

REGIONAL WORKSHOP ON LEGAL AND OPERATIONAL FRAMEWORK FOR BEACH MANAGEMENT UNITS IN EAST AFRICA



**DATES: 24TH -27TH NOVEMBER 2005
IMPERIAL HOTEL KISUMU**

ACRONYMS

AIDS	Acquired Immune Deficiency syndrome
AFIPEK	
BMUs	Beach Management Units
CSOs	Civil Society Organizations
EAC	East African Community
ELI	Environmental Law Institute
HIV	Human Immune Deficiency Virus
ILEG	Institute for Law and Environmental Governance
IUCN	International Union of Conservation of Nature
LVBC	Lake Victoria Basin Commission
LVEMP	Lake Victoria Environmental Management Project
LVFO	Lake Victoria fisheries Organization
NGO	Non-Governmental Organizations
MOU	Memorandum of Understanding

TABLE OF CONTENTS

Topic	Page
1.0 Executive Summary	4
2.0 Session One: Opening Ceremony	7
3.0 Session Two: Co-Management In East Africa	11
3.1 Concept And Issues In Co-Management	11
3.1.1 Plenary Session	11
3.2 The Legal Framework For BMUs	14
3.2.1 Plenary Session	15
4.0 Session Three: Role Of Government Fisheries	19
4.1 The Role Of Government In The Establishment And Operationalisation Of Co-Management Arrangements	19
4.1.1. Plenary Session	19
4.2 Co-Management In East Africa: Theory, Process And Practice	22
4.3 Socio-Economics Of BMU Operations In East Africa	22
4.3.1 Plenary Session	23
5.0 Session Four: Involvement Of Local Communities	27
5.1 Tanzania's Presentation, 5.2 Uganda's Presentation	
5.3 Kenya's Presentation	28
5.4 Beach Management Units And Traditional Structures: Conflict Or Complimentality	31
5.4.1 Plenary Session	32
5.5 Thoughts And Issues In Harmonizing BMU Legal Frameworks In East Africa	33
5.5.1 Plenary Session	35
6.0 Session Five: Harmonization Of Co-Management In East Africa	38
6.1 Cross Border Fishing, Conflicts And Need For Harmonization	38
6.2 Guidelines For BMUs In Kenya	39
6.2.1 Plenary Session	39
6.3 Creating Synergy In Efforts At Improving The Legal And Operational Framework For BMU Operations East Africa	42
6.3.1 Inputs/Plenary Discussion	43
6.4 Way forward	46
6.5 Closing Remarks	47
7.0 Annexes	59

1.0 EXECUTIVE SUMMARY

The Institute for Law and Environmental Governance (ILEG) and the Environmental Law Institute (ELI) held a two-day regional workshop on Legal and Operational Framework for Beach Management Units in East Africa, at Imperial Hotel in Kisumu. The workshop was attended by 50 participants who were representatives from various sectors in the fishing industry.

The Deputy Director of Fisheries Department Kenya, Mr. Mathius Wafula, presided over the official opening. He stated that fisheries were a dynamic resource and it was the responsibility of all the stakeholders to manage it. The biggest challenge was how to collectively manage the resource to ensure communities that derived livelihood from the resource benefit and their livelihoods improve. He urged the participants to change their attitudes towards the Fisheries Department as the management approach was open and it involved the community.

Prof Charles Okidi from the University of Nairobi gave the Keynote Address on the issues and challenges for sustainable management of freshwater fisheries in East Africa. He outlined some issues in sustainable development and management of fresh water fisheries such as food security, employment creation, wealth creation, industrialization and trade which should form the backbone for the government, society and fisherfolk to develop laws and management strategies for the sector. Challenges included delimitation of the area within which fishing may be done- the source of fish which may be landed at the beaches must be securely assured. Determination and establishment of ownership of the fisheries resources is fundamental to sustainable management, stock assessment, the challenge posed by rapid and massive degradation of aquatic environment, security among other outline challenges. Prof Okidi emphasized on the need to set up a Fisheries Management Authority for freshwater and marine fisheries as the task was too big for a line department in a government bureaucracy.

The following papers were presented:-

1. Co-management in East Africa: theory, process and practice by Dr. Winnie Mitula
2. The legal framework for BMUs: Kenya, Uganda Tanzania by Collins Odote, Boaz Keizire and Magese Bulayi
3. The role of government in the establishment and operationalisation of Co-management arrangements by Mr. Kariuki department of fisheries Kenya
4. Beach management units and traditional structures: conflict or complementarity? By Dr. Rapheal Kapiyo
5. Experiences of local communities in managing fisheries of Lake Victoria by representatives of BMUS in Kenya Uganda and Tanzania
6. Thoughts and issues in harmonizing BMU legal frameworks in East Africa by Prof. Albert Mumma
7. Cross border fishing, conflicts and need for harmonization by John Owino
8. Creating synergy in efforts at improving the legal and operational framework for BMU operations in East Africa, panel discussion
9. Socio-economics of BMU operations in East Africa by Dr. John Abila
10. Concepts and issues in fisheries co-management by Jessica Troell and Maurice Makoloo

The workshop had six sessions. The first session was chaired by Benson Ochieng of ILEG. This session had the welcoming remarks, the Keynote Address and the Official Opening Ceremony.

The second session was chaired by Mr. Odenda Lumumba. This session dealt with co-management in East Africa. The following presentations were *made*

- *Co-management in East Africa: theory, process and practice*
- *The legal framework for BMUS: Kenya Uganda Tanzania*
- *Concepts and issues in fisheries co-management.*

After the presentations the participants were given a chance to ask questions, seek clarifications and give comments.

The third session was chaired by Ms Modesta Medard. The following paper was presented:

- *The role of government in the establishment and operationalisation of Co-management arrangement.*

After the presentation the participants were given a chance to ask questions, seek clarifications and give comments.

The fourth session was chaired by Mr. Hannington Ogutu. The following papers were presented:

- *Beach management units and traditional structures: conflict or complementarity?*
- *Experiences of local communities in managing fisheries of Lake Victoria by representatives of BMUS in Kenya Uganda and Tanzania.*

After the presentations the participants were given a chance to ask questions, seek clarifications and give comments.

The fifth session was chaired by Mr. Odenda Lumumba. The following presentations were made:

- *Cross border fishing, conflicts and need for harmonization*
- *Socio-economics of BMU operations in East Africa.*

The floor was open to discuss on *creating synergy in efforts at improving the legal and operational framework for BMU operations in East Africa*. The session ended with the way forward and recommendations.

The last session was chaired by Collins Odote This session had the closing ceremony and vote of thanks.

2.0 SESSION ONE: OPENING CEREMONY

Session chair - Benson Ochieng

The Session Chair welcomed the participants to the workshop. Each participant introduced himself/herself and gave reasons for difficulties/challenges faced when dealing with the Fisheries Department. The participants pointed out the following:

- Lack of involvement of local fishermen in management of fisheries
- The assumption that Fisheries Department knows how to involve locals in the management of fisheries
- Different resource policies and management practices among the three countries sharing Lake Victoria.
- Pollution of the Lake by flower farms in Uganda
- Open access to the Lake
- Poverty affecting the community around the Lake
- Harvesting of immature fish
- Privatization of beaches and shores around the Lake
- Lack of a clear line between the role of BMUS and the Fisheries Department
- Sidelining of fisher folk in management of the Lake
- Trawling in the Lakes and oceans
- Licensing of illegal net making companies
- Illegal fishing resulting in conflict between BMUS and fishermen
- Lack of adequate security for fishermen
- Piracy in the Lake and decline in the hatcheries
- Extinction of some fish species in the Lake
- Increased use of illegal fishing gear
- Proliferation of water hyacinth
- Over exploitation of fisheries resources by the private sector
- The Lake being a huge economic base with poor people around it
- Lack of education to the fisher folk and lack of adequate laws to manage the Lake

2.1 Welcome Remarks

Jessica Troell gave a brief introduction on the Environmental Law Institute (ELI) which is a not-for-profit research, policy and training institute. Its overall objective is to advance environmental protection through law and policy management. This project was the outgrowth of some work under the ELI watershed democracy program with Nancy Gitonga the Director of the Kenyan Fisheries Department. The idea of the project was to incorporate lessons learned in Uganda and Tanzania's implementation of fisheries co-management, as well as a thorough understanding of the existing situation on the Kenyan beaches, to inform the development of policy, legislation and regulations to govern co-management in Kenya. This workshop was to present initial findings, drafting recommendations and next steps. (Attached as annex 1)

Collins Odote introduced the Institute for Law and Environmental Governance (ILEG) as a Non Profit Organization based in Nairobi that advocates for policies based on environment and natural resource management. He stated that ILEG had worked on the framework legislation of environment in Kenya and it had held training sessions with local communities, lawyers and judges. Mr Odote added that ILEG facilitated access to justice for the people. He acknowledged that the biggest challenge with the fisheries resource was that it was a shared resource. He affirmed that for the next two days participants were to share ideas and discuss how to make the fisheries better. He concluded by welcoming the participants to the workshop and wished them success in their deliberations.

2.2 Opening Address

In his opening address, Mr. Wafula, the deputy director of the Kenya Fisheries Department, acknowledged that the Fisheries Department was aware of the issues earlier raised by the participants as areas of concern and the Department was taking all measures to address them. He noted that fisheries were a dynamic resource and everyone had a responsibility to manage it. He stated that the meeting was a follow up of the efforts made over the last 10 years. He confirmed that the Fisheries Department was keen on ensuring that all stakeholders were put on board in the management of the resource. Mr Wafula indicated that the biggest challenge was on collective management of the resource to ensure communities that derived their

livelihood from the resource benefited from it. He averred that the Fisheries Department had adopted an open approach so as to incorporate all its stakeholders i.e. industries, research institutes, and the community, among others, in the management of the resource.

Mr. Wafula elaborated that five years ago, the East African Community had resolved to adopt the BMUs as a way of co-opting the community in management of fisheries and move away from government control. The BMUs were to be empowered and given responsibilities to play a bigger role and the government was to create an enabling environment for the units to develop. NGOs, universities and research institutions were to contribute towards the enabling of the BMUs.

Mr. Wafula proposed that the communities should be trained on the issues of management so as to enable them to effectively participate in co-management of natural resources. He hoped that by the end of the meeting there should be a way forward for the Fisheries Department, the operationalisation of the BMUs in their role and responsibilities and who would be responsible for their training, development and quality control as the government does not have the capacity to do so. He stated that the Department of Fisheries had expertise in biology and lacked the human aspect of fisheries. He hoped at the end of the day participants would give positive contributions to the fisheries department. He noted that Uganda had a legal document for the implementation of the BMUs, Tanzania has almost implemented the BMUs while Kenya has worked on a draft i.e. legal framework for the implementation of the BMUs. He concluded by thanking ILEG and ELI for coordinating and organizing the workshop as the proceedings of the workshop would go a long way in the management of fisheries resources.

