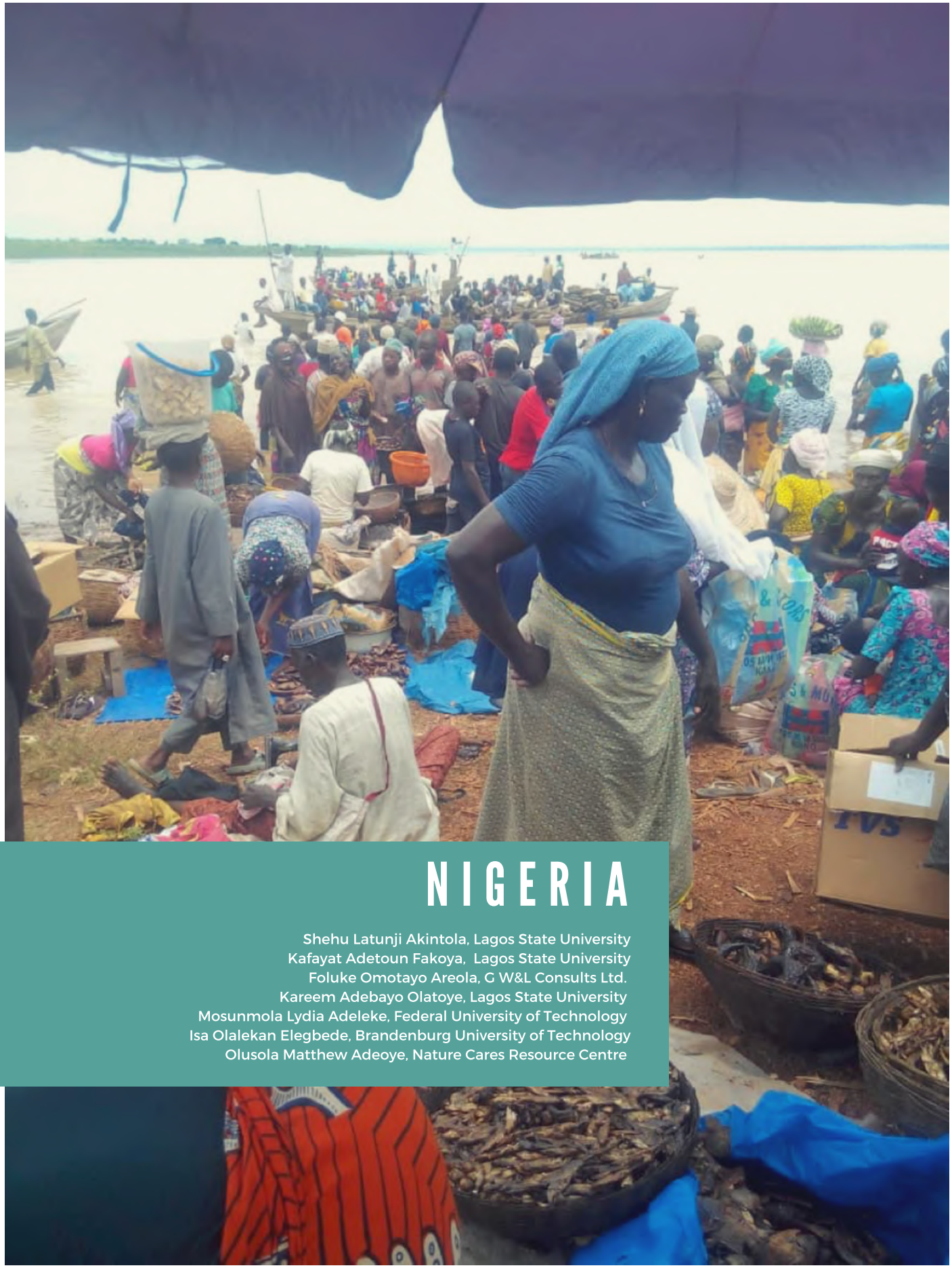
TBTI GLOBAL



NIGERIA

Shehu Latunji Akintola, Lagos State University
Kafayat Adetoun Fakoya, Lagos State University
Foluke Omotayo Areola, G W&L Consults Ltd.
Kareem Adebayo Olatoye, Lagos State University
Mosunmola Lydia Adeleke, Federal University of Technology
Isa Olalekan Elegbede, Brandenburg University of Technology
Olusola Matthew Adeoye, Nature Cares Resource Centre

Photo: Human activities at a landing site of Shiroro Lake, Niger State, Nigeria. By Ishaku Makadas Yusuf

Why SSF?

