: 2000/2001	COMPASS	Dec-01
Document 39	Coordination of CBNRM in Malawi: Financing Options	Watson, A.	Jan-02
Document 40 (draft)	Performance Monitoring for CBNRM in Malawi	CBNRM Working Group	Jan-02

Document 41	October 1 – December 31, 2001: Quarterly Report	COMPASS	Jan-02
Document 42	COMPASS Field Level Training Impact Evaluation	Moyo, N.	Feb-02
Document 43	COMPASS Grantee Performance Report: 2001	Umphawi, U.	Apr-02
Document 44 (draft)	COMPASS Assessment: 2001	Sambo, E., Carr, S., Omambia, D. & Moore, T.	Apr-02
Document 45	January 1 – March 31, 2002: Quarterly Report	COMPASS	Apr-02
Document 46	Community Tourism and Enterprise Development Training Manual	Kacal, S.	May-02
Internal Report 1	Building GIS Capabilities for the COMPASS Information System	Craven, D.	Nov-99
Internal Report 2	Reference Catalogue (3 <sup>rd</sup> Edition)	COMPASS	Feb-02
Internal Report 3	Workshop on Strategic Planning for the Wildlife Society of Malawi	Quinlan, K.	Apr-00
Internal Report 4	Directory of CBNRM Organizations (3 <sup>rd</sup> Edition)	COMPASS	Feb-02
Internal Report 5	Proceedings of Water Hyacinth Workshop for Mthunzi wa Malawi	Kapila, M. (editor)	Jun-00
Internal Report 6	COMPASS Grantee Performance Report	Umphawi, A.	Jun-00
Internal Report 7	Examples of CBNRM Best-Practices in Malawi	Moyo, N. and Epulani, F.	Jul-00
Internal Report 8	Software Application Training for COMPASS	Di Lorenzo, N.A.	Sep-00
Internal Report 9	Directory of COMPASS ListServ Members (2 <sup>nd</sup> Edition)	Watson, A.	Feb-02
Internal Report 10	Introductory Training in Applications of Geographic Information Systems and Remote Sensing	Kapila, M.	Feb-01
Internal Report 11	COMPASS TAMIS Grants Manual	Exo, S.	Mar-01
Internal Report 12	Review of Recommendations of the Lake Chilwa and Mpoto Lagoon Fisheries By-Laws Review Meeting	Nyirenda, K.	May-01
Internal Report 13	End-of-Term Evaluation of the Coordination Unit for the Rehabilitation of the Environment (CURE)	Sambo, E. Y.	Oct-01