2.3 Key Note Address

Issues and Challenges for Sustainable management and Fresh water Fisheries in East Africa by Prof Charles Okidi

In his keynote address Prof. Okidi described Beach Management Units (BMUs) as a vehicle for mobilizing and involving fisher folk in management of fisheries. He

highlighted the following issues and opportunities for sustainable management of fresh water fisheries in East Africa:

- Food security; should be one of the top national priorities of the sector
- Employment creation; fisheries sector is fundamentally labour intensive and employment avenues exist in actual fishing, gear manufacture and maintenance, boat building, fish processing, fish marketing etc
- Wealth creation
- Industrialization; Fishing as an operation should generate industrialization if the sector stops the practice of exporting fish as raw material and without any value addition
- Trade; thousands of people make their living off the fish trade

He further pointed out that there are numerous challenges which attend the fisheries sector. These include

- Delimitation of area in which fishing may be done. In most cases this refers to territorial boundaries. It is imperative that uninterrupted fisheries management be done well within well understood areas.
- Determination and establishment of ownership of fisheries resource is fundamental to sustainable management at least on two levels. (i) Fisher folk be urged to recognize that they own the fish and their livelihood depend on it and ultimately to adopt fishing practices consistent with cognate regulations. (ii) Government/judicial regime which vests ownership of the natural resources on the people themselves
- Stock assessment specifying also distribution and abundance critical to sustainable management. This set of information which should advise and inform regulation and enforcement
- Determination of optimum/maximum sustainable yields. Breaching the threshold of sustainability is to endanger the resources.
- Massive and rapid degradation of the aquatic environment
- Security in the Lake
- Bribery
- Social engineering to induce saving and investment by fisher folk
- Capacity building and the ability for a line department to manage sustainable fisheries. (*annex 2*)

3.0 SESSION TWO: CO-MANAGEMENT IN EAST AFRICA

Session chair: Mr. Odenda Lumumba

During this session the following papers were presented:

3.1 Concepts and Issues in Fisheries Co-management by Jessica Troell and Maurice Makoloo

In presenting this paper, Ms Jessica Troell and Mr. Maurice Makoloo defined co-management as a collaborative and participatory process of regulatory decision-making between representatives of user groups, government agencies, research institutions and other stakeholders. The presenters highlighted that co-management is key in sustainable management of natural resources as it provides the right to participate, incorporates valuable local ecological knowledge, enables clarification of values and trade-offs stakeholders associate with management decisions, co-management diffuses user conflicts, provides incentive to comply/increased efficiency and increases transparency and accountability.

In their conclusion, the presenters noted that effective co-management takes into account the level of community participation, the type of community participation, the role of government, representivity and accountability of local co-management institutions and requires enabling policy and legal framework. (*Annex 3*)

3.1.1 PLENARY DISCUSSION

The participants raised the issue of the glaring poverty level among fisher folk and yet they accessed a rich resource. They agreed that fishing communities needed to be encouraged and trained in investment in order for them to accumulate wealth. It was suggested that all-year fishing might be a contributing factor to the poverty since the community has the mentality that the Lake was an inexhaustible resource.

Participants felt that there was a lack of conflict resolution guidelines, procedures or framework on the shared resources. There was a need to demarcate the political boundaries of the Lake and trans-boundary policies put in place. Pollution of the Lake, by flower farms in Entebbe for example, contributed to the fishermen venturing

further into the waters beyond the political boundaries so as to catch fish. This resulted in the fishermen being arrested. This also leads to over exploitation of the fisheries resources.

It was noted that all the issues affecting the Lake centered on management. The participants felt that there was need to improve the management policies for the sustainable management of the Lake and involve the fisher folk and communities in research. Although BMUs are a way of involving the community, the main challenge was the lack of a clear definition of the roles and responsibilities of key actors participating in the management. Capacity building among fisher folk would be of great help in the sustainable management of the Lake as a shared resource.

The participants felt that there was need to link the Fisheries Department with other on going processes and strategies e.g. the poverty reduction strategy as a way of strengthening the department.

Participants raised questions on the possibility of policies being established to prevent pollution and what the community that depends on the Lake can do to ensure that there is no pollution. In response the presenter stated that the legal mechanisms in place shy away from relying on administrative orders for enforcement of pollution control measures.

Participants asked whether the challenges highlighted in the keynote address would be addressed by East African Community as a whole or by each country individually through the Fisheries Department. They also wondered what the government was doing with regards to formation of regulatory mechanisms. The presenter conceded that that the issues raised were not new and thus the importance of such a forum where a network of organizations, institutions and individuals can be formed so that the issues can be addressed and resolutions translated into action. He reiterated that the three East African countries have to work together to curb insecurity on the Lake and minimize political interference through the use of legal instruments and tools.

3.2 The Legal Framework for BMUs: Kenya, Uganda and Tanzania by Collins Odote, Boaz Keizire and Magese Bulayi

In his presentation by Mr. Collins Odote (Kenya), drew attention to the issue of natural resources and the local community. The livelihood of most Kenyans is inextricably linked to their control of and access to natural resources. Improving governance and alleviating poverty must address the rules for control and utilization of natural resources by local communities. Mr. Odote outlined the fisheries resources in Kenya with emphasis on Lake Victoria and its economic importance to the country and communities living around it.

Mr. Odote presented the legal framework for fisheries management, The Fisheries Act, Chapter 378, as well as The Maritime Zones Act Chapter 371 laws of Kenya both of which came into force on 25th October 1989. The presenter briefed participants on the history and development of Co-management.

He noted that Kenya is currently drafting a Fisheries Policy and that there are also draft regulations for BMUs. He stated that what is required as these processes get finalized is to ensure that the role of the fisheries department and its relationship with local communities (BMUs) is one of partnership and complementarity. The process of co-management should not be an end in itself but a means of ensuring sustainable utilization of fisheries and improving livelihoods of the people. (See annex 4)

Mr. Magese Bulayi (Tanzanian paper), began his presentation by highlighting how the traditional fisheries command and control management approach failed to achieve fisheries resource sustainability since such approaches excluded useful players from the management process who have direct contact not only with the resource but also the environment in which the fishery resource is found.

He presented the current fisheries management framework in Tanzania whereby the Ministry of Natural Resources and Tourism manages the fisheries sector through the Fisheries Division. Noting that various challenges existed under this management system, the presenter outlined Tanzania's need for a fisheries policy.

The Government adopted the National Fisheries sector Policy and Strategy Statement in 1997. This National Policy and Strategy Statement gives responsibilities to the central government, the local government and the local community. Fisheries management in Tanzania is governed by the Fisheries Act No 6 of 1970. This law however fails to meet the objectives of the Fisheries Policy of 1997 such as community participation. Consequently a new Fisheries Act has been developed to repeal and replace it. The adoption of co-management through BMUs is stipulated in the new Act.

Mr. Bulayi listed strategies to improve co-management performance through BMUs from the Tanzanian experience as, inter alia, establishment of these grass-root institutions such as BMUs should be discussed at all levels and agreed upon jointly between local government, the central government and the local community, they should be legally established, and, awareness and education on co-management is key. Sustainability for BMUs requires financial mechanisms and appropriate institutional framework.(Annex 5)

Mr. Boaz Keizire (Uganda), began his presentation by highlighting the history of fisheries management in Uganda from the pre-colonial. BMUs as a model for fisheries management was incorporated through the Beach Management Units Rules 2003, the Fisheries Policy 2004 and the Fisheries Bill 2005.

In Uganda there are over 200 BMUs on lakes Kyoga, Edward and George, there are over 30 BMUs on Lake Albert and 344 on Lake Victoria. BMUs have legal access to resources, they develop fisheries management plans, they have made progress in complying with rules, and they serve as advocacy groups and have been integrated in other management structures.

In his conclusion, Mr. keizire noted that the BMU arrangement is a good and innovative approach although its success depends on the support of national institutions.(Annex 6)

3.2.1 PLENARY DISCUSSION

While Uganda had a Bill, Tanzania had a Law and Kenya had the Environmental Management and Coordination Act of 1999, participants queried to what extent these laws were similar and how far their harmonization was.

A participant stated that in Tanzania when BMU formation process started people formed themselves into ad hoc groups for their own benefit. The process started in Mwanza but there was no time to analyze the BMUs before rolling out to other areas. He advised that in Kenya there is a need for a clear process on implementation of the BMUs taking into consideration the following steps:

1. Listening - to ensure priority issues and actions are those of the beneficiaries themselves
2. Piloting - test how will proposed actions actually work try alternatives
3. Demonstrate - fine tune and adopt the process
4. Mainstreaming - adopt processes actions and methods as normal practices

The government needs to be sensitive to the needs of the local communities and should institute adequate checks and balances to make sure marginalized communities are not harassed.

The participants wanted to know whether the BMU process had had any impact on the ground in Uganda? Mr Keizire informed the participants that the BMU process had had a big impact on Lake Albert where they raise over 70 million compared to 8 million when the government was collecting the revenue. The BMUs retain 25% of the revenue collected which they have used to develop other projects such as construction of feeder roads in the area, health facilities, provision of clean water, shelter for landing sites, shades for weighing sites and many other community projects. The BMUs are empowered without interference from the government.

Participants also wanted to know how far the BMU formation process has been achieved in Kenya and what impact it had had on the society. To this Mr Odote referred participants to the comprehensive Kenyan paper which due to time constraints was not covered in its entirety.

Participants noted that Tanzania and Uganda formed BMUs on the basis of the Law, but the BMUs were formed before the legal framework was in place. They wondered whether the experiences would have been different if the Law preceded formation of the BMUs. They also wanted to know what constituted the BMU especially in Kenya and Tanzania, who should be a member of the BMU. They also wanted clarification on the connection between the local government and Fisheries department in Tanzania in the BMU structure in Tanzania. In response presenters referred participants to comprehensive papers from each country where detailed structures of the BMUs and their linkages to other institutions were contained. They reiterated that BMUs were not limited to executive committees but were organized at the community level for purposes of having the local community involved in the management of natural resources.

It was noted that it was important to know the initiatives that are ongoing. Participants wondered whether the presenters had heard of the rigorous guidelines for the three countries worked upon by the Lake Victoria Fisheries Organisation (LVFO) which is the harmonization of operational guidelines for the BMUs. To this the presenters responded that they were aware and that the guidelines were already in place. A code of conduct was also being developed and that there were other processes being undertaken to ensure sustainable management of fisheries resources.

4.0 SESSION THREE: ROLE OF GOVERNMENT FISHERIES

Session chair: Modesta Medard

The following Papers were presented in this session:

4.1 The Role of Government in the Establishment and Operationalisation of Co-Management Arrangements by Johnson Kariuki

Mr. Kariuki began his presentation by defining national fisheries management as the process of promoting the maintenance of quality, diversity and availability of fishery resources in sufficient quantities primarily by the state. He also defined fisheries co-management as a new trend in fisheries management which involves participation of all fisheries users in decision making and management processes. As a representative of a government department, Mr. Kariuki explained the public's perception of the

department of fisheries which among many things involves planning, determination of fish stocks level, development of fisheries and production of information needed to design efficient and effective services.

Mr. Kariuki went on to outline the chronological development of beach leadership (BMU) and provided the genesis of BMU management problems. Challenges facing the BMU include lack of legal personality, guidance and legal empowerment. Fisher groups are not technically qualified in fisheries law, management and development. Introduction of BMUs was resented in certain quarters and BMU structures appear relatively complex as they contain all the socio-economic tensions of the society at the local levels, among others. He highlighted government efforts in empowering BMUs e.g. development of BMU legal framework through consultative process, and the progress in BMU development.

In conclusion Mr. Kariuki noted that there was goodwill in the region to support and strengthen BMUs. (Annex 7)

4.1.1 PLENARY DISCUSSION

The participants felt that the BMUs were not strong on the ground as they were part of the top down approach from the government to the people as opposed to the bottom up approach from the people to the government.