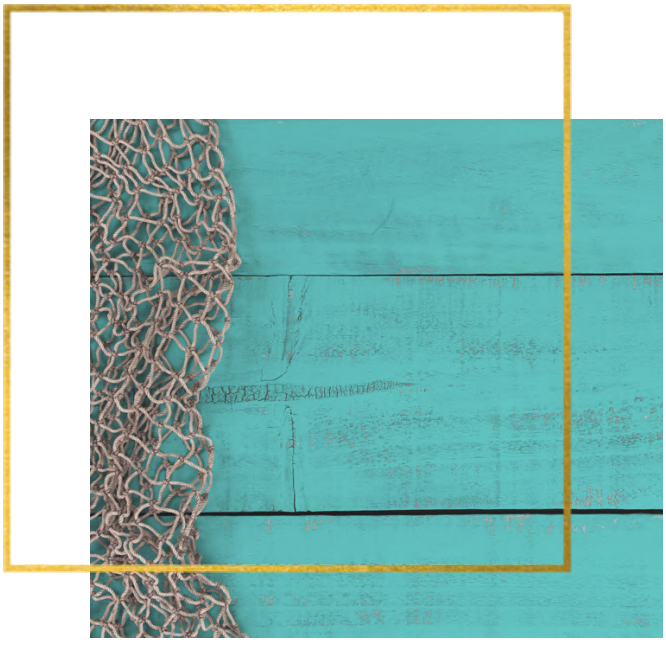
In Nigeria, small –scale fisheries is a traditional economic activity. The colonial period of the late forties marked the beginning of modern small-scale fishing with programmes implemented to improve social conditions of fishermen, general improvement in the harvest and postharvest methods. From the eighties up till date, the national policy for fisheries has consistently resounded increase in fish production for self-sufficiency. The period of increased fish production from 1975 to 1985 was attributed to major policy interventions aimed at upgrading rural fishermen and improving their living conditions. However, the onset of a national economic recession and neo-liberal economic reforms pursued in 1986 contributed to decline in productivity and exposed the SSF to pecuniary challenges of dealing with a new economic order that gradually plunged the whole nation into deeper economic distress.

In recent times and under present administrative arrangements, SSF is marginalized because it is informal and lacks private – led investments; characterized by weak organizational capacity and devoid of the power to lobby for sustainable fisheries policies.

Extant fisheries legislations are out-dated and insufficient for modern needs while fisheries agencies lack sufficient human, financial and logistic capacity for adequate implementation and enforcement of regulations. Availability of reliable environmental, social, economic data is also the bane of the sector. The economic value of SSF is underestimated and there is weak understanding of its development ethos in contrast to those that drive aquaculture and industrial fisheries. Consequently, many SSF lack enabling conditions and often receive low priority in terms of consideration in developmental processes.

In conclusions, the SSF in Nigeria need urgent attention by government and action for better management, coordination and investment in the sector. The non-state actors, particularly the fisherfolks have to empower themselves to have a strong voice and recognize their importance and position to place demands on government. Fisherfolks express their interest for more inclusive and substantive co-governance arrangements that could serve as antidotes .to the inadequacy of the government in managing fisheries resources. They desire inclusiveness and substantive co-governance arrangements that could serve as solutions to the inadequacy of the government in managing fisheries resources.

What are SSF?



"SSF"

Small-scale fisheries are NOT defined in Constitution, Law, or Act.

However, they are mentioned in the Regulations, Acts, Laws or Edicts & National fisheries policy. In those documents, SSF are referred as **Artisanal Fisheries**, **Fisherfolks**, **Artisanal Fishermen** and **Canoes**.

How are SSF governed?

Fisheries legislation

- **Sea Fisheries Act, 1992**
- **Inland Fisheries Act, 1992**
- **Sea Fisheries Regulation No.1 of 2006** (Turtle Conservation Regulations of Fisheries Act of Nigeria)
- **Exclusive Economic Zone (EEZ) Regulations No. 38 of 1978**

There are no amendments to the extant legislations and regulations except to mention that the Sea Fisheries Act (Act No. 30 of 1971) with subsidiary legislations: Sea Fisheries (Fishing) Regulations, 1972 (L.N. No. 99 of 1971) and Sea Fisheries (Licensing) Regulations, 1971 were repealed and replaced by the extant Sea Fisheries Act, 1992, containing the Sea Fisheries (Fishing) 1992 and Sea Fisheries (Licensing) 1992.

National fisheries policy

- **The National Fisheries Policy for Nigeria 1975**

Who governs SSF?

