

PARLIAMENT OF UGANDA

REPORT OF THE COMMITTEE ON AGRICULTURE, ANIMAL INDUSTRY AND FISHERIES ON THE FISHERIES AND AQUACULTURE BILL, 2021

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Office of the Clerk to Parliament,

April, 2022

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1.0 INTRODUCTION

Rt. Hon. Speaker and Hon. Members,

The Fisheries and Aquaculture Bill, 2021, was read for the first time on 29th September, 2021 and referred to the Committee on Agriculture, Animal Industry and Fisheries, for scrutiny. In accordance with Rule 129 (2), the Committee considered the Bill and now reports as follows:

2.0 OBJECT AND BENEFITS OF THE BILL

The Object of the Bill is to consolidate and reform the Law relating to the management of fisheries, fisheries products and aquaculture. The current Fisheries Act.Cap.197 emanates from the 1951 Fisheries Ordinance which was later re-enacted as the Fish and the Crocodile Act in 1964. During the Law Revision of 2000, the Laws of Uganda were reorganized and the Fish and Crocodile Act became the Fish Act Cap.197.

The Fish Act was further amended in 2011 through the Fish [Amendment] Act, 2011, to provide for the establishment of the Chief Fisheries Officer for the issuance of licences, permits and other fisheries activities under the Act, for the effective development and management of the fisheries sub sector. These amendments were however not comprehensive enough to fully address all the challenges facing the Fisheries Sub Sector as they only focused on licences, introduction of currency points and retentions of funds.

Additionally, there are a number of challenges and emerging issues in the regulation and management of the Fisheries Sub Sector which are not addressed under the current law including; over capacity, invasion of water bodies by aquatic weeds, limited support and investments in aquaculture, institutional challenges, excessive fishing pressure; destructive fishing malpractices, growth in illicit fish trade in immature fish, increasing local fish demand and decreasing per capital fish consumption.

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There is therefore urgent need to reform the law governing the Fisheries Sub Sector to address the above identified challenges and emerging issues.

3.0 DEFECTS IN THE EXISTING LAW

The Fish Act is obsolete and cannot adequately cater for the current realities, including the changes in the fisheries structure, aquaculture development, limiting of overcapacity and ensuring community involvement in enforcement. There have also been tremendous changes in technological land scape, some of which require Regulations. There is need to amend the Act to provide for regulation of the fisheries and aquaculture along the value chain, stream line the decentralized and centralized fisheries staffing and redefine establishment of co-management structures. Fisheries management and governance are critical for a sustainable fishery and the current breakdown in the system has created a gap at grassroots level and broken down the traceability system that is critical in ensuring fish exports to prime markets. The proposed new law is intended to realign emerging issues and provide regulations necessary for the orderly development of the Fisheries Sub Sector.

3.1 REMEDIES PROPOSED TO DEAL WITH THE DEFECTS:

The Fisheries and Aquaculture Bill, 2021 seek to provide for:-

- a) the conservation, sustainable management, utilization and development of the fisheries sub sector;
- b) the integrated management of the fisheries sub sector in order to facilitate the achievement of sustainable increases in economic, social and environmental benefits from fisheries; the conservation, capture, farming, rearing, processing and marketing of fish;
- c) the licencing and registration of fishing vessels and fishers;
- d) the control and regulation of all fisheries and aquaculture production activities and practices, the methods of fishing and fishing gear;
- e) the enabling environment for equitable sharing of increased benefits from a more productive fisheries sub sector;

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- f) the establishment and regulation of lake management organisations and gazetting of landing sites;
- g) fish breeding and breeding areas and to provide for the regulation of fish feeds;
- h) the control and regulation of all fisheries and aquaculture production activities and practices in an integrated manner so as to achieve conservation and sustainable economic, social and environmental benefits for the present and future generations;
- i) administration, management and coordination with local governments; and other stake holders at all levels;
- j) a sustainably financed Directorate for the management of the fisheries sub sector with clearly defined structures and linkages between the mandates of national and local governments and the private sector;
- k) the promotion of public participation in the management and conservation of fisheries resources including women and youth and other vulnerable groups;
- l) the promotion of public private partnerships in fish production, value addition and marketing;
- m) the guarantee of quality and safety of fish and fishery products, including biosafety and biosecurity;
- n) the promotion of research-based decision making and sharing of information and data; and
- o) the mechanization of fisheries, aquaculture and aquatic weed management.

