



# COMMUNITIES AND HUMAN RIGHTS IN OCEAN GOVERNANCE

A POLICY BRIEF

HEALTH OF MOTHER EARTH FOUNDATION

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# Communities and Human Rights in Ocean Governance: A Policy Brief

## A. Introduction

Coastal and ocean dependent communities face multiple human rights issues driven by factors including climate change, economic activities and other development activities. Direct climate change impacts include sea level rise and attendant coastal erosion, ocean warming, acidification and salinisation as well. Other pressures come from industrial pollution (especially oil spills and industrial waste dumps), overfishing, deforestation, habitat destruction, increased urbanisation and displacement of communities.

These waterbodies are hotspots for exploration and exploitation not only of aquatic resources but also of other natural resources. They even serve as maritime superhighways for global oil trade and cargo traffic. According to the Egyptian Canal Authority, 13,213 ships passed through the Suez Canal in 2024, marking a 50% decline compared to the number of ships in 2023, when over 26,000 ships passed through. [i] This has been attributed to the geopolitical tension in the region. As these vessels and ships traverse these routes, wastes are intentionally dumped, including untreated ballast water.

In Nigeria and littoral countries, offshore oil and gas operations, other sea-based mining and nearshore industrial activities are notorious sources of pollution. These destroy aquatic ecosystems and disrupt their balance, destroying the physical environments and livelihoods of coastal communities as well as fueling conflicts. The remoteness of some of these locations have provided a safe-haven for corporate malfeasance and impunity – sometimes technically evading responsibility and accountability.

As to be expected, assaults on the waters that surround Africa are multidirectional as pollutions have also been reported of dead zones along the coasts[ii] (including bays, lagoons, estuaries and inland freshwater system) increasing due to runoffs of wastes or of rapid and continuous deposition of effluents. This condition results in a significant reduction of oxygen in the water – affecting biological and chemical processes in ways that makes survival difficult for aquatic residents as well as other organisms within that ecosystem.

This policy brief aims to offer pathways for ocean governance that engenders healthy activities which protect the rights of communities to a safe environment and supports their food production, livelihoods and cultures.

The perception of the ocean as a limitless space[iii], and its being seen as a frontier for new economic activities manifesting in diverse approaches to the blue economy, raise concerns for coastal communities, fishers and others dependent on the ocean. Where the concerns and needs of these local communities are not considered, the drive for extractive economic benefits could erode their means of livelihood and affect their right to life.

## B. Policy Options

### Government Actions

There are multiple agencies of government in Nigeria, for example, regulating activities in the ocean or coastal waters. These include the Federal Ministry of Marine and Blue Economy[iv], National Inland Waterways Authority[v], the Nigerian Maritime Administration and Safety Agency (NIMASA)[vi], Nigerian Ports Authority (NPA)[vii], Nigerian Shippers Council (NSC)[viii] and National Oil Spill Detection and Response Agency[ix] (NOSDRA) (environmental protection). For best results, these agencies should harmonise their plans and work in concert to avoid counter measures that may adversely impact communities. For ocean governance that centres communities, there must be free, prior and informed consent from relevant communities regarding any activity planned in or near their domain.

Government needs to support its research institutes saddled with watching over the ocean and coastal waters. Such research bodies include statutory bodies as well as relevant departments in the universities. Sub-national governments should establish and support research bodies that could focus on matters that are peculiar to the state or sub region. It is critical that government aligns with communities and works to avoid a lopsided relationship with in which they sided with corporations against the interests of the communities and the environment.

### Communities Action

Communities are key knowledge holders regarding their environment. This knowledge base helps them preserve rather than destroy or overexploit natural resources in their domain. Here the three legs of sustainability (environmental, social and economic) are well balanced without placing an undue focus on the economic leg as often is the case.

Beyond the basic knowledge that communities hold, they need trainings on ocean education as well as tools available to ensure their enjoyment of human rights. Having communities actively engaged in environmental monitoring and advocacy will complement regulatory efforts by government.

Communities are closer to their environments than policy makers who may be far removed from such areas. To ensure that they play the role of watchdog over the ocean and their near shore environment, they must be trained on how to monitor and gather actionable evidence of ecological malfeasance in their territories. The communities would be engaged in popular environmental monitoring and evidence gathering sessions to distill what constitutes evidence and how evidence gathering would enhance advocacy. Through this training, there will be actionable reporting of incidents and human rights abuses, and in waterbodies and pollution in coastal communities.

One of the best ways of learning is by direct sharing of knowledge and experiences. Bringing communities together offers spaces for sharing knowledge on critical issues such as coastal erosion, biodiversity losses,

adaptation measures and development recommendations that would help build the resilience of the communities to persistent socioecological challenges. Application of learnings from these exchanges contribute to improved ocean health, wellbeing and sustainability through their participation in ocean governance processes.

