

Call for inputs: Mobile Indigenous Peoples by Special Rapporteur on the Rights of Indigenous Peoples

Input on the rights of historically mobile Fante communities in West Africa

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Background

The Fante fisherfolk from Ghana are well known for their historic marine fishing tradition with mobile sea and land-based practices across the West African coast (Odotei 1990; Odotei, 1992, Marquette et al., 2002). The Fante fisherfolk have for centuries navigated the region's coastal waters, settling and/or engaging in seasonal circular mobilities to different places following seasonal changes in fish availability. Due to this nomadic practice of following fish flows and the availability of market opportunities for fish trade as their mainstay, Fante communities reside in many West African countries (Marquette et al., 2002; Overå, 2005). Yet, they often have little rights when outside Ghana. They are often categorized as foreigners with little to no regard for their historical, cultural and social connections to places that existed before the emergence of political borders from colonial legacies of fragmentation of the region (MacLean, 2010; Anquandah, 2013). These nationality differentiations and unfolding regimes at various levels create limits to the scope of individual and collective rights of the mobile Fante communities, including political participation and influence in decision-making on conditions that now define access to their traditional fishing grounds and mobilities (Duffy-Tumas, 2012).

This input will draw on empirical evidence from our ongoing research in Ghana, Cote d'Ivoire, Senegal and Gambia and the existing literature to respond to some of the human rights dimensions of the challenges that confront the historically mobile fishery practices of Fante communities in West Africa and offer some recommendations for consideration.

Responses

2. Please describe the impacts of extractive industries, tourism projects, conservation initiatives and climate change mitigation and adaptation measures on mobile Indigenous Peoples' rights and indicate whether they are consulted on projects that impact their lands, territories and resources. Please identify any other existing threats to mobile Indigenous Peoples' land rights.

The mobile fishery practices of Fante fisherfolk communities are increasingly confronted with the impacts of socio-environmental and climatic changes on fisheries and responses in terms of adaptation, conservation and fisheries management in the region (Perry, & Sumaila, 2007; Freduah, Fidelman & Smith, 2017). Here, we will focus on the evidence of some of the impacts of competing industries of offshore petroleum and industrial fishing, conservation and fisheries management policy initiatives that curtail the full realization of the rights of Fante communities. It is worth noting that while some of these challenges and their impacts are common in the artisanal and small-scale fisheries across the region, our empirical insights and reflections are based on evidence from our ongoing research on mobile fishery practice of Fante communities in Ghana, Cote d'Ivoire, Liberia, Senegal and the Gambia.

Competition among ocean users for ocean space and resources has been a subject of increasing academic and policy interest. This contested ocean space of unequal powers has often presented a winners-and-

losers scenario with coastal communities- including the historically mobile Fante fisherfolk - being amongst the marginalized (Owusu, Lawer, Adjei, & Ogbe, 2023). Offshore petroleum extraction companies with the legal support of states often create “Safety Exclusive Zones” around their operation, restricting mobile fisherfolk’s access to their traditional fishing grounds (Adjei, 2017). The consequences of these restricted and often securitized zones on fisherfolk have been a source of conflicts between fisherfolk and oil companies in countries in the West African region including Ghana (Owusu, 2018; Adjei, & Overå, 2019). Despite efforts by some companies to mitigate the impacts of these dispossessions and exclusion and gain social acceptance, studies suggest these efforts are often woefully inadequate and difficult to access (Adjei, 2021). Further, mobile fisherfolk are yet to receive an equitable share of benefits from revenues accruing from their operations to states. These curtail the rights of mobile fisherfolk to access fish resources and realize decent livelihoods and incomes.

