

Fear of Flight

In Nigeria, waterfront communities, whose livelihoods are predominantly dependent on fishing and related activities, live under constant fear of eviction

Fisherfolk are often counted among the poorest of the poor. More than half of the Nigerian population is classified as multidimensional poor in the 2016 Human Development Report. An estimated 25-30 per cent of Nigeria's population lives within 100 km of the Atlantic coastline, spread across 850 km. More than 70 per cent of Nigeria's fisherfolk live in minor fishing settlements and camps within one km of the coastline and also in major fishing communities situated five km from the coastline. Poverty is particularly pronounced in rural areas where the bulk of local fish production takes place; among the poorest are those living on the fringe of the coastline and in the mangrove swamps. Here the levels of deprivation, marginalisation and vulnerability—to stresses and shocks associated with negative environmental and social changes—are correspondingly high.

The metropolitan centres of Lagos and Port Harcourt have their own share of the poor. The acute housing crisis amid a drive for urban development is the underlying cause of the proliferation of unplanned, sprawling informal waterfronts and floating shanty slums. In the waterfront communities, livelihood is predominantly dependent on fishing and related activities. People here live under the constant fear of eviction, despite the assurance to accessible and secured tenure to land for all in the extant Land Use Act of 1978. Waterfronts and floating slums are generally associated with illegal squatters, poor quality housing, overcrowded situations, unsanitary conditions and exposure to environmental hazards.

State authorities harp on obligations to the larger public to rid waterfronts of environmentally injurious, unsanitary habitations, rampant kidnappings and crime that emerged during the height of Niger Delta development. Land-use administration and progressive

expansion of coastal development by other resource users, engulfed some waterfronts. In Lagos, the entire Maroko community was sacked in 1990 and more recently Ilubirin (in 2016) and OtodoGbame (in 2017) were forcefully evicted, while Makoko, a major fishing community and one of the world's biggest floating slums, survived a demolition attempt in 2012. Similarly, in the oil city of Port Harcourt, residents of Njemanze waterfront and Abonnema Wharf were forcibly evicted between 2009 and 2012 as part of the urban renewal programme.

Fishing communities face inherent challenges of natural disaster; the risks are magnified by climate change. Given the low elevation—about three metres above sea level—and the coastline's topography, many fishing settlements are highly vulnerable to flooding, inundation and erosion. These often cause the loss of secure rights to permanent land for settlement, leading to proliferation of temporary, minor settlements and fishing camps. The original site of Awoye, once a prosperous shrimping village, is now deep inside the Atlantic Ocean at a distance of three km from the present shoreline. Ocean surges are gradually swallowing up communities lying below sea level. Secure land tenure is also threatened by frequent communal clashes between communities that have lost parcels of land due to erosion, or because adjacent communities extended the frontiers of their land, or due to the emergence of new fishing camps from deposition of eroded sediments.

Rights to resources

The Land Use Act vests the rights to subsurface minerals with the State, overriding the customary tenure rights of the communities. Consequently, massive crude oil production in the Niger Delta has caused loss of secure rights to land, as also the rights to other

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Fish landing site at Ebute Oluwo in Epe, Lagos State. Waterfront communities, whose livelihoods are predominantly dependent on fishing and related activities, live under constant fear of eviction, despite the assurance of secure tenure to land in Nigerian law

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natural resources including fisheries. Accumulated impacts from oil exploration and production, dredging and gas flaring aggravate disaster risks and cause far-reaching degradation of the natural resources that sustain livelihoods. Mangrove forests are natural barriers to storm surges and

of cyclical drought is experienced in the northeast. Lake Chad, once considered one of Africa's largest freshwater lakes with major inland fisheries, has shrunk significantly, while river flow-ins are reducing. Recession of the lake and low fish catch has heightened tension over territorial rights between fishermen, farmers, cattle herders and farmers of other countries. Lately, the Boko Haram invasion brought fisheries production to a near standstill. Shrinkage is expected to worsen in the coming years; on the heels of this is the gradual disappearance of the lake, its fisheries resources, fisheries-dependent communities and livelihoods, which will affect national and regional food security.

