



The Governance of Artisanal Fisheries in the Sherbro River Area of Sierra Leone



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EXECUTIVE SUMMARY



This report sets out the historic and existing governance arrangements for artisanal fishing in the Sherbro River Estuary (hereafter 'the Estuary'), where fishing is vital to the livelihoods and food security of local communities. It uses research from 17 community visits and interviews of key stakeholders to analyse current and historic conditions at the levels of local communities, traditional authorities, local government and central government. Four key findings and recommendations are summarised below:

1. FINDING: After seven years of decentralisation, local councils are not perceived to be effective at fisheries management:

The clearest consensus in the area of governance to arise during the community engagement process regarded the perceived ineffectiveness of local councils. Even within the councils themselves, there was widespread agreement that they did not currently have the capacity to assume their statutory duties in the area of fisheries management. More broadly, fishing communities across the Estuary did not identify closely with the councils or their elected representatives.

RECOMMENDATION: For councils to become effective in the area of fisheries management, they must not only build technical capacity in the fisheries sector but also improve their overall legitimacy as representative and accountable democratic institutions. This can be done in part through increasing contact with elected officials and pooling the regulatory resources of the Estuary's two councils. The Government and partner NGOs must address this as part of the development of an MPA and associated co-management bodies.

2. **FINDING: Other layers of governance have begun to informally and haphazardly fill the vacuum left by local councils:** With councils currently unable to manage the Estuary's fishery, other organisations are taking on their roles. The most conspicuous example of this is the Sittia and Imperi Chiefdoms, that both collect licenses for artisanal vessels in some of their constituent villages and pass little or none of the funds raised to local councils. Crucially, however, this is not occurring uniformly. In the other chiefdoms visited, no licensing has occurred for several years. The management vacuum is also being filled from above. Bonthe Municipal Council, for example, outsourced license collection in the municipality to MFMR. In the immediate future, the new Fisheries Act may recentralise the responsibility for licensing semi-industrial fishing vessels, returning this responsibility to the Ministry of Fisheries and Marine Resources (MFMR).

RECOMMENDATION: The development of the MPA must consider and formalise a uniform role for traditional authorities in fisheries management in the Estuary. The level of this role, if any, should be determined in close consultation with local communities and democratically-elected councillors. A harmonised approach across chiefdoms is important to ensure there are not pockets of weak governance.

3. **FINDING: The 2009 net burning exercise was extremely controversial and has decreased trust in government in many communities.** Though six communities were broadly supportive, there is deep-seated anger in the remaining 11 communities following the enforcement exercise, during which they reported that promises of net replacements were made. In some cases this anger has led communities to refuse to pay licenses to local or traditional authorities, and some officials have expressed fears that further enforcement exercises could produce civil unrest if conducted in a manner similar to 2009. This anger must be addressed if confidence in Government is to be restored.

RECOMMENDATION: A transparent, universal subsidised net replacement programme is an important, early aspect of engaging communities in co-management of the future MPA. Without it, many communities will remain extremely suspicious of all level of government and will resist annual registration and net enforcement exercises.

4. **FINDING: Local communities play a crucial, inventive and variable role in fisheries management of their areas:** From the collection of user fees from visiting vessels to enforcing basic practices of fishing etiquette to developing and enforcing no-take seasons, many local communities have employed initiative and inventiveness in managing their fisheries. This offers encouragement to plans to involve communities in the management of a Marine Protected Area (MPA) through "co-management" structures. However, these findings also demand caution. The variable extent and quality of local fisheries governance suggests some communities may take more advantages from co-management than others. There is also the risk that conflicting local rules are emerging in neighbouring communities and that, collectively, local rules will not prevent overfishing across the Estuary.

RECOMMENDATION: Any MPA must be designed in a way that recognises, promotes and formalises existing fisheries management techniques practiced by local communities and encourages similar practices to be developed in other communities. At the same time, it must remain aware of the risk that local practices in neighbouring communities may be inconsistent or even incongruous.

INTRODUCTION

The importance of fishing in Sierra Leone:

Like many West African countries, fisheries are critical to the lives and livelihoods of coastal communities in Sierra Leone. The country is still recovering from a brutal 11-year civil war that came to an end in 2002, killing and displacing tens of thousands of people. This has in part led to Sierra Leone being one of the least developed nations in the world—it is ranked 158th out of 169 countries in the 2010 UN Human Development Index. Currently 70% of the population lives below the national poverty line, 58% are severely deprived in terms of health and 46% are undernourished¹. Sierra Leone's child mortality rate is amongst the highest in the world, with one in five children dying before the age of five².