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4.2 The Committee received and reviewed written submissions from the following:

- i) Masaka District Local Government
- ii) Rubirizi District Local Government
- iii) Bakenye Isaanga Development Association
- iv) Federation of Fisheries Organisations, Uganda
- v) Private Sector Foundation Uganda
- vi) Civil Society Organisation
- vii) Mr. Bwanika
- viii) Mr. Bill Martin
- ix) Uganda Human Rights Commission
- x) Equal Opportunities Commission
- xi) The Bagungu Community Association

4.3 The Committee also carried out consultative meetings in selected districts from fishing communities.

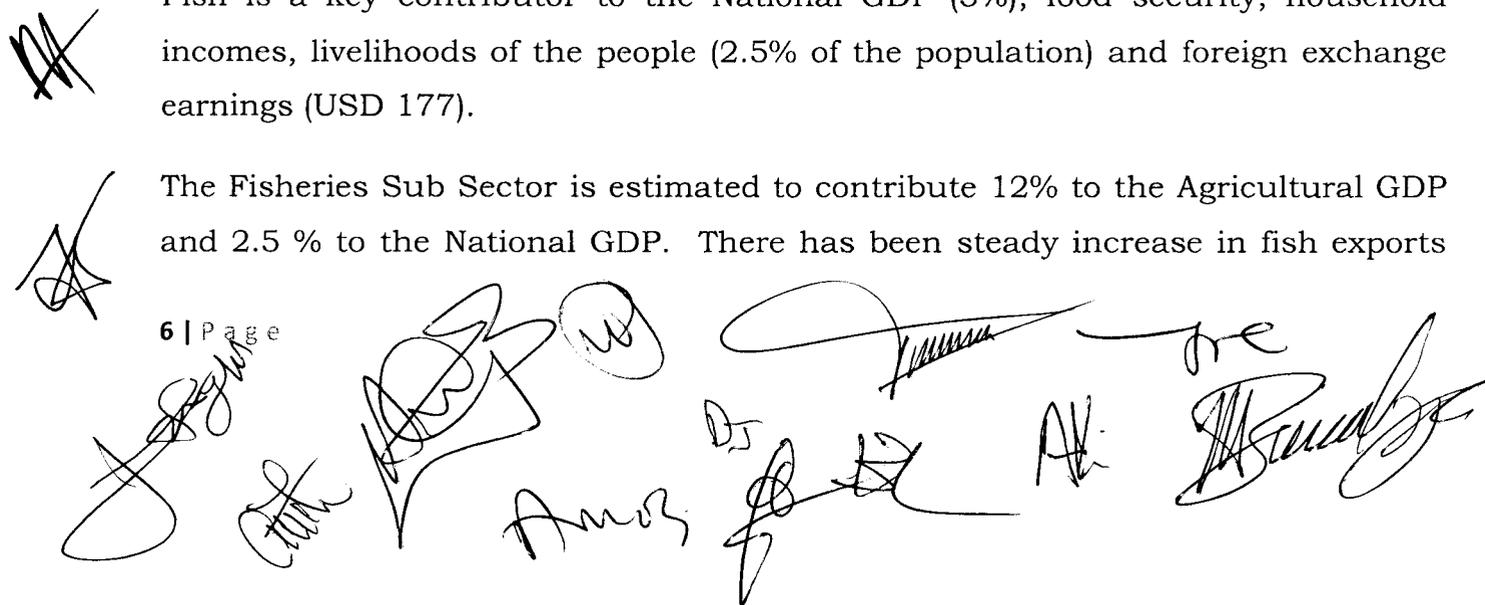
5.0 FACTS ABOUT THE FISHING SECTOR IN UGANDA

5.1 Status of Fisheries and Aquaculture Sector in Uganda

Uganda is an agricultural based economy and often referred to as the food basket in the Eastern Africa Region due to its potential for producing a variety of foods. Uganda is a land locked country but has many inland fishery resources. Most capture fisheries are based in five major lakes, namely, Victoria, Kyoga, Albert, Edward and George. The major species caught in these lakes are Nile Perch, Tilapia and Silver Fish.

Fish is a key contributor to the National GDP (3%), food security, household incomes, livelihoods of the people (2.5% of the population) and foreign exchange earnings (USD 177).