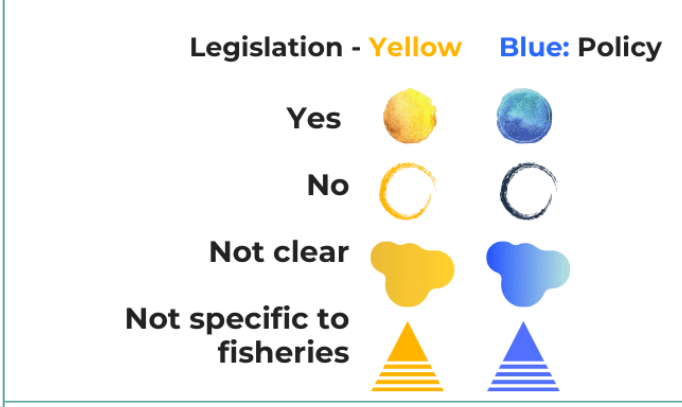
National authority in charge of fisheries governance:

Federal Department of Fisheries and Aquaculture (FDF&A) formerly Federal Department of Fisheries (FDF) of the Federal Ministry of Agriculture and Rural Development (FMARD)

Responsibilities:

- Achieving self-sufficiency in fish production within five years
- Development and modernization of the means of fish production, processing, storage, and marketing
- Promotion of export trade in shrimps, crabs, oysters, periwinkles and shark fins
- Improvement of the quality of life in fishing villages
- Provision and improvement of employment opportunities in the rural areas
- Acceleration of research on all aspects of fisheries
- Consolidation and improvement in existing training programme
- Promotion of fisheries curricula in the nation's institutions of higher learning
- Ensuring the proper utilization of all agro-industrial by-products of crops and animal residues which are found to be suitable for culturable fish species
- Encouragement of private entrepreneurs through training and provision of credit
- Rapid development of aquaculture

What principles govern fisheries?



Human rights & dignity	
Respect of cultures	
Non-discrimination	
Gender equality & equity	
Equity & equality	
Consultation & participation	
Rule of law	
Transparency	
Accountability	
Economic, social & environmental sustainability	
Ecosystem approach to fisheries	
Social responsibility	
Other SSF relevant principles	NA / NA

What legal and policy instruments are SSF specific?