## C. Human and Communities Rights

Citizens have constitutional, statutory, and customary rights as well as in international covenants that must be protected. These include:

- 1.Right to life[x], which encompasses the right to livelihood, food security, and the means of sustenance that ocean and coastal resources provide.
- 2.Right to human dignity[xi] protecting citizens from inhuman or degrading treatment including forced displacement, environmental degradation rendering territories uninhabitable, and denial of participation in decisions affecting their lives and livelihoods.
- 3.Right to a satisfactory environment favourable to development (Article 24, African Charter on Human and Peoples' Rights), obligating the State to protect and improve the environment and ensure ocean and coastal waters remain healthy.
- 4.Right to freedom of expression and access to information (Section 39, Constitution of Nigeria, 2023, Article 9, African Charter on Human and Peoples' Rights[xii]), including the right to receive and impart information about ocean activities, pollution incidents, and environmental risks affecting communities.
- 5.Right to participate in environmental decision-making, derived from Article 24 of the African Charter and international environmental law principles, requiring meaningful community involvement in decisions affecting their marine environment.
- 6.Rights of indigenous peoples and local communities to their traditional territories and resources, as enshrined in the African Charter on Human and Peoples' Rights and the UN Declaration on the Rights of Indigenous Peoples, recognising traditional and customary rights to rivers, creeks, swamps, and ocean spaces.

These rights create binding obligations on government and impose responsibilities on corporations and other actors in ocean governance, and violation of these rights provides grounds for legal action including injunctions, compensation claims, and criminal prosecution of responsible parties in Nigerian courts and regional human rights bodies. Human and environmental security threats elevated by marine pollution and damaged ecosystems must be addressed through rights-based approaches that center the wellbeing of coastal communities.

## D. Security Issues

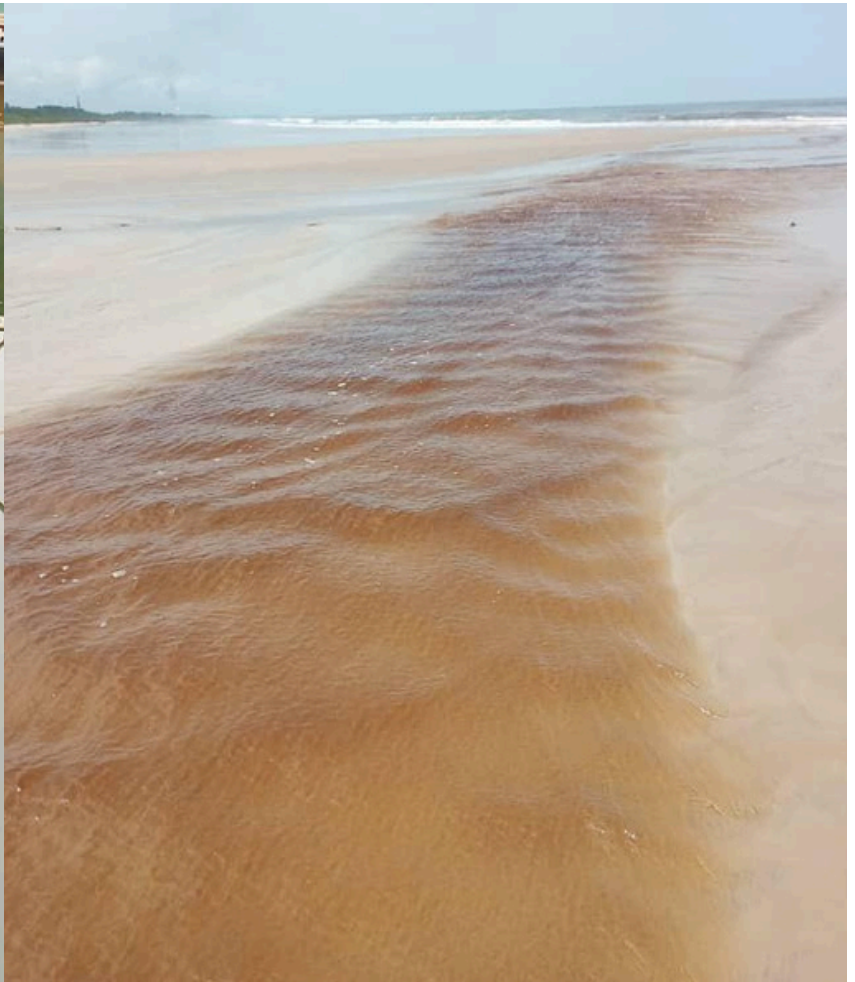
Security concerns attend the use of the ocean and its coasts as sites of exploration and exploitation. Some of the security issues include piracy, smuggling, attacks on industrial infrastructure, illegal fishing and other environmental crimes. Weak policing of the ocean and coastal waters compound these problems. Fluid national maritime borders can pose security problems to communities caught in the crossfire.