Fisheries are one of the few sources of income and livelihoods for many coastal communities. In 2006 the fisheries sector contributed 9.4% of Sierra Leone's GDP and in 2005 it employed 243,500 people. Of these, 30,000 were artisanal fishers and the remainder were employed in the artisanal secondary sector. Fish is also the most affordable and widely available protein source in Sierra Leone, contributing 64% of animal protein consumed³. The governance of artisanal fisheries is thus of vital importance not only to the hundreds of thousands who depend on fishing for their livelihood, but also the population as a whole who depend on fish for food security.

The Sherbro River Estuary:

The Sherbro River Estuary, on the south west coast of Sierra Leone, is made up of two wide river arteries, which flow around the eastern and palm products in the 19th and early 20th century. These industries— along with electricity, modern buildings, and other elements of a bustling regional economic centre—are now long gone. In their absence, fishing by artisanal vessels operating from the Estuary's several dozen fishing communities is relied upon almost exclusively to keep the local economy afloat. Most fish are consumed or sold locally or to the interior of Sierra Leone, with very little exported.

While the communities of the Estuary contain artisanal fishermen, foreign industrial trawlers ply the oceanic waters off the coast, and have been frequently documented entering the river estuary itself, illegally entering the Inshore Exclusive Zone (IEZ) that extends five nautical miles off the coast, damaging local fishing gear and reducing the number of fish entering the Estuary.

As a result, there is not only enormous pressure on the area's marine resources, but also on local fishing communities. This pressure was augmented by the influx of migrants from other areas of Sierra Leone during the civil war to the relative safety offered by the Estuary. Many of these migrants have remained and taken up fishing. The combination of scant alternative livelihoods, the destructive presence of trawlers, recent population increases and stagnant development places enormous pressure on the region's marine resources. Consequently, these resources appear to be sharply declining in productivity⁴.



¹United Nations Development Programme (UNDP), (2010). Human Development Report 2010, New York.

²(WHO) World Health Organisation (2010) World health Statistics for 2010. [online] available at: www.who.int/whosis/whostat/EN_WHS10_Full.pdf

³Laurenti, G. (comp.), (2008). 1961–2007 fish and fishery products: world apparent consumption statistics based on food balance sheets. In FAO yearbook. Fishery and Aquaculture Statistics.2008/FAO annuaire.Statistiques des pêches et de l'aquaculture. 2008/FAO anuario.Estadísticas de pesca y acuicultura.

⁴More socio-economic information on the area, see: Environmental Justice Foundation, 2010, *Socioeconomic Report of the Sherbro River Communities in Sierra Leone*.



EJF's EuropeAid project:

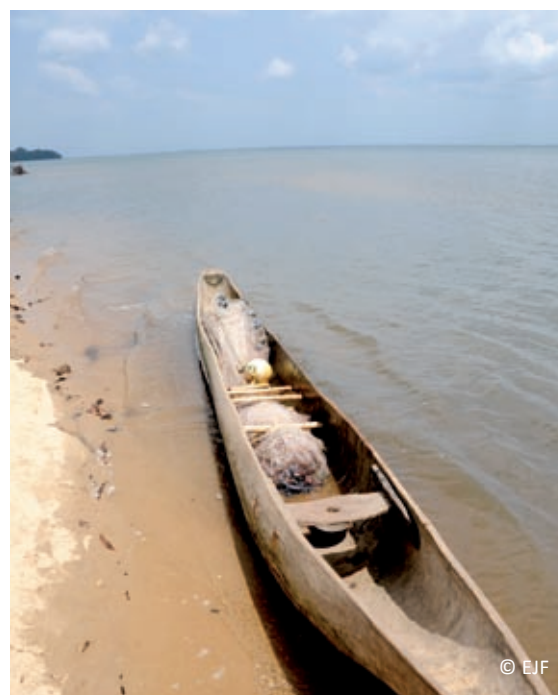
EJF is implementing a 5-year EuropeAid funded project with local partners, the Conservation Society of Sierra Leone (CSSL), to support the development of Co-managed Marine Protected Area's in Sierra Leone. The project commenced on January 1st 2011. EJF is building on its existing work with coastal communities in the Sherbro River area to address Illegal, Unreported and Unregulated (IUU) fishing by foreign industrial vessels as well as ongoing cooperation with the Ministry of Fisheries and Marine Resources (MFMR) to develop improved fisheries governance. EJF is committed to harnessing existing/historical fisheries management practices in order that MPAs be locally appropriate and fully engage local communities and other stakeholders. The 5-year project involves the following actions:

- Directly engaging coastal communities in the management of MPAs, and promoting wider awareness of ecosystem-based fishing methods.
- Building national and regional government understanding and uptake of MPA and ecosystems approaches to fisheries management.
- Replicating the project in Liberia from January 2012.
- Training to build the capacity of local CSOs to directly engage in the development of MPAs and the promotion of ecosystem-based approaches to fisheries management.