The Fisheries Sub Sector is estimated to contribute 12% to the Agricultural GDP and 2.5 % to the National GDP. There has been steady increase in fish exports

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since 1991 when the value of fish exports was \$5.3million until 2005. Fish export value however declined by 13% from \$143.6million in 2005 to only \$124.3million in 2015.

Data from Bank of Uganda indicates that in the period between January and July 2020, Uganda exported 11,402 tons of fish worth \$72.97million (UGX268bn), however, this was a decline of 46% from 17,541 tons worth \$106.53billion (UGX.392) that Uganda had exported in 2018.

The European Union remains the leading market for Uganda's fish; this has been so because Uganda managed to meet the EU quality assurance requirements.

5.2 Prospects in the Fisheries Sub Sector:

Fish has been identified as one of the 18 priority agricultural commodities to foster a sustainable Agro-Industrialization Agenda in Uganda because of its contribution to National GDP.

The Committee is however concerned that despite the enormous potential for fish production, with approximately 44,000 km² (20%) of Uganda's total surface area covered by freshwaters (lakes, rivers and swamps), the fisheries resources are currently under-exploited due to over-reliance on capture fisheries and limited investments in aquaculture. The Committee observed the need for promotion of diversified fish production systems and fish products in order to fully realise the benefits from the fisheries.

The Government of Uganda has set a target of increasing capture fisheries and aquaculture production to 1.7 million tonnes annually by 2030 as a measure of contributing to food security, nutrition and economic growth. Of this amount, an estimated 750,000 tonnes is expected to come from capture fisheries and 1,000,000 tonnes from aquaculture as per the national fisheries and aquaculture policy (MAAIF 2018). By 2018, production from capture fisheries and aquaculture stood at 447,059 tonnes and 120,000 tonnes respectively. This leaves a deficit of 302,941tonnes (capture fisheries) and 888,000 tonnes (aquaculture) of fish needed to achieve the above target.



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In order to bridge the gap in fish production, the Committee observed the need for the enhancement and strengthening of the human resource through capacity building in order to create the critical mass of fisheries and aquaculture professionals with the necessary knowledge, skills and competencies to transform the sector from subsistence to commercial enterprise.

5.3 Challenges facing the Fisheries and Aquaculture Sector:

The Committee noted that the Fisheries Sub Sector has in the recent years encountered several challenges as listed below:

- a. Decline in fish catches and fish variety especially in Lake Victoria.
- b. Use of destructive fishing gears.
- c. Harvesting of immature fish.
- d. Fishing in nursery and breeding areas.
- e. Nile Perch which feeds on other fish species leading to their extinction.
- f. Rapid increase in demand for fish leading to over fishing.
- g. Inhuman treatment by the law enforcers.
- h. Obsolete laws that cannot offer guidance as far as fisheries and aquaculture is concerned.
- i. Sand mining encroaching on breeding areas.
- j. Inadequate infrastructure for post-harvest handling.
- k. Under funding of the fish sector.
- l. Most landing sites do not meet minimum quality and safety requirements for the export market.
- m. Lack of alternative sources of livelihood for fishing communities.
- n. Inadequate hatcheries to produce quality fish seed required for stocking/restocking.
- o. Weak technological, logistical and financial resource capacity of the institutions in charge of fisheries.

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6.0 THE BILL'S COMPLIANCE WITH SDGS

Goal 14 of the Sustainable Development Goals under Agenda 2030 aims for the contribution of fisheries and aquaculture towards food security and nutrition, and the sector's use of natural resources, in a way that ensures conservation and sustainable use of marine resources for sustainable development in economic, social and environmental terms.

Agenda 2030 (SDG 12, 13, 14 and 15) sets targets for responsible consumption, production and combating the effects of climate change and sustainable management of water resources, land, terrestrial ecosystems, forests and the environment. Fish production is mostly affected by over-reliance on capture fisheries with limited investment in aquaculture. The deteriorating quality of water sources resulting from aquatic pollution coupled with challenges of enforcement of regulations, and resultant decline in fish stocks.

The Fisheries and Aquaculture Bill 2021, is therefore intended to consolidate and reform the law relating to fisheries products; provide for the conservation and sustainable management of the fisheries sub-sector in order to facilitate the achievement of sustainable increases in economic, social and environmental benefits from fisheries for present and future generations. Therefore the bill complies with SDG targets that recognises sustainable management and protection of marine eco-systems for sustainable development.