Additionally, industrial trawlers operating through Distant Water Fishing Agreements (DWFAs) or unregistered are significantly contributing to the overfishing of fish stocks on the West African coast (Belhabib et al., 2020; Okafor-Yarwood, & Belhabib, 2020). Studies have also shown that for most of these vessels, the beneficial owners of these vessels are from the Global North with their operations being subsidized by states (Merem et al., 2019). Some of these vessels, mostly from Asia and Europe are noted for practices that contravene national regulations categorized broadly as Illegal, Unreported and Unregulated (IUU) fishing with heightened consequences for fish stocks reserved for local communities (Okafor-Yarwood, 2019). Moreover, the fish catch from these vessels is mostly traded in markets outside Africa with a substantial proportion now being channelled to fishmeal factories (Okafor-Yarwood, Kadagi, Belhabib, & Allison, 2022). Several reports also indicate that collisions with industrial trawlers are one of the major causes of canoe accidents due to their incursions into inshore zones reserved for artisanal and small-scale fishing (Nageon de Lestang, 2007; Coalition for Fair Fisheries Agreements, 2022).

Finally, conservation and fisheries management measures such as species restrictions, marine protected areas and fisheries closures are increasingly expanding across the West African coast with moves to regionalize them to enhance effectiveness (Lazar, Kent, Diallo, & Ndiaye, 2017; Assis et al., 2021). While these regulations are important to protecting and rebuilding stocks of vulnerable fish species, states adopting them are poorly designed and implemented/enforced as they overlook critical knowledge and perspectives of historically mobile fisherfolk (Nunoo, Asiedu, Olauson, & Intsiful, 2015). The consequences of these, for instance, area-time restrictions of fisheries unfold to control (blocking, channelling, etc), inappropriate targeting and harsh control of mobile fishery practices of the Fante fisherfolk (Owusu, & Andriessse, 2020; Okafor Yarwood, Kadagi, Belhabib, & Allison, 2022). Navigating these unjust, poorly designed and implemented territorial restrictions on traditional fishing grounds and fish, especially in the face of increasing climatic and environmental changes that shift the seasonal distributions of fish stocks has become a critical challenge for mobile coastal communities. Overall, our preliminary research suggests that many of the conservation practices in the marine areas of West Africa tend to overlook, or dismiss, the implications for local and nomadic fishery communities. They for example do not take any action to support fisherfolks to adapt to new restrictions and conservation regulations. Instead, the Fante communities feel deserted and face many insecurities (incl. risks of being shot) as they see no other option than to continue fishing in the newly guarded marine protected areas.

4. Please provide information on whether the Indigenous knowledge of mobile Indigenous Peoples, including their governance institutions, legal systems, land administration, food systems, and livestock herding is being incorporated into the decision-making of the State and relevant laws and policies.

Fante fisherfolk are among the few fishing communities with long histories of marine fishing traditions in West Africa (Odotei 1990). Fante communities are thus rich with centuries worth of knowledge, experience and skill in navigating the seas and managing their fisheries which are valuable to contemporary fisheries and conservation policy (Nunoo, Asiedu, Olauson, & Intsiful, 2015). Despite efforts towards participatory governance approaches in the region, the extensive traditional knowledge of nomadic Fante fisherfolk remains largely overlooked in current decision-making processes in many countries. Instead, top-down approaches which are heavily reliant on so-called modern scientific evidence remain dominant in policy-making processes in fisheries and conservation (Loch, & Riechers, 2021). This lack of integration of traditional knowledge in emerging policy has mostly met with fierce contestation by fisherfolk including Fante communities as they challenge their mobile fishery practices. For instance, fisheries closures in Ghana and Cote d'Ivoire implemented to rebuild collapsing fish stocks are solely based on scientific evidence of oceanic changes and fish ecology, particularly spawning periods in the Gulf of Guinea (Fisheries Committee for West and Central Africa, 2023a:2023b; Owusu, & Andriesse, 2020). This was resisted after several consultations until recent acceptance and compliance but remains a serious hurdle to the mobile fishery practices of the Fante fisherfolk in ways that impact negatively on their livelihood, well-being and potential to realize their rights to decent work and life (Owusu et al., 2023). A similar lack of incorporation of the traditional knowledge of mobile Fante and Senegalese fisherfolk in conservation measures such as marine protected areas implemented from Guinea-Bissau to Mauritania is wreaking significant social consequences.