Study Objectives:

This report sets out to understand the historic and existing governance arrangements for artisanal fishing in the Estuary. This will include those in place at the central government, local government, traditional authority and local community levels. Experience elsewhere has demonstrated that a critical aspect of the effectiveness of MPAs is the governance systems within which they operate. Fishing communities often use local approaches to fishery management developed over many decades. These informal systems interact with the policies and activities of local authorities, traditional authorities and central government. Before developing an MPA, it is important to have a detailed understanding of the strengths and weaknesses of governance mechanisms already in place and those that have existed in the recent past. This will increase the effectiveness and durability of MPAs and ensure their management is more representative of the hopes and needs of relevant stakeholders.

It is of course the case that fishing unions, churches, mosques, local and international NGOs and donors play a role in the lives of local fishermen. In particular, there are a number of large internationally-funded projects that are aimed at artisanal fishermen in the Estuary. In recent months, for instance, the Methodist Church of Sierra Leone has financed ten large fishing canoes that have been sold on instalment to village cooperatives in one corner of the Estuary. This report, however, is consciously focused on those layers of governance that have been actively managing the fishery. It is an articulation of how the communities EJF visited perceive the four levels of governance ranging from the local village, through chiefs and local councils, to the central government in Freetown.



SUMMARY OF METHODOLOGY

An early step in the implementation of this project was a preliminary round of Community Engagement meetings. The EJF team first developed a list of 17 community 'clusters' at which meetings would take place. Sites were chosen from the area in which EJF has been operating since 2009, which roughly coincide with the area considered for a Marine Protected Area by the World Bank and a recent IUCN mission to the Estuary. Clusters each constituted one to four villages in close proximity. They were selected on the basis of their relative locations and size to ensure both that as many landing sites as possible were covered and that cluster meetings could be easily attended by representatives of each constituent village. For instance, Mania was selected as a site for a meeting on the basis of both its size and the ease of access of three other nearby villages: Bamba, Sand Beach and Ndainga. On the other hand, the relatively small village of Bomp Lake was chosen as a single-village cluster because of its remoteness from other communities.

Once clusters were selected, the local radio (Radio Bontico), was used to announce the list and membership of meeting clusters. Reminders were broadcast throughout the engagement period to upcoming meeting sites. The engagement team found this method to be largely effective, with all communities expecting EJF's visit other than Yargoi and Keiga. Radio Bontico did not have a large listenership in these two communities. After slight delays, however, the EJF team was able to hold well-attended meetings in the two villages, and telephone numbers were recorded to facilitate the organisation of future EJF engagement exercises.

Village clusters were invited to send 10-12 representatives to each meeting. It was requested that attendance reflect the different villages that made up the cluster and represent gender, age and occupational diversity. At the actual meetings, it proved difficult to restrict participation to the 10-12 invited guests. The rainy season is a slow period for fishing and its associated industries, so there were many adults in each cluster with both time and interest to attend meetings. EJF did not attempt to exclude those desiring to attend, so actual attendance was normally the 10-12 invited participants as well as 10-30 additional community members. The responses of these two groups were not distinguished by the engagement team, with each attendee given equal weighting.

Meetings were designed to last 2 hours. After multi-denominational prayers, meetings opened with introductions of EJF team members and participants. Brief, closed questions about communities (such as the names of chiefs and other leaders and the numbers of landing sites) were asked before a series of core, open questions were posed to participants. All meetings were conducted in Mende, with translation to English for the benefit of EJF staff made by a designated translator (one of the two members of EJF's permanent staff in Bonthe). English-speaking EJF staff occasionally asked clarification questions, which were translated into Mende for the benefit of participants. Each community engagement team was made up of two to four members of a pool of eight people.

Sherboro River Estuary: Community Meetings



HISTORIC AND CURRENT MANAGEMENT STRUCTURES



The EJF research teams queried fisheries management structures in each of the community clusters visited during the engagement process. In addition, interviews were held with stakeholders from the following key organisations:

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| Bonthe Municipal Council | UN Environment Programme |
| Bonthe District Council | The Environmental Forum for Action |
| Paramount Chiefs in three coastal Chiefdoms | World Bank West Africa Regional Fisheries Project |
| Bonthe Maritime Wing Forward Operation Base | West African Regional Marine and Coastal Conservation Programme |
| Harbourmasters and Master Fisherman | Parliament of Sierra Leone |
| Ministry of Fisheries and Marine Resources (Bonthe and Freetown staff) Fishing Unions | Institute of Marine Biology and Oceanography |

These interviews and the relevant elements of the community engagement process sought to understand current and historical governance arrangements relevant to fishing at the local community, traditional authority, local government and central government levels. EJF's resulting understanding of these arrangements is set out below, in ascending order of geographic size.