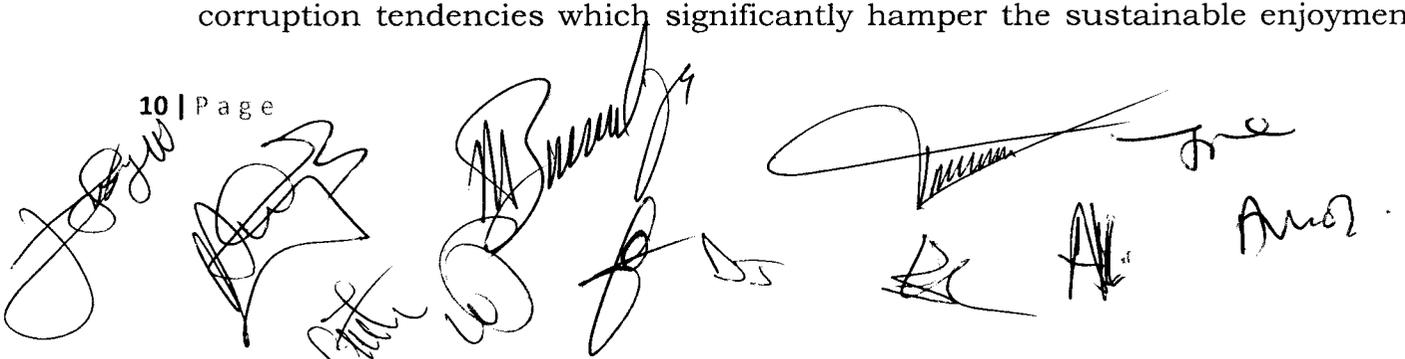


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7.0 THE BILL'S COMPLIANCE WITH HUMAN RIGHTS

The specific human rights considerations in the Bill are:

- a) Right to a clean and healthy environment;** The Bill captures key elements of the right to a clean and healthy environment by incorporating the application of Environmental Principles as prescribed in the National Environment Act, 2019. Clause 3 of the Bill provides for application of the environmental principles in relation to all aquaculture activities.
- b) Human rights principle of participation;** Clause 2(b), (c) and (d) provide for participation of all stakeholders at all levels, right up to the local governments. The Bill also provides for regulations to be formulated to provide for local fishing. The Committee believes that these regulations will go a long way in ensuring participation of the indigenous persons within fishing communities and collective benefit for their households and communities thus promoting their wellbeing.
- c) Environmental and Social Impact Assessment;** Clause 67 of the Bill provides for environmental and social impact assessment in accordance with the National Environment Act 2019. Clause 69 also requires establishment of measures to prevent and control contaminants. In addition Clause 110 makes pollution an offence heavily punishable. The penalty imposed for pollution is stringent and sufficiently deterrent. This provision will ensure that the natural resources are exploited in a sustainable manner so as to ensure enjoyment of human rights both presently and in the future.
- d) Provision on Bribery;** Clause 114 provides for the offence of bribery punishable by payment of a fine or imprisonment. This will help fight against corruption tendencies which significantly hamper the sustainable enjoyment

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of human rights and freedoms by denying certain people access to services while favouring a few.

e) Right to access to information; Clause 135 of the Bill recognizes the need for the right to access of information for all citizens. This seeks to augment Article 41 of the Constitution of the Republic of Uganda and provisions of the Access to information Act. Access to information enables citizens to enjoy their social, political and cultural rights.

f) Right to food; Clause 136 of the Bill provides for formulation of several Regulations that will facilitate the enjoyment of the rights and freedoms of all Ugandans such as, regulations for measures to protect wetlands, restocking of water bodies, performing of microbiological, chemical and physical analyses on fish and fish products, before they are released for human consumption, certifying the quality of fish and fish products through issuance of sanitary certificate before they are placed on the market. These Regulations will ensure that the right to food is adequately realized in the fisheries sub-sector.