The participants stated that the retrenchment of the fisheries officers that took place during the establishment BMUs and had made the fisheries officers view the BMUs as enemies. There was therefore need to harmonize the relationship between the two and enhance the capacity of the BMUs.

Participants wanted to know what was the status of the law being developed and how far the policy development process in Kenya noting that in Uganda they were cautious in the process and developed the law alongside the policy. To this the presenter informed participants that Kenya had started the process over one year ago right now there is a draft policy and the issue of co-management had been addressed in the policy. The policy has proposed the formation of Kenya Fisheries Management

Authority as an institutional framework. The policy and law formulation is being done concurrently. The Fisheries Act will have to be changed to accommodate the BMUs. Within the regulation procedures it is clear how the BMUs will perform so as to be self-sustaining. Once BMUs are given legal backing they will be able to generate their own funds. The presenter also informed participants that registration of BMU draft regulations was ready but through the consultation it was realized that there was a need to amend the principle law under section 5 which allows the director of fisheries to make management plans to incorporate the BMUs. The BMUs have no authority to arrest the people they are at the moment assisting in carrying out research. BMUs were not formed as a mere formality but as a response to a number of problems arising from the failure of government machinery in managing fisheries resources. The BMU draft legislation is pegged on the bottom up approach.

Participants enquired as to how consultative the process was and how the departments went around doing it. They were informed that consultation had been done widely from grassroots level to research institutions and even the marine.

Participants asked whether the landing beaches are gazetted or they are just landing beaches to which the presenter responded that legal BMUs are on gazetted landing sites only.

Participants wanted to know the legal entity of the BMUs. The BMUs will be considered as an organization that can be sued and can sue, own property and assets. The Kenyan position at the moment is that the BMUs are being sued as individuals and the empowerment of the BMUs is in the pipeline.

Mr. Seremos from Uganda gave a brief presentation on why the BMUs are still weak. He stated that members who form the beach committee were from boat owners, gear owners, gear menders and fisher folk. During elections, the people originate from loose units that are not organized which leads to weaknesses. The government should organize the loose groups before formation of BMUs. There was a tendency to create the BMUs in a rush.

He questioned the legitimacy of the BMU, does the community consider BMUs legitimate if they are not representing the communities view? He questioned the

accountability and transparency of the BMUs, were they transparent in their dealings and were they accountable. He emphasized that the weak structures that were used in the formation of the BMUs could be overcome by strengthening the loose units and pointed out that the conflict between the BMUs and the fisheries staff had to be ironed out if the BMUs are to be sustainable and viable.

4.2 Co-Management in East Africa: Theory, Process and Practice by Dr. Winnie Mitullah

Dr Mitullah, in her presentation began by engaging the tenets of common pool resources (CPRs). These resources are subject to depletion or degradation by improper use, the exclusion of beneficiaries in their management is costly, exploitation by one user reduces availability for others, she described the different types of regimes-open access, group, individual, or government access and that no single type of regime works for CPRs.

Dr Mitullah detailed the indigenous management system of the fisheries resource and compared it with the central government system. She indicated that co-management of fisheries was still dominated by public institutions and processes although there was training of fisheries officers, fisher folk and other stakeholders (on fish quality, appropriate gears and methods, organizing, management of beaches). Pilot projects also cover a number of beaches. Dr Mitullah then listed emerging institutions in co management of fisheries such as Lake Victoria Fisheries Organization.

Strengths of co management include strong institutions for ensuring livelihoods and sustainability are emerging and that averting a tragedy requires institutions which integrate the needs of all stakeholders. Threats include unequal power relations among stakeholders, equity in accessing fish (marginalized fisher folk), unregulated growth of beaches, inability to provide infrastructure and services, Challenges of maintaining law and order and ensuring moral behaviour, and insider/outsider beach resident relations. (Annex 8)

4.3 Socio-economics of BMU operations in East Africa by Dr. John Abila

The paper was a comparative study on three BMUs along the Border towns in Uganda Kenya and Tanzania. It highlighted the operations of the BMUs their source of income and the BMUs level of expenditure. (Annex 9)

4.3.1 PLENARY DISCUSSION

Participants noted that co-management practices were unique to particular resources but the overall management of the resources still lay with the Fisheries Department. They suggested that the Fisheries Department had to find a way of involving stakeholders within the BMUs especially in Kano and Nyakach. The participants also felt that the BMUs were increasingly becoming appendages of the ministry and that they should adopt the bottom up approach and top down approach.

Threats to the Lake were both external and internal. The resource was shared among communities with different cultures and that at one time one community will benefit more than the other.

They suggested that for the BMUs to be sustainable they needed a national organization structure that would govern their operations. The participants further suggested that the challenges facing the BMUS should be addressed with the aim of improving them and not judging them.

The participants felt that the BMUs were being used by fisheries officers to collect money from illegal fishing activities such as illegal fishing gear as opposed to their main role. The participants stated that there was need for a presentation on harmonized beach management guidelines as the concept of co-management and BMU was understood differently in all the three countries. The guidelines needed to address the issue of the sources of funding for the BMUs, their role and membership.

Participants wanted to know if comparative study found out the specific commodities the fisher folk spend their money on and whether they were relevant or irrelevant commodities. Was the money circulating within or outside the region. Though the study did not focus on individual expenditure there is an ongoing study that is looking into the socioeconomic characteristic of fisher folk. He went on to inform participants that the nexus between poverty levels among fisher folk and the activities on the

beaches is a very complicated issue. There is therefore need to conduct research on the effect of fish exports on livelihoods. Again fisher folk have no access to savings facilities. There is need to first define who the fisher man is and then determine who among the fisher folk have no access to saving facilities.

Participants noted that fish processors dominated BMU committees. Were the processors really part of the BMUs? In response they were informed that in the harmonized guidelines the processors can be represented by one person.

Participants wondered if BMUs are viable what should be done to ensure their sustainability? The presenter reiterated that the sustainability of the BMUs is dependent on their ability to generate revenue. For BMUs to be independent they must have a business outlook so as to link up with cooperatives. They need to have initial capital to start their operations.

There was consensus that there were fundamental questions that required answers such as, how do the BMUs come into place and who elects them? There is need to be realistic and distinguish between theory and practical issues in the BMUs as it plays a major role. BMUs developed from existing institutions to form beach committees. These committees were not aligned with the administrative structure they were independent and aligned with the Fisheries Department. They were not extensions of the Fisheries Department but they served fisheries management processes. The perception that BMUs were an appendage of the Government and that they are top down process is a very unfortunate idea. The BMUs conceptual idea was that the people on the ground understood best what the local issues of fishing were and should be involved at the grass root level management of the fisheries resources. However it was noted that provision of legal status to the BMUs means that they must have a link with the government. All natural resources are under the state and it has responsibility to manage them. This therefore means that there has to be a linkage between the BMUs and the government since natural resources are put in the trust of the government by people. Nevertheless BMUs should be accountable to the local communities. Fisheries resources have been exploited to the limit. There is high poverty in the region yet there is fish as a resource. The concept of the BMUs is good and it only needs guidelines to work efficiently.

Participants wanted to know if Kenya had developed a code of conduct and the presenter informed them that the Fisheries department had not yet prepared a code of conduct but that the IFMP would be involved in preparation of the code.

5.0 SESSION FOUR: INVOLVEMENT OF LOCAL COMMUNITIES

Session chair: Hannington Ogutu

Presentations during this session included: *Experiences Of Local Communities In Managing Fisheries Of Lake Victoria By Representatives Of BMUS In Kenya, Uganda and Tanzania*

5.1 Tanzania presentation was done by Emmanuel Ntemi of Kayanze Beach. He underscored the major activities of the BMUs, their achievements, challenges and recommendations. (Annex 10)

5.2 Uganda's presentation by Ronald Bate outlined the achievements and challenges of the BMUs as follows

- Managed to raise hygiene status of the landings
- By-laws governing the landings ,cleanliness
- Constructed facilities like fish weigh slabs
- Sensitize communities on HIV/AIDS, illegal fishing etc
- Stop selling of fish on credit
- Overloading at landings sites has been stopped

Challenges

- Failure to welcome BMUs by government and local leaders
- Reluctance to change by fisher folk
- Lack of coordination tax accessing bodies
- Open access to the resource
- Lack of proper planning of beaches and landing sites
- Poverty

- Political interference
- Insecurity
- Lack of good health facilities

Way forward

- Beach tender should be awarded to the BMU for their sustainable funding
- Fish levy trust fund should be legalized
- Cross border meetings should be promoted
- Each BMUs to be facilitated by motorized boats to enhance surveillance work
- Microfinance institutions made available to fishermen to eradicate poverty

5.3 Kenya's presentation was by Victor Mungu of Obange Beach. He highlighted the major activities of the BMUs and their subcommittees, achievements, challenges and recommendations. (Annex 11)

5.3.1 PLENARY DISCUSSION

The participants felt that the initial process of establishment of co-management and BMUs were quite difficult and there was need for cooperation from all sectors. The BMU concept can be effective if there is commitment from all stakeholders.

The participants stated that there were several schools of thought on the issue of BMUs these included:

- (a) If they are made to generate funds they won't implement the fisheries management plans,
- (b) They cannot balance revenue collection and at the same time manage the fisheries resources and
- (c) The BMUs should not focus on the generation of funds at all.

The participant's main concern was the withdrawal of donor funds in the operation of the BMUs. They stated that a study had been conducted and a fish levy fund had been set up. The fund operations were at a stage where it was being made legal and operational. Part of the funds would assist in the establishment of Lake Victoria Management Commission.

The participants felt that political interference in Uganda and elsewhere could be curbed by the BMU leaders being confident in their roles and responsibilities and knowing their rights.

They also stated that many people did not understand the issue of open access. This meant that anyone and everyone could get a license to fish. Trying to limit the number of people who should fish would cause a problem since many do it for a livelihood. They suggested that effective control needed controllable quotas and a total allowable catch per year. The biggest problem, however, would be how to enforce the system.

They further suggested that the BMUs should be let to handle finances as the money from licensing passed through them. They pointed out that the BMUs should be in a position to sue and be sued and even own property and that if they are empowered enough they can control and operate revenue.

Participants raised issue of micro finance. What can the micro finance institutions offer? In Uganda at Masese factory there are investors who buy the fish. The question is how can the micro finance institutions assist the fishermen get better prices for their fish?

Participants wondered as to what should have been implemented first BMUs or the law? It was felt that the BMUs should be first so that they can learn from experience then the law can borrow from the experience. However, others felt that in an ideal situation the law should be first, but in the absence of legal framework you can learn from other quarters and examples.

Participants wanted to know what the gender representation in the BMUs in Uganda was. In Uganda it is a requirement that every elected committee must constitute 30% women.

BMU in Uganda is set at 30 boats per landing site, participants wondered if it just 30 ordinary boats or there was a consideration in the sizes of the boats. They were informed that according to the Fisheries Act 30 boats are legally gazetted per landing site and are seen as sufficient for formation of a BMU.

On the issue of open access participants asked how the BMUs were ensuring that there was a limited number of fishermen that can fish in an area and how they prevented people from entering the Lake during the breeding season. They were informed that it was difficult to enforce this as people move to other areas and access the Lake. There was a need therefore to form a network of BMUs to assist in the implementation of closed breeding seasons.