LOCAL COMMUNITIES

The EJF team was particularly interested in any current or historical management arrangements that existed at the level of local villages. Only two of 17 villages claimed that no such rules existed in their communities. These local practices are normally enforced, either primarily or in case of protracted dispute, by traditional authorities (see following section). Secret societies, which are often closely tied to traditional authorities, also play an important role in communicating and enforcing local rules. However, as has often been observed by researchers in Sierra Leone, participants in community meetings did not volunteer details of how secret societies were organised or operated. Several different forms of local practices were described during the community engagement process and are set out below:



User Fees:

In nine out of 17 village clusters, local management fees are levied on visiting fishermen. Fees were usually not levied on boats that laid nets in waters near the villages—rather, they were reserved for those boats that made use of landing sites. These fees range greatly from Le 5,000 to Le 50,000 depending on both the community concerned and the level of fishing undertaken by the visiting boat.

Fishing Practices:

Many communities identified informal rules that governed how fishermen could go about their work. For example, in Bomp Lake, Keiga and Bonthe Town, participants said that local communities had rules governing how close nets could be cast next to each other by separate fishermen to ensure adequate space to fish. In Bendu Town, it was reported that there were rules banning the use of noise to drive fish into nets, though compliance with this rule by fishermen from other village was declining. In Ngaringa, if somebody is caught defecating on a landing site, they are fined Le 5,000. Six communities claimed to actively prevent the use of illegal nets by both local and visiting fishermen, with some even claiming they would destroy illegal nets when discovered. However, in some cases such assertions were contradicted by neighbouring villages that reported that illegal net use in the supposed enforcement area was rife. For instance, Mania and Bohoi both accused each other of using illegal nets and illegal beach seines. In most communities, it was believed illegal nets were those that were smaller than “two fingers” in width and those made with monofilament, though there was some confusion over the exact permissible mesh size.

Closed Seasons and No-Take Areas:

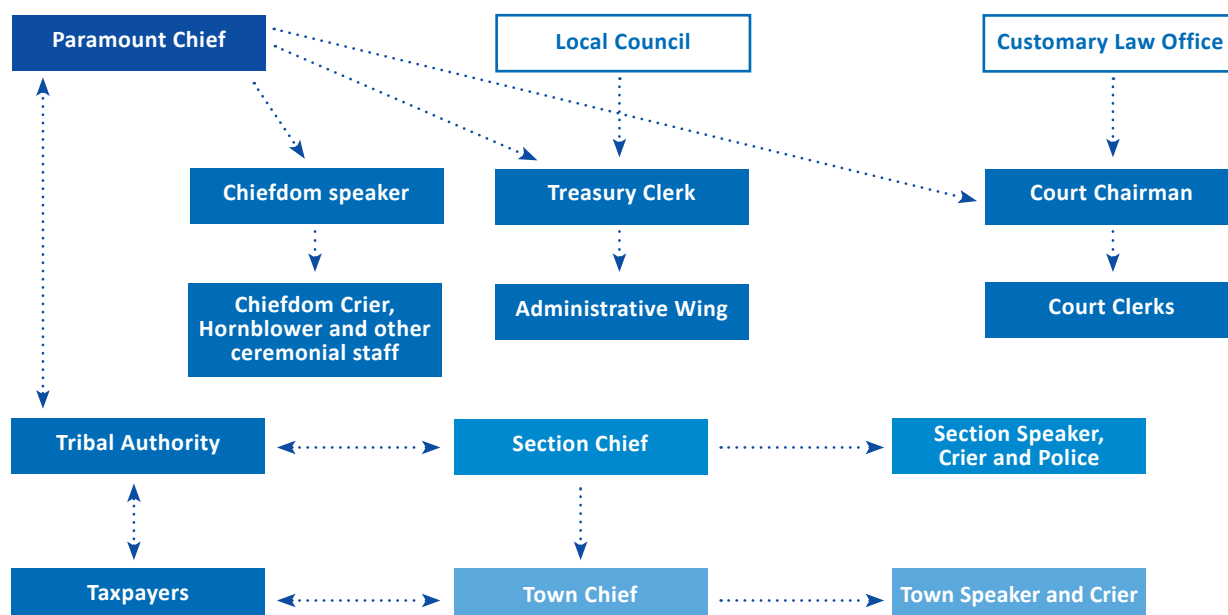
Seven community engagement meetings identified existing or attempted efforts to close fishing grounds for part or all of the year. Ngaringa and the Bohoi cluster identified fresh-water creeks and lakes in their area that have been closed for as long as anyone could remember. Sembium Creek, it was reported, is closed all year. Boisy and Tulu lakes are opened only annually and every two years, respectively. Fishing in closed areas results in a fine by town chiefs of Le 20,000 and referral to the Paramount Chief if payment is refused. At harvesting time, cultural ceremonies are organised by traditional authorities in conjunction with secret societies and fishing is permitted on payment of user fee (traditionally in the form of fish and more recently in the form of a Le 5,000-10,000 payment depending on the type of gear used). These practices are not unique. MFMR staff in Bonthe had heard of similar closures in other communities near freshwater creeks and lakes further down the Kittan River. The Njimi cluster reported such practices in two freshwater lakes in the interior of Sherbro Island. Away from areas of freshwater, Hanging Site reported the operation of a complete ban of fishing in Icy Creek (filled with seawater most of the year) “for as long as anyone can remember”. They believed the ban to be well enforced by local fishermen. EJJ’s Community Organiser has witnessed the operation of a closed season in the waters surrounding Old Turtle Island, enforced by the area’s Paramount Chief.