7. Please describe the impact that national borders have on the full enjoyment of the human rights of transboundary mobile Indigenous Peoples, whose ancestral territories span national borders.

Cross-border fishing, fish trade and other land-based mobilities of the Fante fisherfolk predate the formation of political borders from colonial times (Odotei 1990; Marquette et al., 2002). These trade and fishing practices have since been subject to different border regimes that unfold in the rapidly changing socio-economic and political context of the region. Previous studies have reported increasing fees and several inappropriate practices in border and security management that constrain the mobilities of the Fante fisherfolk and trade fish flows (Ayilu et al., 2016; Bensassi, & Jarreau, 2019). While these challenges on their cross-border mobilities are being navigated through a plethora of strategies including changing routes, their consequences and their rights are profound, especially in the context of regional and international protocols that promote the free flow of people and goods (Ayilu et al., 2016; Ayilu, & Nyiawung, 2022). First, this places an economic burden on fish traders, who are predominantly women with little to no alternative income sources for a decent life. Navigating these challenges also comes with significant costs to fish traders that ultimately get shifted to consumers of these fish products most of whom rely on them as a primary source of animal protein. The impacts of these increasing costs on the fish trade and the attendant implications for food and nutrition security in the region raise serious human rights concerns.

10. Please indicate whether the identity of mobile Indigenous Peoples is legally recognized by the State and if not, describe the implications that non-recognition has on the realization of their rights.

The identities of nomadic Fante communities in West Africa go beyond imposed fixed categories of nationality (citizen/foreigner) that are recognized by states (MacLean, 2010; Anquandah, 2013). Their once common pre-colonial history and social and cultural relations are erased with the emergence of political borders and unfolding state-centred regulations in the region. The "foreigners" status that becomes an

identity, an imposed one to some limits the rights and freedom they have previously enjoyed in other countries (Duffy-Tumas, 2012). One of such limitations is the exclusion of some Fante communities by local authorities from access to fishing grounds in parts of coastal waters of some countries, particularly Cote d'Ivoire. They are also excluded from leading fisherfolk cooperatives which are crucial in advancing solutions to challenges that confront their mobile fishery practices. These demonstrate some of the ways their non-recognition is perpetuating exclusion and unjust restrictions that serve as serious affronts to their rights.

12. Please provide examples of resilience, good practices and strategies led by Indigenous Peoples and their organizations to improve the lives of mobile Indigenous Peoples.

Social negotiation has been a central point in the navigation of challenges that affect the rights of nomadic Fante fishing communities in the West African region. These communities through the traditional institutions of chieftaincy and associations have constantly confronted relevant authorities with their challenges as an ethnic minority and fisherfolk engaging in marine fishing and fish trade across borders. Despite little success in many instances, this approach remains the most suitable even in the context of the most hostile climate to enable their continued stay, co-existences with ethnic majorities and access to fisheries and fish markets.

Building and sustaining transnational networks is another good practice that enables nomadic Fante fishing communities to keep to their mobile lifestyle and fishery practices. These networks are built of social relations and capital and sustained through mutual trust, cooperation, and the use of digital services and communications. With these in place, they are capable of engaging new actors, re-routing their mobile practices, and changing fishing grounds and trade routes while keeping place attachments and ties and socio-cultural ties in the face of regimes that challenge their lifestyle and fishery practices.

Recommendations

This response highlights the implications of the most pressing challenges that confront the historically mobile Fante communities in West Africa. Considering the potential influence of the forthcoming report, we would outline some suggestions for consideration:

1. There is an urgent need for states in the region to recognize the long historical, social and cultural relations and multiple identities of nomadic fishery communities, such as the Fante, in national laws to deal with the systemic limitations on their scope of rights and freedoms.
2. It is important for border regulations often based on the socio-economic and political interests of states to align with regional protocols and agreements on free trade and movement of people to address the constraints on cross-border fish trade mobilities of the nomadic fisherfolk in the region.
3. The current evidence calls for greater representation and participation, and especially for deliberate efforts to actively include nomadic fisherfolk in the production of knowledge, so their indigenous knowledge and voices become part of decision-making processes, especially as it pertains to their mobile fishery practices and wellbeing such as the design of fisheries closures. Cross-border mobilities of coastal communities with long traditions of transboundary marine fishing and fish trade must therefore be recognized and incorporated in fisheries management and conservation policy in the region.