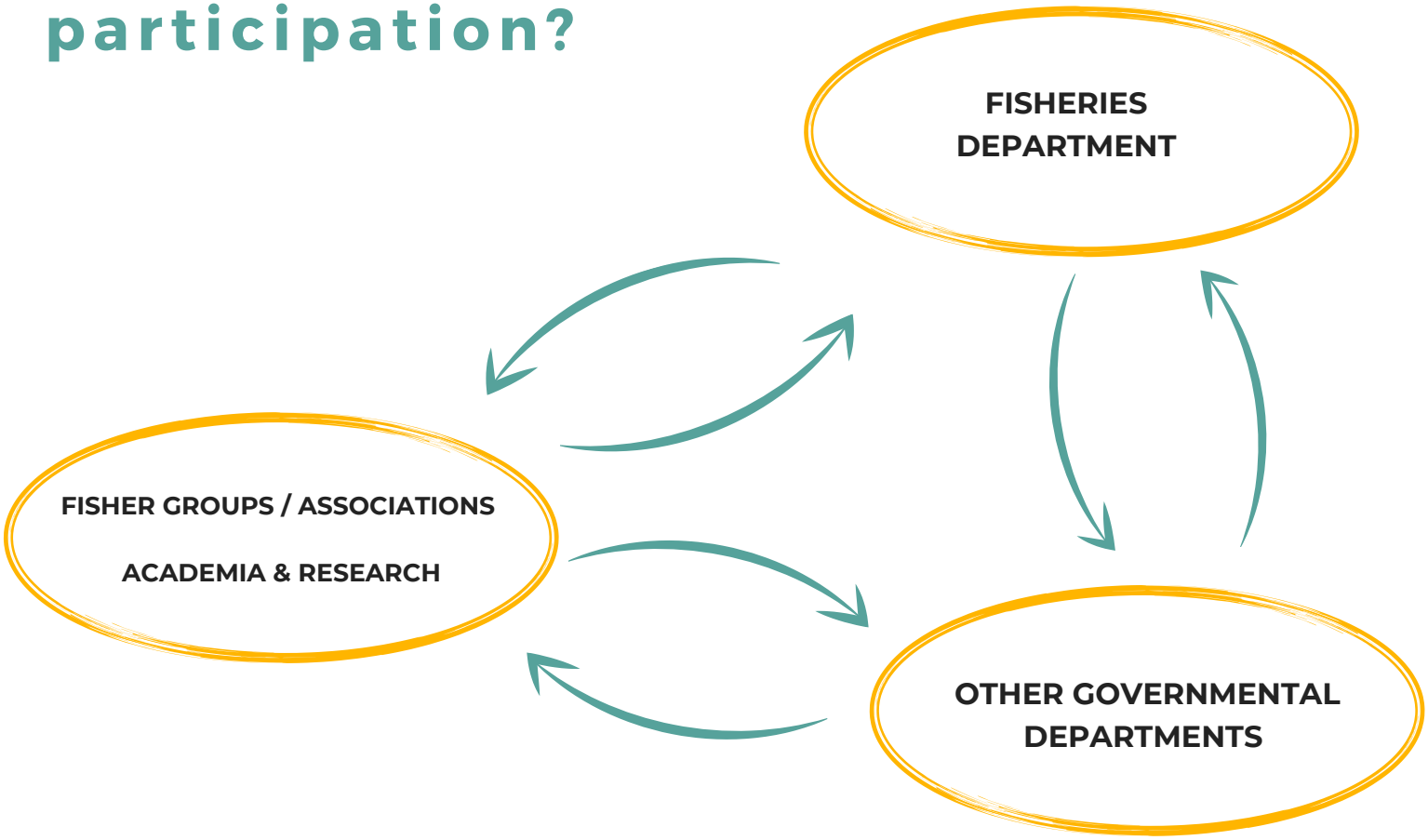
Specific provisions for SSF

- **Tenure and related rights for SSF**
  - Various: State laws or edicts, Customary Rights and Indigenous Rights in some States of the Federation and for specific bodies of water.
- **Exclusive fishing area or priority access to fishery resources for SSF**
  - Sea Fisheries (Fishing) Regulations, 1992
- **Registration requirements for SSF**
  - Sea Fisheries (Licencing) Regulations; Inland Fisheries Decree No. 108, 1992; Sea Fisheries Act [1992 No. 71.]
- **MCS measures and others aimed to deter, prevent and eliminate IUU applying to SSF**
  - Inland Fisheries Act. 1992
- **Social development, employment and decent work for SSF along the value chain**
  - Previous National Fisheries Development Plans (1975-2015)
- **Capacity building program for SSF**
  - The National Fisheries Development Plan [implemented during different periods.The most significant years were during the third and fourth (1975-80 & 1981-85) national development plans, respectively. The last National Fisheries Development Plan was implemented in 2015
- **Responsible trade in fish and certification of fishery products from SSF, including sanitary and safety standards for domestic vs. export markets**
  - Inland Fisheries (Fish Quality Assurance) Regulation 1995
- **Special treatment to women in SSF**
  - Agricultural Transformation Agenda (ATA) Growth. Enhancement Support Scheme), 2013-2015

No specific provisions for SSF

- Recognition of SSF as professional workers, along the value chain
- Labour rights or social benefits for SSF along the value chain
- Legal protection of women in SSF, along the value chain
- Protection of SSF from disaster risks/ climate change, and/or recognition of SSF vulnerability in disaster risk/climate change policies and strategies

What are opportunities for interaction & participation?



Representation of SSF in governance

Representation of SSF is legally required. For example, operators within specific operational sectors of fisheries must belong to the existing associations or create one for ease of engagement by government. The associations must be duly registered with the Corporate Affairs Commission of Nigeria. At the Legislative level, there must be public hearing stakeholders' engagement and referendum before any legislation is passed. For policies formulations too, the supervising authorities allow for stakeholder's engagement and opinion on any issue that pertains to their operations and welfare.

Fishers' participation in management, including co-management or decentralised fisheries management schemes

Nigeria experimented with a fisheries community- based management within a donor-funded project - Kainji Lake Fisheries Management and Conservation Unit (KLFMCU). There are pockets of mixed systems at community levels in the country.

Holistic form of governance or reform

There is interest for a more holistic governance from the non-state stakeholders, particularly the fishers and civil societies organizations.

How to cite: Akintola, S.L., Fakoya, K.A., Areola, F.O., Olatoye, K.A., Adeleke, M.L., Elegbede, I.O., Adeoye, O.M. 2020. Unlocking legal and policy frameworks for small-scale fisheries in Nigeria. In Kerezi, V., Nakamura, J., El Halimi, M., and Chuenpagdee, R. (Eds.) Unlocking Legal and Policy Frameworks for Small-Scale Fisheries: Global Illustrations. TBTI Global Publication Series, St. John's, NL, Canada.