There were three examples of new protected areas emerging. In each case, these were created after sensitisation meetings run by either EJJ or MFMR. Momoyah and Senjehun had both in the past few months set aside—as a community—creeks near their respective villages for special protection. Participants in both village meetings were optimistic that they could be locally enforced, though it is too early to determine how successful this effort has been. For several years, Mbokie have operated a no-take zone in Patubuat at the suggestion of the Bonthe MFMR Fisheries Officer. In addition to the seven cases of potentially effective protected areas, almost all villages that took part in the community engagement exercise identified breeding areas that they thought should be protected from fishing. In some cases they said that they as a village avoided fishing there but fishing by fisher folk from other villages was so common as to make the protection ineffective. Finally, participants in the Yargoi meeting reported that no-take areas had been declared by MFMR staff for Victoria River and Mosimbo Creek, though there was no enforcement to date. Fishermen questioned the practicality of this rule, as 11 villages that depend on fishing for a livelihood lie along these two bodies of water.

CONCLUSION: Local communities play a crucial, inventive and variable role in fisheries management of their areas: From the collection of user fees from visiting vessels to enforcing basic practices of fishing etiquette to developing and enforcing no-take seasons, many local communities have employed initiative and invention to manage fisheries. This offers encouragement to plans to involve communities in the management of a Marine Protected Area through “co-management” structures. However, these findings also demand caution. The variable extent and quality of local fisheries governance suggests some communities may take more advantages from co-management than others. There is also the risk that conflicting local rules are emerging in neighbouring communities and that, collectively, local rules will not prevent overfishing across the Estuary.

RECOMMENDATION: The MPA must be designed in a way that recognises, promotes and formalises existing fisheries management techniques practiced by local communities and encourages similar practices to be developed in other communities. At the same time, it must remain aware of the risk that local practices in neighbouring communities may be inconsistent or even incongruous.

TRADITIONAL AUTHORITIES



The community engagement exercise covered four Chiefdoms: Sittia, Bendu-Cha, Imperi and Norgoba Bullum. The traditional authority structure is depicted in the diagram above. Each Chiefdom is headed by a Paramount Chief, who is elected by members of Tribal Authorities (called Chieftom Councillors) following the death or resignation of their predecessors. Chiefdoms are geographical units and each contains members of Sherbro, Mende and other, minority ethnic groups. One Chieftom Councillor is elected by every twenty taxpayers (all those 18 and over). A candidate must be a member of and be selected by one of several dynastic ruling families found within respective chiefdoms. Ruling families tend to be the Chiefdom's larger landowners, and they are often decedents of "founding members" of settlements. The Paramount Chief is supported by a deputy (Chieftom Speaker), the Court Chairman, and an administrative wing headed by the Chieftom Treasury Clerk, who is appointed by the Local Council.