Presenters informed participants that the relationship between the BMUs, local community and the government was good as it was based on leadership. Good leadership leads to good relations within the community. Open communication channels between the three have also played a role in the good relationship.

BMUs in Tanzania have a way of making sure fishermen have legal licensing documents, fisheries officials get the names of the fishermen and their fees from the BMU officers, BMUs are middlemen between the fisheries officials and the fishermen. It is hard for BMUs to be bribed as they have money and they get motivation from carrying the BMU activities. BMUs can handle finances as they are monitored by all.

5.4 Beach Management Units and Traditional Structures: Conflict Or Complementarity? By Dr. Rapheal Kapiyo

Dr Kapiyo in his presentation sought to answer the question as to what extent the establishment of the Beach management Unit as a co management strategy has benefited or borrowed from the experiences of the traditional/indigenous management systems.

Some of the issues highlighted in the relationship between BMU and traditional structures include the perception of the Lake, traditionally the Lake was viewed not

just as a source of fish but also a sacred site and sometimes a place for worship. This explains the tight adherence to specific rules. It is not clear whether the philosophy behind BMU took into account this perspective. Fish as the principle resource: traditional structures were all encompassing in terms of resources which included wetlands and the unique resources found there. The BMU framework may need to consider being inclusive of all related resources within the beach area.

Other issues Dr Kapiyo discussed include ownership of resources, trade and investment on fisheries, attitude, rules and regulations and the association and union between beaches.

(Annex 12)

5.4.1 PLENARY DISCUSSION

It was noted that the conflicts and contradictions between small scale and large scale fisher folk are not unique to the industry. Large scale traders have no business caring for the Lake therefore BMUs should be the change agents who to help and build the fisher folk.

The participants felt that the Fisheries Department should take the lead role in the responsibility of managing the shared resource and co management with the communities. In addition they suggested that the BMU laws should have clear ownership of the resource being managed by the government.

The participants felt that children who go to fish in the Lake tend not to go to school thus young people should not be allowed to fish as they don't go to school. In Western Karachuonyo child fishing was banned. Adults over 20 years were the only ones allowed to go to the Lake.

The participants felt that there needs to be legal mechanisms for the protection of fisheries through the judiciary. The constitutional protection of resources and ownership of resources should also be addressed.

Mr. Seremos from Uganda stated that in his country there was voluntary non fishing during the breeding season and when the moon was bright. During that period people

would engage in other activities like agriculture. Thus giving time for the fish to breed.

The participants were intrigued by the idea of spirituality in traditional structures. They wondered how this can be incorporated in the BMU system. The issue of indigenous knowledge in many cases is not documented and they wondered if there were any efforts to document it and maintain the structures. For example the precautionary fishing principle was based on voluntary release of small fish. Can this apply today? In the traditional set up closed breeding areas were controlled by the elders. The islands acted as breeding areas and no fishing took place there. The laws come and destroyed the setup. Is it possible to have the same arrangements under the BMU system?

Participants noted that the fishermen were the primary stakeholders in the process and that if anything happened to the Lake they would be the biggest losers. BMUs should be institutions that have teeth and can do what is expected of them. The fisher folk wanted an association to champion their rights and they elected representatives and prepared a constitution which was tabled at the Attorney Generals office.

5.5 Thoughts and issues in harmonizing BMU legal frameworks in East Africa by Prof. Albert Mumma

Prof Mumma stated that fish were a migratory resource that inhabited a shared resource, ie Lake Victoria and the three countries that share the resources had national jurisdiction and laws. The institutional framework for sharing the resource should be the BMUs as they will provide the system of co-management between the community and the government.

Prof Mumma highlighted the issues to be considered in designing the parameters for harmonization to include:

1. Designing of BMUs: In designing of BMUs a number of features stand out, BMUs must be defined around communities, Kenya's draft legislation defines BMUs as organization of fishers who have traditionally depended on fisheries for their

- livelihoods. Tanzania's draft legislation defines BMUs as a group of stakeholders in a group of fisheries while the Ugandan legislation defines them as an organization of fishers, boat owners, etc.
2. Objective for which BMUs were formed: the BMUs were formed so as to manage the resource on behalf of the Fisheries Department. Most communities depending on the resource see it as a forum to enhance extraction and use of the resource and as a local branch of the Fisheries Department in the management of the resource.
 3. Governance of the BMU should be democratic and open. What happens to members who are there for commercial purposes? In Uganda when you have a licence you become a member of the BMU.
 4. Characteristics of BMUs: What is their source of authority? The legitimacy of these organizations would be the law, what's the role of tradition in BMUs.
 5. Ownership: The practice since colonial times has been to vest ownership of resources in the state. Ownership of resources is a factor that needs to be dealt with.
 6. Access: can be limited to traditional users, artisanal users, and livelihoods. Other considerations include the need to promote export. This needs to be harmonized. Countries should consider whether or not to give priority to subsistence utilization of resources.
 7. Harmonizing requirements: the ability of the BMU to exercise harmonizing mandate depends on authority given to it.
 8. Rights verses responsibility: all legislations are imposing responsibilities on BMUs while they are silent on their rights. The assumption that BMUs are like fisheries officers. The rights and responsibilities of BMUs should be harmonized in the new legislations. The BMUs are an expression of the will of the local community to meet their needs.
 9. Difference between aspirations of the local community and government agencies.
 10. The BMUs should focus on local issues while the Fisheries Department should, amongst others issues, address the issue of setting standards that will grant legitimacy and offer technical and buck stopping support.
 11. There is need for common agreement on community access, ownership and resource membership.

12. Define the role of the national organs and BMUs

5.5.1 Plenary Session

Participants felt that fishing for domestic use and fishing for commercial use were very different, domestic users should be given priority over commercial users.

Participants wanted to know the presenter's proposal for the legal structure of the BMU, organization based, Union based or membership based. The presenter informed them that registration of BMUs depends on national legislation of the countries. Kenya has two models, membership based organization where they can be registered as societies and organization with five members registered as NGOs Company or Trust. However in his view he was biased towards making them membership based organization.

The presenter also raised the following issues; there are changes in the management of local resources due to the global change. Do we have the mechanisms to manage the changes? We have no legal framework of managing change. Japan is highly industrialized yet it has strong community based fisheries, the authorities' only license fishermen who live in the community around the resource. There must be a balance struck between fishing by locals and outsiders, fishing priority must be given to those who fish for their livelihoods.

The presenter highlighted the fact that the most sustainable BMUs are those whose concerns address the development concerns of the community. BMUs are entry points to the development agenda and not the means to an end.

He suggested that there was a need to operationalize the issue of ownership in context of common resource/migratory resource, ownership in law is a contentious issue. It is defined along the property rights issue. Issue of proceeds from tourist revenue be shared by local communities, why not apply the same principle to fisher flock? Ownership means royalty is paid to local community or first priority for fishing.

6.0 SESSION FIVE: HARMONISATION OF CO-MANAGEMENT IN EAST AFRICA

Session Chair: Odenda Lumumba

Presentations during this session included: Conflict on cross border fishing and fish trade on Lake Victoria: Strategies for its management and Harmonized Kenya's national beach management guidelines

6.1 Conflict On Cross Border Fishing and Fish Trade on Lake Victoria: Strategies for Its Management by John Owino

Mr. Owino began his presentation by giving a background to the conflicts of Lake Victoria which came to a peak in 2001 causing untold suffering particularly to fisher communities along common borders causes of the conflict included fishers being denied access to lucrative fishing grounds and markets across the borders, misinformation on where fish breed and migration and unclear national water boundaries. He however stated that the underlying cause of the conflict is industrialization of Nile Perch fishery. Its high demand globally coupled with declining stock being the main cause of the problem.

Challenges arising from the conflict include increased fishing efforts, increased use of illegal fishing gears and methods, lack of understanding of laws applicable in one's state and neighbouring states rendering fishers victims of law enforcement among other challenges.

Opportunities and strategies that have arisen include establishment of institutions such as the Summit Council of Ministers, EAC legislative assembly etc, adoption of a regional strategy for cross border fishing and fish trade in June 2002, adoption of national and local strategies to bring an end to the conflict. (Annex 13)

6.2 Guidelines for Beach Management Units for Kenya

The presenter began by stating the aims of the BMU guidelines which are designed to assist all stakeholders involved in the fisheries sector to *inter alia*, increase awareness of the characteristics and importance of co management for achieving sustainable

exploitation of the fisheries resource on Lake Victoria. He highlighted the principles of co-management and the benefits that accrue from BMUs in fisheries.

However, potential risks of involving BMUs in fisheries resource management as co-managers include the possibility of the executive committees being compromised by illegal fishers, possibility of electing BMU officials who are illegal fishers because of their influence and economic power, antagonism by local government over revenue collections and supremacy, and lack of proper source of funding for BMUs which may stifle sustainability.

The presenter also presented the structure of the BMU, Membership of the BMU Assembly, Membership of the Executive Committee, procedure for forming a BMU, stages of BMU formation, election of BMU members, registration of BMUs and BMUs mode of operation. He also presented on the role of other stakeholders in monitoring of BMU performance. (Annex 14)

6.2.1 Plenary Discussion

The participants felt that it was important to involve primary resource user group in key decision-making.

The participants observed that the three governments should consider establishing a policy of flexible fishing boundaries so that the fishermen can move freely in the lake. The issue of cross-border conflicts could be addressed in this way. For example, the ban on Omena done in Kenya and not Uganda or Tanzania, cross-border fishing conflicts where fishermen cross boundaries to fish in neighbouring countries without proper documents are arrested, sensitizing border communities on the guidelines to avoid conflicts etc.

The participants wanted to know if the guidelines are national since they seem to focus on Lake Victoria, can they be applied for example in Malindi or Turkana. The presenter confirmed that the BMU guidelines were derived from the harmonized guidelines and they were national. They will serve other lakes like Lake Turkana and Lake Naivasha.

Participants wanted to know how licensing will control the issue of open access because the pressure on the Lake is too much. In response it was suggested that BMUs need to be organized so that before anyone is allowed to fish they must be registered and cleared by the BMUs and then licensed by Fisheries Department. If BMUs are well established, total allowable quota shall be maintained.

Participants enquired as to whether there is a monitoring and evaluation framework for the BMUs. The BMUs will have a self examining system and external monitoring system by Fisheries Department and audit department of the district.

- The participants noted that there was antagonism between local the authority and BMUs in revenue collection and questioned if there was conflict between the Acts what the effect will be. They were assured that the two Acts do not conflict in anyway, the Local authorities collected revenue and render services, people collect tax and don't render services if the Local Authorities continue to collect tax and don't render services the people will say no to them.

6.3 Creating synergy in efforts at improving the legal and operational framework for BMU operations East Africa by Odhiambo Makoloo

1. Why the BMUs?

What do we seek to achieve by creating BMU's?

- a) Sufficiency of stock
- b) Collaboration between government and people.

2. Relationships

- a) Between BMU and government (Fisheries Department)
What are the rights and duties of each?
- b) BMU and local and regional institutions
- c) Collaborations between BMUs and between BMUS and collaborating institutions

3. Legal and policy framework

- What ought to be the legal and Policy framework
- What ought to be its nature

4. Capacity Building

- What are the needs?
- By who?
- Technical needs/Financial need 'who is addressing'

5. Implementation

Sequencing

All three East African countries have BMUs not sufficiently grounded on legal framework. What do we do as BMUs are in place?

Ultimate aim of livelihood sustainable is appreciated.