4. States in the region must in the light of justice put equity and fairness at the centre of ocean use and benefits. Specifically, nomadic fisherfolk communities who bear the brunt of pressing ocean challenges such as overfishing and exclusion from traditional fishing grounds by extractive and other powerful ocean industries must receive fair shares of benefits. We encourage all states in the region to actively join the campaign at WTO for an agreement to remove harmful fishing subsidies by Distant Water Fishing (DWF) nations.

References

- Adjei, M. (2017). *Governing the ocean space for the coexistence of fishery and petroleum industry in Ghana's Western Region* (Master's thesis, The University of Bergen).
- Adjei, M. (2021). Dealing with social acceptance: The strategies of offshore petroleum extraction companies and stakeholder attitudes in Ghana. *The Extractive Industries and Society*, 8(3), 100922.
- Adjei, M., & Overå, R. (2019). Opposing discourses on the offshore coexistence of the petroleum industry and small-scale fisheries in Ghana. *The Extractive Industries and Society*, 6(1), 190-197.
- Anquandah, J. (2013). The people of Ghana: Their origins and cultures. *Transactions of the Historical Society of Ghana*, (15), 1-25.
- Assis, J., Failler, P., Fragkopoulou, E., Abecasis, D., Touron-Gardic, G., Regalla, A., ... & Serrao, E. A. (2021). Potential biodiversity connectivity in the network of marine protected areas in Western Africa. *Frontiers in marine science*, 8, 765053.
- Ayilu, R. K., & Nyiawung, R. A. (2022). Illuminating informal cross-border trade in processed small pelagic fish in West Africa. *Maritime Studies*, 21(4), 519-532.
- Ayilu, R. K., Antwi-Asare, T. O., Anoh, P., Tall, A., Aboya, N., Chimatiro, S., & Dedi, S. (2016). Informal artisanal fish trade in West Africa: Improving cross-border trade.
- Belhabib, D., Cheung, W. W., Kroodsmá, D., Lam, V. W., Underwood, P. J., & Virdin, J. (2020). Catching industrial fishing incursions into inshore waters of Africa from space. *Fish and Fisheries*, 21(2), 379-392.
- Bensassi, S., & Jarreau, J. (2019). Price discrimination in bribe payments: Evidence from informal cross-border trade in West Africa. *World Development*, 122, 462-480.
- Coalition for Fair Fisheries Agreements (2022). The number of deaths of African artisanal fishers is devastatingly high, says new research. <https://www.cffacape.org/news-blog/the-number-of-deaths-of-african-artisanal-fishers-is-devastatingly-high-says-new-research>
- Duffy-Tumaszy, A. (2012). Migrant fishers in West Africa: roving bandits?. *African Geographical Review*, 31(1), 50-62.
- Fisheries Committee for West and Central Africa (2023a). Ghana Announces Its 2023 Closed Fishery Season. <https://fcbc-fish.org/our-news/ghana-announces-its-2023-closed-fishery-season>
- Fisheries Committee for West and Central Africa (2023b). Côte d'Ivoire Announces First-Ever Closed Season. <https://fcbc-fish.org/our-news/cote-divoire-announces-first-ever-closed-season>