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8.0 COMMITTEE OBSERVATIONS AND RECOMMENDATIONS:

1. FISH MAWS:

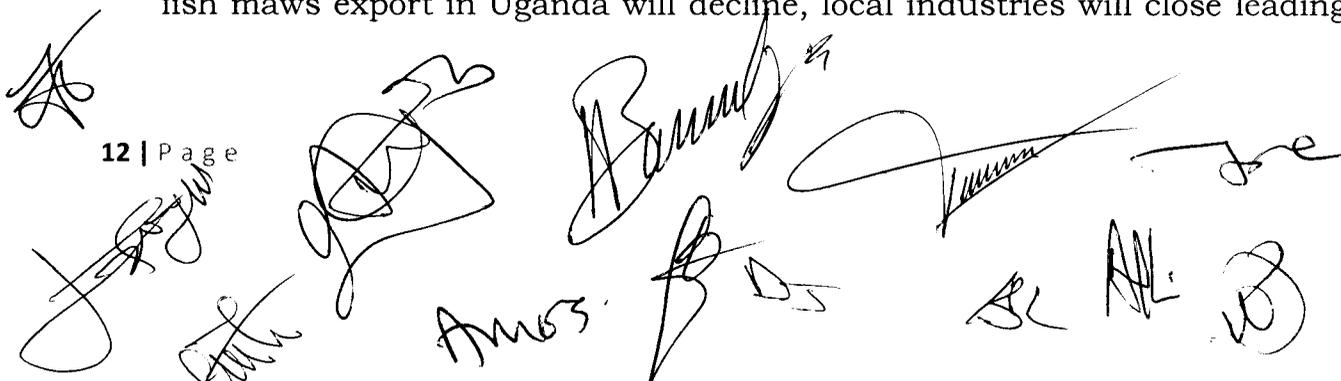
Clause 96 of the Bill provides for licensing of the fish maw, processors and exporters while clause 109 provides for undersize fish. Fish Maw is a white hard membrane found inside the body of the Nile Perch, it is a by-product from Nile Perch.

During the interaction with the traders in this product, the Committee was informed that the Bill in its current form would create monopoly powers to the individuals already trading, processing and exportation of fish maw. This is because it restricts any person from dealing, processing and exportation of fish maw without a license issued by the Chief Fisheries Officer. The provision is likely to create cartels or monopolies in the sector. The Committee observed that trade in fish maws should be modified to make local communities take part in the fish maw business.

The Committee also learnt that there is no gazetted size of fish maws because it is impractical to determine the size of a body part of fish. The size of fish maw differs within mature fish, its self-depending on the portion of water source it has been fished.

The Committee further learnt that there is an import duty of 6% and export permit of 8% introduced on fish maws business in Uganda, this was causing some investors to shift to Tanzania which shares 51% of Lake Victoria and Kenya 6% of shore line thereby affecting export earnings in Uganda with 43% of Lake Victoria.

The Committee was concerned that if this is not checked and controlled, the fish maws export in Uganda will decline, local industries will close leading to



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loss of employment and export revenue will decline since most industries were already migrating to Tanzania.

The fish maw traders informed the Committee that sometimes their fish maw is confiscated on allegations of being in possession of fish maw from non-gazetted sources. They reported that the gazetted source has been misunderstood to mean only licensed processing factories yet there is fish maw bought from the open markets like in Busega, Kalerwe, Ntinda, Nakawa and other small scale traders and other places having stalls for selling Nile Perch. These traders have licenses yet their places of operation are not recognised as gazetted places.

The Committee was cognisant of the fact of the growing market of the fish maws which poses a threat to the existence of the Nile Perch due to the high demand.

The Committee recommends as follows:

- i. In making the Regulations, the Minister should ensure that there are clear provisions relating to fish maw gutting and gazetted places for purposes of buying and selling of fish maws.**
- ii. The Regulations should ensure that there are friendly licensing procedures and that local Ugandans with limited capital are able to stay in the fish maw business.**
- iii. Uganda should aim at harmonising its tax laws with other East African countries in relation to fish maws in order for it to compete favourably in the fish maw trade.**
- iv. Incentives like tax holidays and VAT exemptions for importers of fish maws should be given in order to encourage more investment in fish maws business.**

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2. ILLEGAL FISHING, UNREPORTED AND ILLEGAL GEARS:

The Committee noted that among the Objects of the Bill is provision for the licencing and registration of fishing vessels and fishers, the control and regulation of all fisheries and aquaculture production activities and practices and the methods of fishing and fishing gear. The Bill also seeks to penalise offenders.

The Committee learnt that there was a lot of unreported illegal fishing which poses serious threats to fish stocks and directly affects the economic survival of small scale fisheries. Illegal fishing has caused heavy revenue loses to the country as result of forgone licensing fees, taxes and other charges. The Committee is further concerned that the illegal vessels do not pay taxes and usurp incomes and employment prospects along the value chains.