6. Impact

What do we measure?

How do we measure?

How do we improve?

What sort of impact, road improve, increased fish sticks etc.

7. Sustainability

- Of BMUs as institutions
- Fissure resources
- How ought we to deal with this kind of issue?

8. Harmonization

How do we deal with issue raised by Prof. Mumma

9. Next steps related to all the other issues raised above. How do we ensure that what ever MOUs agreed here are honoured?

6.3.1 Plenary discussion

Participants cautioned that they ought to reflect on what they were putting forward with the assumption that the Lake will not be there for eternity. Whatever is suggested as a way forward should take into consideration rate at which the resource is diminishing and they should therefore propose remedies with time frames.

The harmonized guidelines should be taken down to local people so that they can own them.

The issue of monitoring and evaluation is paramount, it should be periodical and should measure impacts by adopting harmonized monitoring and evaluation tools.

How do we actually harmonize the policy? The Lake Victoria Fisheries Organization (LVFO) is taking lead in this process of harmonization of policy and has been actively pursuing this goal. For example there has been harmonization of fish net sizes which started in Tanzania each government had to extract information from the guidelines depending on nature of country.

The participants were again reminded that there is progress in the three countries. Uganda has finalized a policy, Tanzania's policy is ready and Kenya is still in the process of making a policy. The three countries need to work together, discuss the policies then harmonize. Noted though was that Kenya was behind in terms of development of the BMUs. It has no legal framework but has guidelines which are easier to amend. These guidelines have been taken down to the ground and discussed.

Again participants reiterated the fact that the Government cannot manage the fisheries resource alone and that co-management is very necessary in management of the resource. Older members of the BMUs communities know about BMU formation and were they involved. However there is need to ensure that everyone is involved. If the BMUs are adopted from the bottom up then the communities should be agitating for

them. The roles of various stakeholders needs to be clearly defined along side the role of the BMUs.

At the regional level Lake Victoria Fisheries Organization (LVFO) is mandated to deal with issues concerning Lake Victoria. LVFO should look at the issues raised in this forum and address them such as the issue of harmonization of the policy. Kenya chairs the executive committee of LVFO and the proper channel for disseminating the workshop recommendations is through the Director of Fisheries Kenya. And also through LVFO's working group on co-management member Mr. Vincent Ogwang.

6.4 Way Forward

There is need to produce a report that will be distributed to various institutions involved in management of Lake Victoria.

Need for another workshop or meeting at individual state levels so as to address as a nation how we will respond to issues stated that need harmonization.

After the individual National meeting it would be necessary to share the information with the other states.

Each individual has a role to play whereas the Government is to provide linkage to LVFO. The Civil Society Organizations and Community can convey the knowledge further while the CSOs can facilitate harnessing that knowledge.

Sustainability in management of BMUs should be clearly explored and harmonized in the guidelines.

6.5 Closing remarks and vote of thanks by Benson Ochieng

Mr. Benson Ochieng stated that the Government was willing to work with the primary stakeholders, the change in attitude for fishermen to work with government. The

government has had metamorphosis in attitude. He called the chair of BMU to give his final remarks

The chairman of the BMUs thanked ILEG for organizing and funding the workshop.

The Deputy Director Fisheries Department stated that the forum was an avenue of sharing experiences on managing Lake Victoria. He added that this was not the end but the beginning for more sharing of management tips. He reiterated that the Fisheries Department over the last ten years had adopted an open door approach thus encouraging interactive approach.

He encouraged other organizations willing to hold such forums to feel free to do so since Fisheries Department had limited funds to hold such forums. He concluded by saying that it was important to continue with the spirit of East African Community and commended Ugandan and Tanzanian participants for coming all the way to attend the meeting. He urged all the participants to translate what had been discussed into action.

Mr. Benson Ochieng informed participants that the Lake Victoria Basin Commission Executive Secretary was to attend the meeting but he was held up and the report would be sent to him.

He summarized the aims and objectives of the workshop as:

- To discuss the role of BMUs as a mechanism for institutionalizing co-management in the fisheries sector
- To discuss the regulations and guidelines - reinforced support development of the BMUs
- To share experiences on evolution and development, and practices (best practices) in co-management
- To inform Kenya policy process/development outcome

He highlighted the achievements of the workshop as:

- Well understood and appreciated challenges/reservations behind BMUs

- Government commitment to the establishment and support of BMUs
- Identification of the opportunities that exists in formation of the government policies
- The urgency in policy formation and implementation processes
- The expertise that exists among the various countries
- Appreciation of the role of government and other stakeholders in the viability of the BMUs

He pointed out the way forward as

- Report production
- Dissemination of the report
- Implementation of fisheries management (IFMP) project co-management working group
- Appointment of national and regional chairs

The Vote of thanks was delivered by Mr. Collins Odote, who thanked the participants for getting time to attend the workshop and for their active participation he concluded by thanking the organizers and facilitators of the workshop

7.0 ANNEXES

1. Welcoming remarks annex 1
2. Issues And Challenges For Sustainable Management And Freshwater Fisheries In East Africa By Prof. C.O. Okidi annex 2
3. Concepts and issues in fisheries co-management by Jessica Troell and Maurice Odhiambo Makoloo annex 3
4. The legal framework for BMUS: Kenya Uganda Tanzania by Collins Odote, Boaz Keizire and Magese Bulayi annex 4 5 and 6
5. The role of government in the establishment and operationalisation of Co-management arrangements by Mr. Kariuki department of fisheries Kenya annex 7
6. Co-management in East Africa: theory, process and practice by Dr. Winnie Mitula. Annex 8
7. Socio-economics of BMU operations in East Africa by Dr. John Abila annex 9
8. Experiences of local communities in managing fisheries of Lake Victoria by representatives of BMUS in Kenya Uganda and Tanzania annex 10 and 11
9. Beach management units and traditional structures: conflict or complementarity? By Dr. Rapheal Kapiyo annex 12
10. Cross border fishing, conflicts and need for harmonization by John Owino annex 13
11. Guidelines for beach management units in Kenya annex 14
12. Programme
13. List of participants

Welcome remarks by Jessica Troell

ELI is a not-for-profit research, policy and training institute. Our overall objective is to advance environmental protection and sustainable development through improved law, policy and management.

Like ILEG, one of the core themes that threads through all of the work that we do is strengthening environmental governance: emphasizing increased transparency, the rule of law, public participation, and democratic policy innovation as the keys to achieving environmental protection and sustainable development.

We have four key substantive strategic areas of focus:

- protecting water resources
- protecting land and biodiversity
- promoting innovation and integration in environmental governance
- advancing global sustainable development

We have 2 core divisions - research and policy and publications. Our Africa Program is part of the former, along with our other international programs in Latin America, India and a new program, watershed democracy, that is focusing on increasing the effectiveness of public participation in the management of transboundary waters.

This project is the outgrowth of some work under our watershed democracy program with Nancy Gitonga, director of the Kenyan Fisheries Department. The idea for the project was to incorporate lessons learned from Uganda and Tanzania's implementation of fisheries co-management, as well as a thorough understanding of the existing situation on the ground on the Kenyan beaches, to inform the development of policy, legislation and regulations to govern co-management in Kenya.

A key aspect of this process for Kenya is creating an enabling environment for harmonizing the necessary regulations and institutional structures with its co-riparians - Tanzania and Uganda.

So this meeting is to present our initial findings, and we are drafting our recommendations and next steps, but we really wanted to bring together the experts - all of you who work on co-management around Lake Victoria in some capacity and who can bring diverse and extremely valuable perspectives to the work we are trying to do. We hope that over the next 2 days we will come to some conclusions about the appropriate recommendations for the Kenyan Department, but also on the issue of harmonization and integration of the various initiatives related to co-management around the Lake. With that I welcome you and thank you for coming - I very much look forward to learning from you all over the coming days.

**ISSUES AND CHALLENGES FOR SUSTAINABLE MANAGEMENT AND
FRESHWATER FISHERIES IN EAST AFRICA BY PROF. C.O. OKIDI**

DISTINGUISHED GUESTS, COLLEAGUES, LADIES AND GENTLEMEN

I appreciate the honour is being requested to represent the keynote addressed on the Regional Workshop which focuses on fisheries, particularly in East Africa. This is a matter over which my interests go far beyond academic domain. In fact, I owe my physique and good health largely to the foundation laid in my youth by these resources. I would like to see sustainable management guarded rather jealously. Future generations should have a chance to enjoy the same peacefully.

1. Introduction

That intimate relation with the freshwater fisheries might tempt me to give a long presentation. However, the requirements of the workshop require that I be brief, concise and if need be, give only on outline and highlights.

I will, therefore, been asked to discuss issues in sustainable development and I will offer an outline of a few such points.

My third task is to offer an outline of the challenges faced by sustainable management of freshwater fisheries, with particular examples in Lake Victoria.

Finally, I will hazard a few recommendations to jog your minds in the workshop.

Beach Management Units (BMU's)

Beach Management Units are a rather recent invention of managers of fisheries as a vehicle for mobilizing and involving fisherfolk in management of fisheries. Without a doubt, sustainable management of fisheries requires the involvement and participation of fisherfolk. Indeed, public participation, in management of the environment and natural resources therein, has gained forceful acceptance in lexicon and practice over the past decade. The significance of public participation gained particular acceptance since the United Nations Conference on Environment and Development or Rio Conference June, 1992. Principles 10, 20 and 21 of Rio Declaration provides a particular point of reference for the principle.

Fisherfolk do invariably go to sea, maximize their catch and will speedily seek how to market and catch in exchange for other forms of wealth. The only unifying unit is the beach where the catch is landed or where the boats land if the catch is sold as sea, which is often the case. BMU's are therefore, important not because of activities at the beach but because they form the organizing and organizational units for fishermen. Mechanisms for organizing strategies for ensuring sustainability of the fisheries sector can

conveniently be based at the beach, where all fisherfolk will invariably land, even if their catch do not reach the shore.

ISSUES AND OPPORTUNITIES

Fisheries activities are highly purposeful. Some of the purposes are central to the fisherfolk themselves. Other, are societal concerns focusing on the benefits to local communities accruing from the proceeds from the natural resources. Yet further benefits are national, relating to the value and rents derived from the proceeds from the natural resources. For these reasons together, a government, society and fisherfolk themselves decide to develop laws and management strategies, including establishing a fisheries departments.

I submit that such then are the issues and opportunities for sustainable management of the fisheries resources. For purposes of this presentation the issue may, in summary, be outlined as follows:

1. **Food security:** Production and availability of fish is part of provision of food security, evidently one of the top national priorities. To day, managers in the sector tend to look to export avenue for fish at the expense of local needs for the priced protein supply. This may be part of public policy neglect of local population to cater for either tourists or external markets as Kenya exports without value addition. This, certainly does not negate the necessity for fish production to satisfy local food security requirements.
2. **Employment Creation:** Fisheries sector is fundamentally labour-intensive. Employment avenues exist in actual fishing, gear manufacture and maintenance, boat building, fish processing, fish marketing, etc.
3. **Wealth Creation:** This is the flipside of the popular concept of poverty alleviation/eradication. There are those who believe that fishing activities in Lake Victoria should fetch as much, if not more, that the proceeds from coffee in, say Central Province. This writer has not seen any comparative data, which point does not challenge the fact that fishing yields income for those involved in the business.
4. **Industrialization:** Fishing as an operation should generate industrialization with vertical and horizontal linkages. But this occurs only if the sector stops the practice of exporting fish as raw material and absolutely without any value-addition. The proposal for industrialization beings with cold storage facilities at the landing site or beach. The common practice is to export fish directly to city-based fish merchants most of whom process and package in the city and therefore yielding huge rents.