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wind breakers; their destruction decreases resilience of ecosystems. Overall, there is poor integration of many low-income communities into disaster-risk assessments, except where local adaptation strategies exist.

Inland fishing communities are not spared from the vagaries of climate change. Several communities in the proximity of River Niger, Benue and Kaduna, respectively, have been displaced from the combined impacts of seasonal flooding during heavy rains and the release of water from hydroelectric dams. The greatest impact

Formal recognition of legitimate customary tenure rights to land is often context-specific. Legal pluralism is a prominent feature of law in the Nigerian state, which affects small-scale fisheries governance. Though legislation relating to inland and marine small-scale fisheries is within the purview of the state and federal governments, respectively, governance is through customary norms, particularly for inland fisheries. In most inland small-scale fisheries, inclusive of lagoons, creeks and estuaries, *de facto* common-

property regimes or customary tenure rights to fishing grounds and adjacent lands, norms and taboos of age-old fishing practices are still very prominent. Access to fishing grounds is prescribed according to gear, and fishing grounds are co-owned by those operating similar fish gear technologies. Inland fisheries serve multiple uses; regardless of whether they are big or small, they face serious challenges from the impact of competing uses, especially from power generation, industrial waste spillage, sand dredging, domestic and industrial water supply, agriculture and also from externalities. Edicts and regulations for inland fisheries of most states in the federation are outdated and seldom enforced due to poor infrastructure and logistics.

Nigeria lacks a fisheries co-management policy. The Kainji Lake Fisheries Management and Conservation Unit (KLFMCU), a fisheries community-based management within a donor-funded project, failed following the expiry of the project cycle. There is little interaction between the governing system and system to be governed; fisheries are managed by top-down, government-controlled systems, with little or no participation of fishers, except such as the mixed systems of fisheries governance at village levels in some major fishing communities of Kainji/Jebba and Chad basins, the confluence of the Niger/Benue, and Nguru-Gashua wetlands in northeast Nigeria.

Traditional norms are virtually absent in the coastal small-scale fisheries where the regime is open-access. Economic benefits have remained the single most important factor that determined entry and exit into the fishery in the absence of strong cultural factors to promote resource management. From the 1980s, overexploitation of near-shore fisheries drove many fishermen to cover longer distances in search of more productive fishing grounds. As a result, it became increasingly difficult for communities to control access to fisheries resources and also to limit fleet size, thus undermining the efficacy of customary systems.

Legally, the first five nautical miles (7898.78 sq km) of the coastal waters is ceded to the small-scale fisheries in the extant Sea Fisheries Act of 1992. However, the preferential access has not solved the problems of conflicts between the small-scale fishers and

large-scale fishers; trawlers still frequently infringe upon these tenure rights, destroying the latter's nets and increasing the mortality of juvenile fish. Regulations to control activities of small-scale fisheries in the coastal and brackish water are also inadequate. A number of the fishing settlements are inaccessible to monitoring by the state, which itself is constrained in logistics and human resources. There are no specified gear restrictions for the small-scale fishers in the exclusive fishing zone that constitutes the most productive patches, being the shallowest portion of the continental shelf and, therefore, accounting for a high probability of juvenile catches.

In the absence of an international consensus that a tenure right is a human right, the Nigerian state must still respect the human dignity of indigenous and waterfront communities. Customary tenure

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systems of indigenous communities must be recognised, accepted and protected as legal by the state. The conditions of existing waterfront communities must be upgraded to improve living conditions and general community well-being, just as it was done in Singapore; parallel measures must be adopted to provide planned, legal and affordable housing for the low-income people to prevent growth of new informal settlements.

Decentralization of small-scale fisheries governance is the key to resource management. Tenure security and rights to fishery resources in the exclusive zone must be improved for small-scale fishers by strengthening enforcement and facilitating access to justice. To avoid or minimize the disruption of livelihoods to natural disasters, adaptive capacities must be strengthened to improve the resilience of affected communities, and adequate alternative housing, resettlement or access to land and fisheries resources must be provided where expropriation of land and fishery resources have occurred. ♣

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www.lawsofnigeria.placng.org/laws/S4.pdf
Sea Fisheries Act, Nigeria 1992