Each Chiefdom is divided into sections, governed by a Section Chief. They are selected upon the death of a predecessor by the members of the Tribal Authority in the relevant section. Candidacy is restricted to "indigenes" of the section. Each settlement within a section elects a Town Chief. All taxpayers are given the right to vote for candidates from the ruling families of the town, and the elected Town Chief serves for life. The Bonthe Municipal area is not covered by a Paramount Chief but itself contains 18 "Section Chiefs" elected under a universal suffrage for four year terms, similar to the village heads elected in the Western Rural Area, surrounding Freetown. All taxpayers are eligible to stand for election.

Current and Historic Management Roles:

The formal duties of chiefs centre on law and order and dispute resolution. The more serious the dispute, the further up the hierarchy it ascends for resolution. Chiefs also organise the collection of the Local Tax, an annual payment made by every adult in the chiefdom that is shared between the Native Administration and the Local Authority. Other taxes that are collected vary by chiefdom, but they can include levies on burials, land transactions, building projects, livestock and fishing boats. In practice, chiefs take on a number of other roles, including: transmitting messages to their people from local and central government, organising religious and other cultural activities (including a close relationship with secret societies) and receiving visitors to the chiefdom.

All of these roles have a bearing, to some degree, on local fisheries management. Most communities explicitly identified chiefs as the authority used to resolve fishing disputes. For instance, when fishermen were found in closed areas near Ngaringa they were brought to the Town Chief. If they refused to pay a resulting fine they were brought to the Paramount Chief. This was done even if the infringement was made by a visitor from another chiefdom. The cultural roles of traditional authorities were also important in this process—closed seasons were often associated with traditional libations undertaken by chiefs.

The same confidence in traditional authority was not universal, however. Participants in the Bendu cluster reported that compliance by visiting fisherman with local laws against the use of noise to drive fish into nets was declining because “people no longer feared the chief”. Residents in Bomp Lake were also not confident that traditional authorities would be able to enforce fishing regulations. This variation in the effectiveness of traditional authority in managing fishing was also found in the area of revenue collection. As discussed below, Bonthe District Council has attempted to devolve artisanal boat registration to coastal chiefdoms. However, this was taking place effectively in only one of four chiefdoms visited.

CONCLUSION: Traditional authorities have begun to informally and haphazardly fill the vacuum left by local councils: With councils unable to manage the Estuary’s fishery (see below for more details), traditional authorities are taking on some of their roles. The most conspicuous example of this is the Sittia and Imperi Chiefdoms, who both collect licenses for artisanal vessels in some of their constituent villages and pass little or none of the funds raised to local councils. Crucially, however, this is not occurring uniformly. In the other chiefdoms visited, no licensing has occurred for several years.

RECOMMENDATION: The development of the MPA must consider and formalise a uniform role for traditional authorities in fisheries management in the Estuary. The level of this role, if any, should be determined in close consultation with local communities and democratically-elected councillors. A harmonised approach across chiefdoms is important to ensure there are not pockets of weak governance.



LOCAL AUTHORITIES

There are two local authorities in the Estuary: Bonthe Municipal Council (BMC) and Bonthe District Council (BDC). The former covers Bonthe Town as well as York Island and several immediately proximate villages. The remainder of the area, making up the large majority of the physical space covered by any likely Marine Protected Area, is administered by the Bonthe District Council. Following the dissolution of elected councils in 1972, there was a 33-year period without an elected local administration. Local bodies—such as the Sherbro Urban Council—were appointed by Central Government. The lack of local democracy has been widely cited as a significant contributing factor to the 1991-2002 civil conflict⁵. Thus, soon after the end of the conflict, the Local Government Act of 2004 (LG2004) was passed, leading to the restoration of elected local councils. The decentralisation process that followed was supported by donor funding from the World Bank, the UK's Department for International Development and the European Commission.

Licensing:

LG2004 assigned responsibility for licensing artisanal fishing, formally conducted by staff from the Ministry for Fishing and Marine Resources (MFMR), to the eight coastal authorities. In early years, Councils were to be aided by ministry staff in order to build the necessary levels of capacity to effectively register boats. By law, the registration of boats should only be made after the payment of fee and an inspection that determines whether the relevant boat is seaworthy and its associated gears are legal. In April 2010, MFMR issued a guide to Local Councils reaffirming the rules for the registration process.

Bonthe Municipal Council:

In the first years of decentralisation, Bonthe Municipal Council (BMC) assigned staff to work with MFMR to learn the registration process. Several years ago, however, it was decided to formally outsource the process back to MFMR staff, with the ministry retaining 40% of fees to cover administrative costs. The Bonthe MFMR officer have in turn outsourced collection to the Master Fisherman, a senior fishermen elected by his peers. At the time of the community engagement process, no fees had been collected in the BMC in 2011. Local communities reported that they had paid fees in 2010. At the time of writing (over a year after 2010 fees collection took place), the Municipality reported that it had not yet received any of the 2010 payments. It was also noted that since devolution, the practice of checking nets during registration had declined. One fisherman reported, “The Council doesn’t check nets—it just wants money”.