The point here is that exporting fish without value addition is an industrialization opportunity lost. With that there is loss of employment opportunities and sale of fish at low value.

5. Trade: there are thousands of people who make a living on fish trade. They are at the beach to buy fish on landing and to transport by means ranging from bicycles to motor vehicles. There are a few who carry fish on their heads to local markets for diverse consumers. On the other hand, there are sophisticated refrigerated vehicles seeking markets, some in export trade.

There can be other fishery management opportunities which are part of national economic activities. But above are examples of the reasons for seeking beach management within legal and institutional framework. Properly planned and operated, fisheries sector can provide a forceful vehicle for national development.

CHALLENGES

But there are numerous challenges which attend fisheries sector. Here we can simply flag examples as *aide memoire* for participants. They are introduced below without suggestion as to priorities.

1. Delimitation of the area within which fishing may be done is a critical challenge. In most cases the delimitation refers to territorial boundaries. This may only appear deceptively remote. But it is imperative that uninterrupted fisheries management be done within well-understood areas. The source of fish which may be landed at the beaches must be secured assured.

Fisherfolk from Kenya have frequently been arrested and charged with illegally fishing in Ugandan or Tanzanian waters. Often times, the fishermen maintained that they were in Kenyan waters but are nevertheless convicted. On Thursday, 12th February 2004 gunshots were fired at Kenyan fishermen who had allegedly trespassed by fishing around Hamba Island in Uganda. Were they or were they not in Kenyan waters.

The Bomas Draft Bill of the Constitution of Kenya Review Commission, released on 18th September, 2002 provided first schedules showing their understanding of Kenyan territorial boundaries. This would have put some certainty to legally understood boundary including of Lake Victoria. This was however, removed when Wako Draft was prepared and thus raising very fundamental questions especially when treatment of fishermen and suggested some uncertainty.

Of course, territorial boundaries are dispositive instruments and not changeable except by mutual agreement of states concerned. This is why African countries accepted the doctrine of *uti possidetis* as a rule of practice.

It is imperative that the boundaries be delimited and demarcated with maps produced to guide fishermen. This is a challenge which may extend to systematic reviews of all legal instruments constituting constitutional law of Kenya to ascertain the precise boundaries of Kenya and to bring to a stop conflict that may jeopardize fishing and use of the beaches.

There have been calls for removal of borders. In November 2004 a Tanzania Member of Parliament said that such a move would make the Lake into a unifying agent for East African people. Let that decision and its ramifications be taken otherwise there will very little to engage beach management units. Whatever is the case, it is not advisable to continue with fisheries management and ignoring questions over delimitation and demarcation of boundaries.

Determination and establishment of ownership of the fisheries resources is fundamental to sustainable management. This operates at, at least two levels. The first level is where sectoral managers and civil society advise the fisherfolk that the fish in the lakes belong to them. Fisherfolk are urged to recognize that they own the fish and their livelihood depend on it. Ultimately, they are urged to adopt fishing practices that are consistent with the cognate regulations.

That understanding of ownership operates up to a point. Very soon, the fisherfolk realize that the ownership is , juridical vested in the ‘government’. Experience in Kenya has clearly demonstrated that under such circumstances the government of the day quickly behave like a private property owner legally capable of dishing out the resources in exchange for considerations or favours. At time there may be neither favours nor considerations. But the fact remains that government operatives may opt to give or concession natural resources without reference to the public who had been led to believe that they own the natural resources.

Thus, Kenyans noted with utter astonishment when, in January 2005 it was reported that Kenyan part of Lake Victoria was to be concession to a South African investor ready to put up Kshs. 8 billion to harvest the gulf. Nobody seemed to have considered ownership by the local communities and fishermen. It seemed like an agenda for the government and politicians with the latter having been treated to special lunches to ease the “approval” machinery. Whether this actually materialized is not the issue. What seem manifestly odious is that anybody conceived the idea and that distinguished personalities had lunch to discuss it.

The challenge now is to move towards a juridical regime which actually vests the ownership of the natural resources on the people themselves. The Parliament can then be the trustees with the requirement that any concession or contract for exploration and/or exploitation of the natural resources be subject to ratification by the Parliament by substantial majority, say two thirds or three quarters.

There is an isolated provision in Article 91 of the so-called Wako Draft Constitution. Unfortunately it is not linked to ownership of natural resources and therefore it appears odd and misplaced. Perhaps, it would be difficult to implement in context. This then is one of the reasons why rejection of the Draft Constitution is welcome. Fresh efforts would find the proper formulations which were submitted to the CRCK but were left out by the authors of the draft.

The question of ownership should be clearly dealt with the entrenched in the constitution to protect the resources from nefarious fingers of reckless politicians, business men and bureaucrats.

3. Stock Assessment specifying also distribution and abundance is critical to sustainable management. It is that set of information which should advise and inform regulation and enforcement.
4. Determination of Optimum/Maximum sustainable yield is the determination of how much effort should be allowed to proceed and when further fishing licenses should be allowed. Breaching the threshold of sustainability is to endanger the resources. Fisheries managers permit or refuse licenses on the basis of the total allowable catch. This, of course, depends on regular stock assessment.
5. The challenge posed by the rapid and massive degradation of aquatic environment or lakes is one crying out for very urgent attention. Rapid land degradation, the massive load of silt from agricultural fields is jeopardizing beaches, and fish breeding grounds. Secondly, it is now definite that municipal wastes are being released in alarming degrees causing eutrophication. The other day I was at Kendu Bay pier and saw dense algal bloom, thick like porridge. Thirdly, the small industrial establishments and coffee processing plants are releasing their own load of wastes drained to aquatic environment.

The impact on fisheries need to emphasis. Partly the danger is in the impact he fish themselves biologically. But partly there is likelihood of poisoning of fish wish the Minmata type of impact. The impact on possible beach development go without saying.

6. Security in the lakes is an increasingly alarming concern. Just as instances of piracy are mounting in the Indian Ocean, there have been instances of thurgery in Lake Victoria with robbery of fish catch the gears. Beach management cannot be oblivious to such threats.

These should be curbed if the lack patrols by the forces were at work. Press reports on 19th November said that President Kibaki had promised to order location of Kenya Navy contingents in Lake Victoria to oversee security. As we know, the navy has conducted patrols for security and surveillance in the Indian Ocean, but observe that Fisheries Department should have an arrangement to cover their costs.

During colonial times the dreaded *Bwana Odhoro* based at Kisumu with his flotilla, patrolled the Gulf effectively and we believe this can be done today.

7. The Challenge of curbing bribery is, a real threat. It is clearly understood that fisheries regulation hinges heavily on control of gears such as trawling and beach seining which are lucrative but posing real challenge to sustainability because the methods are indiscriminate.

The problem is that the more drastic the penalties, the higher the bribes are likely to be. Therefore high penalties should be accompanied by other mechanisms to curb bribes. This a true challenge.

8. The bottom line in beach management is building up to propensity to save and to invest the proceeds from fisheries. To date, most of the fisherfolk have handled proceeds from fishing like gambling money. They squander it as soon as it is received.

Sustainable fisheries management requirement social engineering to induce saving and investment by fisher folks.

9. Provision of refrigeration and fish processing facility is part of value addition allowing fisherfolk or their beach associates to increase return from fish catch. This in turn will reduce efforts and promote conservation.

As it now fisherfolk are exploited by big fish merchants with refrigerated boats or motor vehicles.

10. There is challenge of capacity building and to increase versatility of fisherfolks and their beach associates. This may relate to actual fishing, fish processing, boat building, etc. It may also extend to aquaculture which is an increasing significant economic activity. Fisherfolk and their beach associates may also be introduced to how fish market operates and how they can improve their bargaining powers.

11. Restocking and reintroduction of endangered or extirpated species, respectively, is a challenging, if also delicate, task. The endangered ones may also be the priced fish species which every one who can afford, want on the dinner table. Therefore restocking will inevitably be a tight race in management. Some of the extirpated species may be found far away in foreign aquaria. An example is the New England Aquarium reputed to keep stocks from around the world.

12. The challenges in management of sustainable fisheries may be too big a task for a line department in a government bureaucracy. It may-well be time to set up a Fisheries management Authority for freshwater and marine fisheries. The two are complementary.

ESTABLISHMENT AND OPERATIONALIZATION OF FISHERIES CO-MANAGEMENT ARRANGEMENTS IN KENYA

1. Introduction to Fisheries Management

This is the responsibility given to the state which is directed to take account of the best scientific evidence available to ensure that the fisheries resources are not endangered by over-exploitation and to maintain or restore populations of fish species at levels which can produce maximum sustainable yield (MSY) as qualified by relevant environmental and economic factors. However, in the absence of scientific evidence, application of the principle of “precautionary approach” in ensuring sustainable management is necessary.

Fisheries Department is the government agency legally mandated under The Fisheries Act (Cap.378) with the task of managing and facilitating the development of national fisheries resources and the entire fishing industry. The department being a civil service, its duty is therefore strictly restricted to providing public services of which fisheries management is one of the services.

The primary responsibility is protection of fish stocks from over-exploitation while secondary responsibility is to ensure optimal exploitation and utilization of the resources on sustainable basis. Therefore, although fisheries management is intended to encourage management of fisheries at maximum sustainable yield (MSY) basis, in accordance with population dynamic perspectives, this has also to include all fishing effort levels below which MSY of a fishery is attained.

Basically, fisheries management is the process of promoting the maintenance of quality, diverse and availability of fishery resources in sufficient quantities for present and future generations in the context of food security, generation of income, poverty alleviation, creation of employment and sustainable development.

2. Fisheries Co-Management

Recently, a new trend in fisheries management has been introduced which includes participation of all fisheries users (e.g. fishers, fishing industry, conservationists, environmentalists and all those that depend on fisheries resources and habitats for a living) in decision-making and management processes. This is a kind of fisheries management, which provides a formal mechanism where inputs from resource users are included in decision-making and in the development of fisheries management models.

This type of management is founded on the fact that the right to fish carries with it obligations to do so in a responsible manner in order to ensure effective conservation and management of fisheries, other living aquatic resources and their fragile habitats.

Continued and successful evaluation of these trends requires that all basic factors and processes of fisheries management are made more understandable to non-technical players so that they can be able to meaningfully participate in effective fisheries management and decision making.