## E. Recommendations

1. The Nigerian government should establish an inter-Ministerial coordination committee on Ocean Governance, comprising all ocean-related agencies (FMMBE, NIWA, NIMASA, NPA, NSC, NOSDRA), to harmonize policies and avoid conflicting directives that harm communities. The Committee should hold quarterly meetings and produce annual ocean governance reports.
2. Government should enact an Ocean Communities Rights Act consolidating constitutional and customary rights, establishing mandatory community consent for ocean projects, creating an Ocean Communities Development Fund financed by industry levies, and providing fast-track remedies through specialized environmental courts.
3. Government should recognise and support Community Ocean Management Committees as legitimate stakeholders in ocean governance. Communities, through these Committees, should conduct regular water quality monitoring, document pollution incidents, track biodiversity changes and industrial activities in coastal and nearshore environments.
4. Sub-national governments should establish state-level marine research bodies focusing on peculiar regional challenges such as coastal erosion patterns, local biodiversity loss, and pollution sources, with findings published semi-annually.
5. Environmental and Social Impact Assessments must be required for all ocean-based projects, with mandatory FPIC ensuring consultations occur at least six months before project commencement, information provided in accessible language and local dialects, and community veto power where projects threaten livelihoods or traditional territories.
6. Corporations must maintain adequate insurance covering potential disasters and respond immediately to pollution incidents with comprehensive remediation and fair compensation.
7. Communities must apply traditional ecological knowledge balancing environmental, social, and economic sustainability, and avoid overexploitation of fisheries and other marine resources.
8. Civil Society Organizations should provide training programmes for communities on environmental monitoring, evidence gathering, human rights frameworks, and advocacy skills, facilitate inter-community learning exchanges, advocate for comprehensive ocean governance legislation, and support communities in legal actions against environmental violators.

## Conclusion

With the rise of interest on the blue economy, the exploitation of the ocean and coastal waters is increasing apace. This situation equally births a rise in human rights concerns for communities and persons depending on the ocean for decent livelihood and wellbeing. It is hoped that this brief will trigger commitment for the respect of human rights in ocean governance and the inclusion of traditional and indigenous knowledge in overall ocean management. To ensure that this happens, communities must demand representation in all decision-making processes affecting ocean and coastal resources, and assert traditional and customary rights to rivers, creeks, swamps, and ocean territories. On its part, government must establish legal frameworks enforcing strict liability for environmental damage caused by corporate operations, and clearly criminalising acts of ecocide.



## Endnotes

- i Egypt's Suez Canal revenue fell sharply in 2024 on regional tensions. See at <https://www.euronews.com/business/2025/04/17/egypts-suez-canal-revenue-fell-sharply-in-2024-on-regional-tensions>
- ii HOMEf (2025). The State of the Ocean in Africa. <https://homef.org/2025/03/05/the-state-of-the-ocean-in-africa/>
- iii World Ocean Review. Vital Yet Finite Seas. <https://worldoceanreview.com/en/wor-7/our-oceans-source-of-life/vital-yet-finite-seas/>
- iv <https://fmmbe.gov.ng>
- v <https://niwa.gov.ng/>
- vi <https://nimasa.gov.ng/>
- vii <https://nigerianports.gov.ng>
- viii <https://shipperscouncil.gov.ng>
- ix <http://nosdra.gov.ng>
- x Section 33, Constitution of the Federal Republic of Nigeria (CFRN), 2023
- xi Section 34 CFRN, 2023
- xii African Charter on Human and Peoples' Rights. [https://au.int/sites/default/files/treaties/36390-treaty-0011\\_-\\_african\\_charter\\_on\\_human\\_and\\_peoples\\_rights\\_e.pdf](https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf)

## Related HOMEF Publications

- 1.Threat to Fisheries in the Gulf of Guinea – A policy paper, 2019
- 2.Blue Economy Blues – HOMEF introduction to Blue Economy, May 2020
- 3.Toolkit for Oceans and Human Rights Defenders, January 2022
- 4.Marine Protected Areas and the Blue Economy – For Whom and for What? 2023

## About HOMEF

Health of Mother Earth Foundation (HOMEF) is an ecological think tank advocating for socio-ecological justice and food sovereignty in Nigeria and Africa at large. HOMEF recognises that the global crises have systemic roots and the current paradigm of development and growth based on competition will lead to the critical destruction of biodiversity and continued destructive extraction of natural resources as well as dependency on risky technologies. HOMEF works on Fossil Politics and Hunger Politics, using cultural tools to build and share knowledge through her Ikike platforms.