Bonthe District Council:

The Bonthe District Council (BDC) took a different approach to the management of the licensing process. Reflecting its larger geographical area, it invited chiefdoms to assign one person to be trained by MFMR staff to collect license fees. 30% of fees were to be retained in the Chiefdom with the rest being passed to BDC. The EJP community engagement process and interviews with relevant officials suggest that this system is not working. Licenses are collected in Imperi and Sittia Chiefdoms, but little or no fees were paid to the Council. Yargoi and Keiga—both in Imperi—indicated that in 2010 fees had been collected by Chiefdom staff, with nets being checked at the same time. Fees are retained within the Chiefdom and not shared with the BDC. However, no registration had yet occurred in 2011. Sittia Chiefdom collects fees in some villages, though participants in three of five community clusters visited in the Chiefdom did not remember this collection taking place. Sittia collects fees at the same time as its staff collect Local Tax from each adult in the Chiefdom. The funds are paid as a lump into the same bank account, with 15% then sent to the Council. No participants reported nets being inspected as part of this process. In the remaining two kingdoms, however, there has been no collection for at least two years—in some cases for over three years. When collection did occur, nets were not checked. In these chiefdoms, it was perceived that collection was still the responsibility of the Council but was not being performed. In some cases, it was reported that collection stopped after villagers refused to comply with the requirement. Two villages reported that they abstained from the registration process because they felt the Council did not do anything to govern fishing and therefore did not deserve the fees. In both cases, license collectors have not returned since.

⁵ See, for example: Richards, P. 2005. ‘To Fight or to Farm? Agrarian Dimension of the Mano River Conflicts (Liberia and Sierra Leone).’ *African Affairs*. 104(417): pp. 571-590; and Chauveau, J., and Richards, P. 2008. ‘West African Insurgencies in Perspective: Côte d’Ivoire and Sierra Leone Compared.’ In: *Journal of Agrarian Change*. 8(4): pp. 515-552.

Semi-industrial fishing restriction:

Following the civil conflict, a large number of Ghana Boats—large, semi-industrial vessels—appeared in the estuary. Many were owned and crewed by migrants from Shenge, Tombo and other areas north of the estuary. The boats normally came during the dry season and used long, deep drag nets. High Ghana Boat catches caused an extreme decline in catches for artisanal fishers. There were also reports of conflicts between these migrant fishermen and local residents in York Island, one of the towns the Ghana Boats used as a landing site.

In York Island, Bomp Lake, Bonthe Town and Mbokie, participants in the community engagement exercise were supportive of a 2008 local bye-law that restricted fishing by these boats. The restriction was initiated by the MFMR Fisheries Officer in Bonthe after lobbying from concerned fishermen and the conspicuous decline in catch. He wrote a draft bye-law that set out the restriction, and this was presented to the two councils. Both councils adopted the bye-law and it became a formal rule, with enforcement by Council officers, the Maritime Wing and the Police. Communities in the areas affected reported that the ban is largely effective, though there was concern that the Ghana Boats would return if enforcement was not maintained. It was popularly perceived that the restriction was imposed by Central Government rather than the councils due to the facilitation role played by MFMR and the enforcement activities by the Navy in the year following its imposition.

Overall impression of local authorities:

It was widely felt by fishermen that local councils were not playing a role in the regulation of artisanal fishing. More broadly, identification with local authorities reduced dramatically away from areas of local council authority. York Island residents—who live one hour by paddle canoe and ten minutes by motorboat from Bonthe—claimed that they never saw local councillors and did not understand what the council was doing. Residents in Bomp Lake believed their village technically fell within Bonthe District, but they nonetheless chose to vote in nearby Bonthe Town in BMC elections because they preferred to be part of the Municipality. In Bonthe District, all the areas visited were far from the District Council headquarters and felt a lack of identification with activities of the Council. Only in Mania, where a Councillor was resident, did residents report contact with elected representatives. In all, nine of 17 communities responded to questions regarding the role of local councils by stating they had never seen a local councillor in their area. Other than Mania, only residents in Bonthe Town reported meeting a councillor. Local Councillors were not mentioned in the remaining six villages when the roles of the Local Council were discussed. This lack of identification with elected representatives has doubtlessly harmed efforts by councils and their agents to collect licenses, and it meant that MFMR—rather than the two councils in the Estuary—got sole credit for the widely popular bye-law restricting semi-industrial fishing in the estuary.