3. The Public Perception to the Role of Fisheries Department

a) Different members of the community perceive the duty of fisheries personnel as to assist: -

1. The community in catching of more and cheap fish or fish for better quality or wider variety of fishes .
2. The fishers to increase catching of fish to earn more money.
3. In teaching new fishing techniques or improving the standards of living.
4. In the reduction of importation of fish, increase fish export and also collect more revenue for the government.
5. Fish exporters with modern methods of fish processing and marketing in order to earn the country more foreign exchange.
6. In the increase of employment in the industry and provide more jobs for the increasing population.

b) Commonly, public view of the role of fisheries department may have likely answers as stated above but the following is what is the correct mandate of the department of fisheries:-

1. Planning of what should be done, by who, when and where in the fishing industry.
2. Determine what level of fish stocks should be taken from each water body.
3. Assist in understanding the interlinkages between fish stocks, fishing effort and the environment.
4. Ensure the food security is safeguarded and fish production assists in poverty reduction.

c) However, Fisheries Department is generally responsible for ensuring sustainable Fisheries Management and Development. In this endeavor, it does the following: -

- i. Formulate and make laws to control wasteful and bad fishing activities in order to ensure proper exploitation of the resources and to prevent disputes.
- ii. Carry out research, survey and collection of information on new fishing techniques and statistics.
- iii. Manage and organize the resources needed especially human resources for the development of fisheries; and
- iv. Design an efficient and effective fisheries services.

d) In order to be able to design efficient and effective services, the following information must to be taken into account:-

- i. What and how many people are involved in the industry?
- ii. Where they live and carry out fishing activities?
- iii. What boats and gears exist in a fishery?
- iv. Where and when is the fish caught?
- v. How are the fish handled, preserved and marketed?

It is therefore imperative that, a lot of data and information is needed and has to be collected. The big problem is who will collect this information. Does fisheries department have the capacity do that? The compromise situation should be found in the resource users who should be made aware of the important use of data and information and their application in safeguarding fisheries resources from over-exploitation. On this understanding, they will be able to participate in data collection and information gathering, which will be used in rational decision-making, and designing of management plans both locally and nationally.

4. History, Formation and Operationalization of BMUs

The beach leadership started as a clan or family affair at fish landing sites. Each of these sites was started as a point along the shore used by members of that family or clan for land fish, and also as a place to keep boats and gears. Initially, these sites were very peaceful because they were small and were placed under control and command of a family/clan elder. As members of the family or the clan increased in numbers, disobedient and illegal activities started to increase. To ensure that law and order was maintained at the beach, the members of the family/clan considered increasing the number of elders to form the council of elders responsible for beach leadership. These elders subsequently organized young members of the clan/community into vigilante groups and later task forces and cooperatives societies

These beach leadership set-ups had the role of control and command of the beach and ensured that everything was done in accordance with the societal needs. They were also responsible for resolving disputes and forming linkages with the neighboring beaches, the government and the visitors.

All through, the work of fisheries management has been the domain of the department of fisheries, the challenges have been many because the number of interested parties in the exploitation and utilization of fish and fisheries products including fishing industry in general have increased geometrically while the number of fisheries personnel had been increasing arithmetically or at times decreasing. At the same time the fishers and other dependants viewed the fisheries officers as stumbling blocks to their efforts of increasing fish production and income. The phenomenon of the tragedy of commons had been an over riding fallacy which had largely marred common sense in the exploitation and utilization fisheries resources.

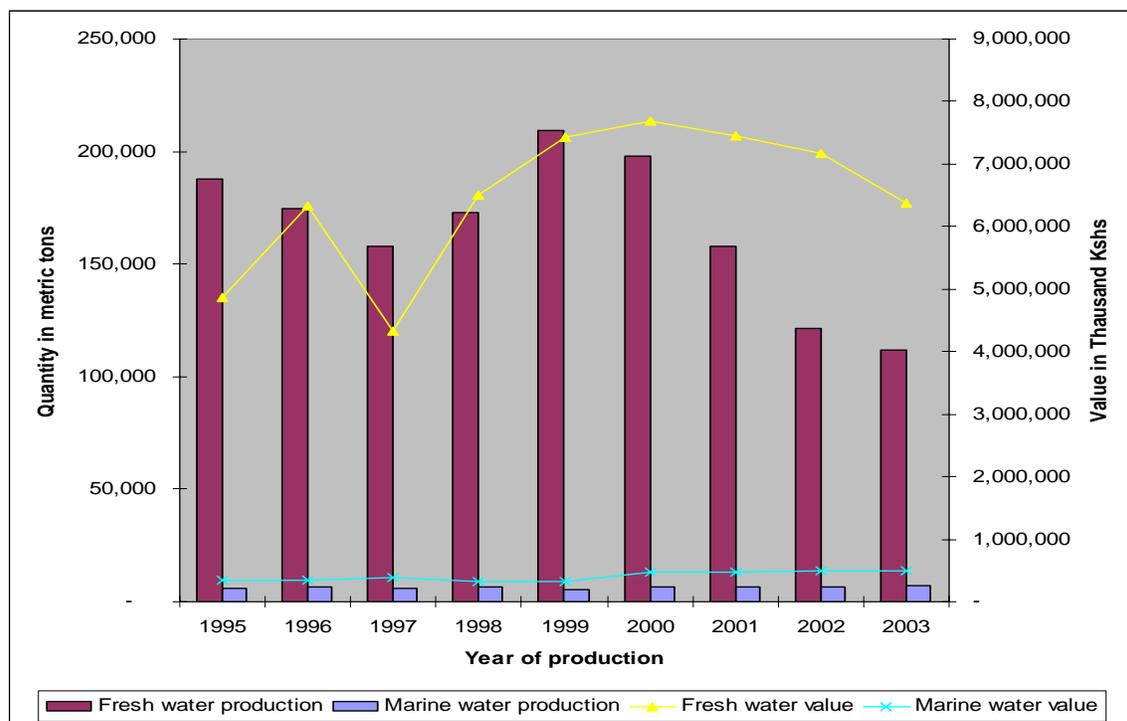
The fishers still harbour the legacy of "GOD given" and there is a strong belief that fisheries resources are God given and therefore it was needless to have fisheries officers patrolling the fishery waters, arresting and charging the purported illegal fishers. This situation predisposes mismanagement of the fisheries resources by the resource users with impunity. This is because a fisher wants to harvest as much as one could today because any fish not caught by one fisher today will be caught by another fisher and hence will not be available tomorrow. In addition to this belief, it is also clear that the impact of increasing human population on inelastic fishery water bodies exerts excessive fishing pressure to fisheries resources and therefore compromising sustainable management of such fisheries.

Serious competitions in exploitation and utilization of fisheries resources have outweighed the weak patrols conducted by fisheries officers. This has left the

resources at the mercy of the exploiters and therefore resulting to over-exploitation. If this trend is not contained it may lead to collapse of fisheries. The situation in Kenya was aggravated by 1993 Government embargo on the recruitment of staff resulting to decline of fisheries law enforcement officers. The major blow to this was in the year 2000 when several fisheries enforcement officers were retrenched leaving the patrols in the hands of very few officers who were assigned large areas to patrol than they could be able to cope with. Despite this, the Beach leadership has always assisted and mediated on these contradictory feelings between the fishers and fisheries officers and in this situation therefore, they have been seen as a solution to this wide problem in fisheries.

From available records, the productivity of national fresh water capture fisheries is recorded on the decline from 2000 (Fig.1) and this is clearly exemplified by the trends of Lake Naivasha fishery, which was at the verge of collapse before the stakeholders formed a committee to deal with the management of the entire fisheries. The intervention of the stakeholders in Naivasha has come up with rewarding results because the fishery is slowly recovering.

Figure 1: National fish Landings production by Fresh and Marine waters; Quantities and Value 1995 - 2003



4.2 Paradigm Shift in Fisheries Management

To safeguard fisheries from imminent collapse, the government has decided to change the approach to fisheries management from centralized control and command to the integrated approach where key stakeholders who are dependant on the fisheries for their livelihoods are involved in management decision making and other activities

related to fisheries sustainability. This paradigm shift of co-management identified the existence of potential **beach leadership**, which could be properly organized into institutions of fisher groups. If these institutions are strengthened through training and financial support they are likely to change the trend. When this idea was introduced to fishers, it was welcomed and therefore the government of the three East African States initiated the process of forming such informal landing beach leadership into formal organization and named them Beach Management Units (BMUs) to take the role of complementing government efforts in decision making process on fisheries management and development. They were identified as strong linkages between the government, the fisher groups and other stakeholders.

Practically these primary grassroot institutions have in the past been used successfully by fisheries Department to foster fisheries co-management strategies in all the national fisheries. Thus, with proper training, sensitizations and legal empowerment it is clear that they will be able to carry out this noble task because they have an advantage of always being close to the fishers both at the landing sites as well as fishing grounds.

5. Challenges

Though these fisher institutions have been in existence in East Africa, they have been lacking legal personality, guidance as well as legal empowerment. These weaknesses have made their efforts in fisheries legally invalid. Legal empowerment of BMUs would make sure that they operate legally and effectively in all aspects of fisheries management processes in close collaboration with Fisheries Department as well as other relevant government agencies. This approach is seen as the best national mechanism to fight illegal, unregulated and unreported (IUU) fishing in the country as well as in the region.

The process of the formation of BMUs and development of the BMU legislation has been difficult and so far it is not yet complete. In addition, the fisher groups are not technically qualified in fisheries management and development and hence they require training, sensitization and legal empowerment

When the BMU concept was introduced to the landing beaches, there was some resentment from certain quarters because they believed that these BMUs were another government introduction, which would interfere with the normal tradition, which had been accepted at the beaches. They think that the BMUs are introduced in order to take the roles of beach leaderships or to interfere with the running of cooperative societies, local authorities or they may be fronted as spies of the government.

In the situations where BMUs have been formed and have taken some of their roles on fisheries control, they have met legal predicaments because of lack of legal empowerment and protection.

In matters of formulating legislation for the BMU, unlike the existing traditional top-down regulatory legislation, which can be amended with relative ease, it is much harder to remedy defects or ambiguities in BMU legislation. In this case, serious consultations have to be undertaken before the BMU legislation is enacted.

These organizations can be relatively complex as they may be expected to contain all the socio-economic tensions of the society at the local levels.

6. Government Efforts in the formation and Legal Empowerment of BMUs

In pursuit to this central role, the government through consultative process has developed a draft legal framework for BMUs. The central role the BMUs are likely to carry is sustainable fisheries management through effective fight on IUU fishing; and therefore there is need to initiate their formation as well as legal framework. In this regard, the government carried out vigorous training and sensitizations to fisheries stakeholders and starting from the existing beach leadership structures; the BMUs have been formed in the country.

On formation, these units started their operation without guidelines. When assessing their operations, it was detected that BMUs were operating differently. This implied that they understood their mandates and roles differently and for this reason, there were need to develop harmonized BMU guidelines.

7. Progress Made In The BMU Development

Under the IFMP-LVFO project, vigorous sensitization and trainings have been organized and training manuals including harmonized BMU guidelines have been development to be used both nationally as well as regionally in all fisheries.

The guidelines contains important information on:-

1. Benefits of BMUs in fisheries management and development.
2. Potential risks the BMUs are likely to encounter.
3. Formation procedures, (membership and election of committees).
4. Organization structure.
5. Objectives of management working groups.
6. BMU by-laws.
7. Roles and obligations of BMUs.
8. Tenure of office and disqualification of membership from BMU committees.
9. Ownership and management of finances and assets (movable and immovable),
10. Formation of higher BMU associations and linkages with other stakeholders in fisheries management, development including other related matters.
11. Role of Fisheries Department, Local Authorities (District Governments) research, NGO's, CBOs and Development Partners.
12. Performance and monitoring of BMUs

The fisher communities have been trained and awareness created among them and they have shown some sense in this arrangement. They have therefore started appreciating the importance of these structures and their roles.

Despite the lack of legal empowerment at the moment, the BMUs are conducting some work in the monitoring of fisheries resources.

The development of the BMU draft legislation has been done through rigorous consultative process and the draft legislation is ready for enactment. However, before this is done, the principal fisheries law has to be amended by the parliament in order to accommodate a provision in the Fisheries Act to take care of this new concept.