The Committee also noted that fishing enterprise is capital intensive. All equipment used in fishing is very expensive and usually out of reach for the common fisher. This is one of the reasons illegal fishing thrives because of lack of capacity to engage in legal fishing.

The Committee learnt that most local governments did not know the actual number of fishers on the lake and relied on only reported fish stocks at the landing sites to track captured fish volumes.

The Committee was further concerned about the porous borders and black markets that perpetuate illegal fishing and importation of illegal fishing gear. The Committee was informed that immature fish is collected in Uganda waters bordering Kenya and Tanzania and smuggled into neighbouring countries and transited through Uganda to the DRC yet there is no law empowering surveillance unit to inspect transit trucks with their seals.

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The Committee recommends as follows:

- i. The Uganda Bureau of Standards and Uganda Revenue Authority should crack the whip to ensure that no illegal fishing gear is imported into the country. There should be a total ban of illegal fishing gear, and those already in the country should be confiscated and destroyed.
- ii. The importers and users of illegal fishing gear should be penalised according to Law.
- iii. Government should increase funding for fisheries and enforcement activities to boost fisheries management. In particular, Government should provide adequate financial support to enable provision of patrol boats to monitor and control illegal fishing operations. It should also install reliable communication systems on existing government surveillance boats.
- iv. Community Based Fisheries Management Committees should be strengthened to enable effective monitoring of near shore fishing activities.
- v. Inspection should be conducted on transit trucks suspected to have contraband goods either in the country or at the point of exit and culprits should be penalised according to the Law.
- vi. Government should come up with a strategy on how to give technical assistance to fishers on equipment maintenance.



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3. FISHERIES MANAGEMENT AND GOVERNANCE:

The Committee observed that before decentralisation, the Fisheries Sector in Uganda was run on the centralised model, with teams of regional and local officers policing the use of fisheries resources. The centre decided policy and drafted laws to fishing communities, but the enforcement of the decentralisation policy later weakened the fisheries governance and it has since then undergone changes in management and control.

In 2004, the Beach Management Units (BMUs) were established to co-manage the fisheries resources; with Government in partnership with other stakeholders. Local governments and resources users were more directly responsible for the resources in their areas. The BMUs Committee composition differed from area to area, and it comprised the ultimate resource users and measures and guidelines were administered to its fishers.

However, along the way there arose parallel fisheries enforcement agencies which led to the breakdown in law and order in the sector. In addition, implementation of national laws became subservient to local interests in the absence of clear roles and mandates.

During this time, the Association of Fishers and Lake Users of Uganda (AFALU) was formed. Initially it was established as an awareness platform but later turned into an enforcement agent who sought for security for their activities. After the introduction of the fish protection force of the army, the BMUs stopped operating. Therefore, following a Presidential Directive in 2015, the activities of the agriculture police; the BMUs and the other technical fisheries officers were suspended. An interim measure; Fish Landing Site Committees were put in place, but were not able to execute their mandate due to lack of police support. Eventually Government put in place the Fisheries Protection Force (FPU) consisting of Uganda People's Defence Forces Officers, to carry out

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fisheries enforcement until such a time when a concrete solution would be arrived at.

However, from its interaction with a number of stakeholders, the Committee received numerous reports of cases of gross human rights abuses by the Fisheries Protection Unit (FPU). Reports included cases of torture, destruction of boats and buildings, confiscation of fish and motor vehicles without granting fair hearing to the owners. The Committee was further informed of cases of corruption and connivance between the army and the management structures at the landing sites which led to arbitrary confiscation of fishing equipment and fish. Some of the victims reported that their fishing gear and fish are confiscated and never recovered and on some occasions the confiscated fish ended up in the market.

These allegations were however denied by the FPU. The Committee was informed that the Fisheries Protection Unit are too few with a large span of control with poor facilitation to effectively perform their enforcement duties; and this leads to the fisher folks to take advantage and carry out illegal fishing activities. The Committee further learnt that the enforcement officers did not have the requisite skills in fishing and fisheries activities and therefore could not adequately handle some of the fishing challenges.

~~A~~ The Committee noted that after the Presidential Directive, no efforts were made to legalise the FPU, its establishment is not supported by any Law and yet reports of torture continue to be reported by most fishing communities.

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