CONCLUSION: After seven years of decentralisation, local councils are not perceived to be effective at fisheries management: The clearest consensus in the area of governance to arise during the community engagement process regarded the perceived ineffectiveness of local councils. Even within the councils themselves, there was widespread agreement that they did not currently have the capacity to assume their statutory duties in the area of fisheries management. More broadly, fishing communities across the Estuary did not identify closely with the councils or their elected representatives.

RECOMMENDATION: For councils to become effective in the area of fisheries management, they must not only build technical capacity in the fisheries sector but also improve their overall legitimacy as representative and accountable democratic institutions. This can be done in part through increasing contact with elected officials and pooling the regulatory resources of the Estuary's two councils. The Government and partner NGOs must address this as part of the development of an MPA and associated co-management bodies.

CENTRAL GOVERNMENT

Since 1994, the Central Government body with responsibility for the governance of fishing is the Ministry for Fishing and Marine Resources (MFMR), though as discussed above, direct responsibilities for artisanal fishing have been passed to local authorities. In addition, the Maritime Wing of the Sierra Leone Army (hereafter 'Navy') has enforcement responsibilities. The Ministry for Agriculture, Forestry and Food Security (MAFFS) also has important responsibilities relevant to a future Marine Protected Area. It has a mandate to conserve mangroves and other coastal forests, and it has a responsibility under the Wildlife Conservation Act of 1972 to protect endangered manatees. MAFFS and these responsibilities were not, however, mentioned by any of the 17 communities visited.

MFMR:

From 1994 to 2004 MFMR was responsible for registering artisanal boats. Many communities reported that it was relatively consistent in implementing this responsibility. Its opinions on artisanal fishing, such as areas that should be considered for special protections due to breeding activity, were also respected in many areas. Many communities cited the popularity of the MFMR Fisheries Officer from 2003-2009 alongside stating their high regard for MFMR's effectiveness in the area. It was observed that the MFMR has continued to conduct sensitising activities in some of the Estuary's largest towns, such as Bonthe and Mania, on issues concerning artisanal fishing. The MFMR was also active in implementing the 2009 illegal net enforcement drive (see below), and several communities recalled the MFMR/IMBO Frame Survey of the same year. Councillors and council officials, however, complained of a lack of support from MFMR, and BMC is currently in dispute with the Ministry over the payment of 2010 license fees to the Council. MFMR officials, however, felt that they had made offers of assistance to Councils, but these had not been taken up by the councils. Draft legislation to replace the 1994 Fisheries Act contains provisions to remove the responsibility of councils to register semi-industrial fishing vessels, such as Ghana Boats, and recentralise this role to MFMR.

2009 Net Enforcement Exercise:

In the vast majority of communities, a key milestone for participants was the 2009 drive by MFMR and the Maritime Wing to enforce existing laws on illegal nets. Over a period of several months, officers visited most villages in the Estuary and seized illegal nets. These were then burned. This enforcement exercise was extremely controversial. In five communities, there was deep anger at the process. Many claimed that offers of compensation—usually in the form of subsidised or free legal nets—were offered to those whose nets were burned. They said that no compensation was ever given, however. Six communities, though, were broadly supportive or even thought the enforcement exercise had not gone far enough and should be resumed. Two meetings expressed mixed feelings on the exercise, recognising its importance but also arguing that subsidised legal nets should have been offered to replace burned nets.

Except in those villages that expressed unreservedly positive opinions on the net enforcement exercise, there is a deeply-held belief that the replacement of confiscated nets is critical to regaining the trust of communities. In addition, citing the anger of local communities, officials in both traditional authorities and local councils expressed their reluctance to enforce laws governing illegal mesh sizes until a net replacement scheme was put in place. They were concerned that seizing nets could result in jeopardising the food security of affected families as well as potentially even causing social unrest.



CONCLUSION: The 2009 net burning exercise was extremely controversial and has decreased trust in government in many communities. Though six communities were broadly supportive, there is deep-seated anger in the remaining communities following the enforcement exercise, during which they felt that promises of net replacements were made by MFMR and Maritime Wing officials. In some cases this anger has led villages to refuse to pay licenses to local or traditional authorities, and some officials have expressed fears that further enforcement exercises could produce civil unrest if conducted in a manner similar to 2009. This anger must be addressed if confidence in Government is to be restored.

RECOMMENDATION: A transparent, universal subsidised net replacement programme is an important, early aspect of engaging communities in co-management of the future MPA. Without it, many communities will remain extremely suspicious of all level of Government and will resist annual registration and net enforcement exercises.



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