- Freduah, G., Fidelman, P., & Smith, T. F. (2017). The impacts of environmental and socio-economic stressors on small scale fisheries and livelihoods of fishers in Ghana. *Applied Geography*, 89, 1-11.
- Lazar, N. Kent, K., Diallo, M., and Ndiaye, V. (2017). Regional and International Fisheries Management and Governance in West Africa. USAID/Senegal COMFISH Plus project, implemented by the University of Rhode Island, Coastal Resources Center, RI, 17 pp
- Loch, T. K., & Riechers, M. (2021). Integrating indigenous and local knowledge in management and research on coastal ecosystems in the Global South: A literature review. *Ocean & Coastal Management*, 212, 105821.
- MacLean, L. M. (2010). *Informal Institutions and Citizenship in Rural Africa: risk and reciprocity in Ghana and Côte d'Ivoire*. Cambridge University Press.
- Marquette, C. M., Koranteng, K. A., Overå, R., & Aryeetey, E. B. D. (2002). Small-scale fisheries, population dynamics, and resource use in Africa: the case of Moree, Ghana. *AMBIO: A Journal of the Human Environment*, 31(4), 324-336.
- Merem, E. C., Twumasi, Y., Wesley, J., Alsarari, M., Fageir, S., Crisler, M., ... & Washington, J. (2019). Analyzing the tragedy of illegal fishing on the West African coastal region. *International Journal of Food Science and Nutrition Engineering*, 9(1), 1-15.
- Nageon de Lestang, J. (2007). Study on safety at sea for small-scale fisheries. 1. South West Indian Ocean. *FAO Fisheries Circular (FAO)*, (1024).
- Nunoo, F. K. E., Asiedu, B., Olauson, J., & Intsiful, G. (2015). Achieving sustainable fisheries management: A critical look at traditional fisheries management in the marine artisanal fisheries of Ghana, West Africa. *Journal of Energy and Natural Resource Management*, 2(1).
- Odotei, I. (1990). Migration of Fante fishermen." *FAO/Danida/Norway* 168
- Odotei, I. (1992). The migration of Ghanaian women in the canoe fishing industry. *Maritime Anthropological Studies*, 5(3), 88-95.
- Okafor-Yarwood, I. (2019). Illegal, unreported and unregulated fishing, and the complexities of the sustainable development goals (SDGs) for countries in the Gulf of Guinea. *Marine Policy*, 99, 414-422.
- Okafor-Yarwood, I., & Belhabib, D. (2020). The duplicity of the European Union Common Fisheries Policy in third countries: Evidence from the Gulf of Guinea. *Ocean & Coastal Management*, 184, 104953.
- Okafor-Yarwood, I., Kadagi, N. I., Belhabib, D., & Allison, E. H. (2022). Survival of the Richest, not the Fittest: How attempts to improve governance impact African small-scale marine fisheries. *Marine Policy*, 135, 104847.
- Okafor-Yarwood, I., Kadagi, N. I., Belhabib, D., & Allison, E. H. (2022). Survival of the Richest, not the Fittest: How attempts to improve governance impact African small-scale marine fisheries. *Marine Policy*, 135, 104847.
- Overå, R. (2005). Institutions, mobility and resilience in the Fante migratory fisheries in West Africa. *Transactions of the Historical Society of Ghana*, (9), 103-123.

- Owusu, B. (2018). 'Doomed by the 'resource curse'? Fish and oil conflicts in the Western Gulf of Guinea, Ghana. *Development*, 61, 149-159.
- Owusu, V., & Andriesse, E. (2020). From open access regime to closed fishing season: Lessons from small-scale coastal fisheries in the Western Region of Ghana. *Marine Policy*, 121, 104162.
- Owusu, V., Adu-Boahen, K., Kyeremeh, S., Demalie, I., & Eshun, P. (2023). Factors influencing compliance of closed fishing season: lessons from small-scale coastal fisheries in the Central Region of Ghana. *Humanities and Social Sciences Communications*, 10(1), 1-8.
- Owusu, V., Lawer, E. T., Adjei, M., & Ogbé, M. (2023). Impact of offshore petroleum extraction and "ocean grabbing" on small-scale fisheries and coastal livelihoods in Ghana. *Maritime Studies*, 22(2), 17.
- Perry, R. I., & Sumaila, U. R. (2007). Marine ecosystem variability and human community responses: The example of Ghana, West Africa. *Marine Policy*, 31(2), 125-134.