Conclusion

Depending on the efforts the national governments of East African partner states are putting on formation and operationalization of BMUs, it is a clear point that there is goodwill to support and strengthen BMUs in the region. This is a move in the right direction in as far as efficient monitoring, control and surveillance (MCS) of fisheries resources is concerned and it is a reasonable move to safeguard fisheries resources in their areas, nationally, regionally and globally in accordance with the FAO Code of Conduct for Responsible Fisheries (CCRF) and other international instruments and agreements.

References

- 1) Reference Points for Fisheries Management, J.F. Caddy and R. Mahon, (FAO Technical Paper 347), 1995
- 2) Handbook for Junior Fisheries Officers Part I R.C. Cole and J.F. Rogers Tropical Products Institute, 1982
- 3) FAO Code of Conduct for Responsible Fisheries, Rome, 1995.
- 4) Adopted BMU Guidelines for East Africa,
- 5) BMU Guidelines for Republic of Uganda,
- 6) Report of East African Task Force on Harmonization of Fisheries Legislation, LVEMP, 2003
7. Kenya Fisheries Policy (Zero Draft), 2005

**REGIONAL WORKSHOP ON LEGAL AND OPERATIONAL FRAMEWORK FOR
BEACH MANAGEMENT UNITS IN EAST AFRICA**

24th to 27th November, 2005
Imperial Hotel, Kisumu, Kenya

Program

Time	Activity	Resource persons
Day One – 24th November 2005		
4.00 p.m –8.00 p.m	Arrival	ILEG
Day Two- 25th November,2005		
8.00- 9.00 a.m	Registration	ILEG
SESSION ONE: 1. OPENING CEREMONY		
9.00- 9.30	Welcome Remarks	Collins Odote, ILEG Jesicca Troell, ELI
	Opening Address	Mr. M wafula Deputy Director of Fisheries, Kenya
9.45-10.30 a.m	Key note Address: Towards Sustainable Management of Fisheries in East Africa: Issues and Challenges	Prof. Charles okidi Director CASELAP, University of Nairobi
10.00- 10.30 a.m		
TEA BREAK		
SESSION TWO: CO- MNGEMENT IN EAST AFRICA		
10.30- 11.00 am	Co-management in East Africa: theory, processes and Practice	Dr. Winnie Mitulah, IDS, UoN
11.00-11.30 am	PLENARY DISCUSSION	
11.30a.m –12.30 p.m.	The Legal Framework for BMUS: Kenya Uganda Tanzania	Collins Odote Boaz Kezire Magese Bulayi

12.30- 1.20 p.m	Plenary discussions	
1.20-2.30 p.m.	LUNCH BREAK	
	SESSION THREE: ROLE OF GOVERNMENT IN FISHERIES MANAGEMENT	
2.30-3.00 pm.	The Role of the government in the establishment and operationalisation of co-management arrangements	Mr Kariuki, Dept of Fisheries kenya
3.00 – 3.45 p.m	Plenary discussions	
3.45- 4.15 p.m	TEA BREAK	
	SESSION FOUR: INVOLVEMENT OF LOCAL COMMUNITIES	
4.15- 4.40 p.m	Beach Management Units and traditional structures: conflict or complementarity?	Dr. Raphael Kapiyo Maseno University
4.40- 5.30 p.m.	PLENARY DISCUSSIONS	
	Day Three: 26th November	
	SESSION FOUR CONTINUED	
9.00- 10.00 am	Experiences of Local Communities in managing Fisheries of Lake Victoria 1. BMU Representative, Kenya 2. BMU Representative, Uganda 3. BMU Representative Tanzania	Representative Wich LUM BMU Ronald Bate/Ali musana Emanuel ntemi, Kayenze BMU
10.00 – 10.45 am	PLENARY DISCUSSIONS	
10.45-11.15 am	TEA BREAK	
	SESSION FIVE : HARMONISATION OF CO-MANAGEMENT IN EAST AFRICA	
11.15- 12.15 pm	Thoughts and issues in harmonizing BMU Legal Frameworks in east Africa	Prof. Albert Mumma Faculty of Law, University of Nairobi
12.15-1.00 p.m	PLENARY DISCUSSION	
1.00- 2.00 P.M	LUNCH BREAK	
2.00– 2.20 pm	Cross Border Fishing, Conflicts and need for Harmonisation	John Owino, IUCN

2.20 – 2.40 pm	Socio-economics of BMU operations in East Africa	Dr. John Abila, KEMFRI
2.40- 3.40 pm	PLENARY DISCUSSION	
3.40-4.40 p.m	Creating Synergy in Efforts at Improving the Legal and operational Framework for BMU Operations in East Africa	Panel Discussion
4.40- 5.00 p.m	Way Forward, Conclusions and Recommendations	
5.00-5.30 p.m	TEA BREAK	
6.30- 8.00	SESSION SIX: CLOSING CEREMONY Closing Ceremony and Reception	Dr. Tom Okurut, LVBC, EAC
	DAY FOUR: 27th November	
	DEPARTURE	

LIST OF PARTICIPANTS

	Name	Telephone	Email	Address
1	JOHN RASARE	0720-470655		NEDG P.O.BOX 12, DAPONDITI
2	AUSTIN OWUOR OKELLO	0735-758755		WICHLUM BEACH
3	OGUTTU HANNINGTON	077-359380	oguttuwh@yahoo.com	ECOVIC UGANDA
4	JAMES OLONDE	0734-963527	kenya@ecovic-ea..org	ECOVIC KENYA, BOX 463 HOMA BAY
5	VICTOR MUNGU OJAH			OBENGE BEACH
6	JOSHUA ODHIAMBO NYAMORI	0723-201779 057-2021060		LAKE VICTORIA TRUST FUND FOR JOMO KENYATTA GROUNDS BOX 700 KISUMU
7	ISAIAH O. OJIAH	0734-473018		MIGORI DISTRICT BOX 147OTHOCH RAKVOM
8	BATESAAKI RONALD	007-881737		BMU, BOX 483 MUKONO, UG
9	MUSANA ALI	075-206812		BMU, BOX 48 BUSIA UGANDA
10	EMMANUEL NTEMI	0741-590482	Losc.2005yahoo.com	BMU, MWANZA, TANZANIA
11	ROMULUS ABILA	0720-29720	owinoroma@yahoo.com	MASENO UNIVERSITY BOX 333 MASENO
12	MATHIAS WAFULA	0733-715619	samaki@saamnet.com	DEPT OF FISHERIES BOX 58187 NAIROBI
13	GILBERT AGIENDA	0733-712032	angiendago@yahoo.com	OSIENALA
14	VINCENT ONG'WANG	0733-874657	viodog2000@yahoo.com	FISHERIES DEPT, BOX 104, HOMA BAY
15	MARK O OMONDI	0733-857748	momondi@yahoo.com	BOX 6022, KISUMU
16	COLLINS ODOTE		ccodote@yahoo.com	ILEG BOX 9561,00100
17	JOHN P OWINO		john.owino@iucn.org	IUCN, BOX 68200 NAIROBI
18	E. M. BULAYI	0745-384759	magesebulayi551@yahoo.com	FISHERIES DIVISION, BOX 2462 DAR ES SALAAM
19	MODESTA	0744-398892	mmedard@wwftz.org or	WWF EASTERN

	MEDARD	255-22-270071/7	modesta_medard@yahoo.co.uk	AFRICA, MARINE ECOREGION
20	ODENDA LUMUMBA		klal@africaonline.co.ke	KENYA LAND ALLIANCE
21	JOHSON W. KARIUKI		jowakariuki@yahoo.com	FISHEIES DEPARTMENT
22	PROF CHARLES OKIDI			CASELAP UNIVERSITY OF NAIROBI
23	YASSIN MKWIZI		leat@mediapost.co.tz	LEAT, BOX 12605 DAR ES SALAAM
24	JACKSON M. NDOBEJI		ecovictz@yahoo.com	ECOVIC, BOX 887 MWANZA
25	DOROTHY N. MURAKWA	0722-242858	dorothymurakwa@yahoo.com	FISHERIES DEPT. BOX 1084, KISUMU
26	MICHAEL O. KEPHAR	0725-921174		BMU, BOX 111 MBITA
27	IRENE SSEKYANA	256-041-344613	environment@greenwatch.org	GREENWATCH, BOX 10120, KAMPALA, UGANDA
28	DAVID MBOYA	0733-874600	mdouma2001@yahoo.com	FISHERIES DEPARTMENT, KENYA
29	AUGUSTINE MHAPA	0748-601165		ECOVIC TANZANIA
30	JOSEPH MIHAYO	0748-821215	mes2tz@yahoo.com	MES, BOX 11344, MWANZA TANZANIA
31	TOM GUDA	0733-979942	tguda2000@yahoo.com	BMU RACHUONYO
32	NANTALE ANNE	077-500699	nantaleanne@yahoo.com	ECOVIC UGANDA
34	ODHIAMBO MAKOLOO		makoloo@yahoo.com	ILEG
35	PAUL ONYANGO	255-748-908802	onyango_paul@yahoo.com	TANZANIA FISHERIES RESEARCH INSTITUTE, BOX 475, MWANZA
36	RODRICK KUNDU	0733-874753		FISHERIES DEPARTMENT
37	ERASTUS ORWA	0733-870470	otienokorwa@hotmail.com	ECOVIC
38	BENSON ONG'ETE	0734-344871		ECOVIC, KENYA
39	GEORGE ODHIAMBO	0734-982835		BMU
40	RAPHAEL KAPIYO	0722-343984	rkapiyo@yahoo.com	MASENO UNIVERSITY/ UHAI LAKE FORUM
41	KAMUTURAH S.		seremos802@hotmail.com	UFFCA

42	ALBERT MUMMA		amuma@uonbi.ac.ke	UNIVERSITY OF NAIROBI
43	KEIZIRE BOAZ		Keizire.boaz@apomaaif.or.ug	Box 102, EBB
44	JOSEPH NGOME		ngomejp@yahoo.co.uk	BOX 1896, KISUMU
45	SUSAN IMENDE	057-2024881	susanimende@yahoo.com	BOX 1084, KISUMU
46	CAROLYNE LWENYA	0722-679520	cgichuki@yahoo.com	KEMFRI, BOX 1881 KISUMU
47	DR RICHARD ABILA	0733-922643	abilarichard@hotmail.com	KEMFRI, BOX 1881 KISUMU
48	KAREN K BASIYE	0722-856597	kbasiye@yahoo.com	PCC, BOX 7472,00200 NAIROBI
49	HUDSON MOGAKA	0733-299383		FISHERIWS, BOX 1084 KISUMU
50	DR WINNIE MITULLAH		wvmitullah@swiftkenya.com	UNIVERSITY OF NAIROBI
51	SAMUEL GITAH	0722-801622	samgitahi@yahoo.com	NEMA-KENYA
52	JESSICA TROELL	+1-202-939-3843	troell@eli.org	ENVIRONMENTAL LAW INSTITUTE 2000 L ST.,NW,STE 6Z0, WASHINGTON DC 20036,USA
53	BENSON OCHIENG	020-3876722	b.ochieng@cgiar.org	ILEG, BOX 9561, 00100, NAIROBI
54	PAULINE MUNGE	0290-3876722	ileg@ilegkenya.org	ILEG, BOX 9561, 00100, NAIROBI