

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,
September 2022

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1.0 INTRODUCTION:

Parliament of Uganda passed the Fisheries and Aquaculture Bill, 2021, on 3rd May 2022 with amendments and submitted it for assent to H.E, the President.

However, the President did not assent to the Bill and in a letter dated 18th August, 2022, he returned it to Parliament for reconsideration in accordance with Article 91(3) ((b).

The letter addressed to the Rt. Hon. Speaker about the returned bill is attached and marked "A"

The President's letter was laid on Table on 07th September 2022 and subsequently the Rt. Hon. Speaker referred it to the Committee on Agriculture, Animal Industry and Fisheries for consideration and thereafter report back to Parliament.

2.0 ISSUES RAISED BY H.E, THE PRESIDENT THAT CALLED FOR RECONSIDERATION WERE:

1. Clause 4: Definition of 'Licensing Officer'.

The Licensing Officer is being defined in the Bill as the Chief Fisheries Officer or District Fisheries Officer. This will cause confusion and can be a recipe for malpractices. The Licensing Officer should be the Chief Fisheries Officer;

2. Clause 13(2) and (3) – The Surveillance Unit

The Bill domiciles The Surveillance Unit Organisation, command, control and training under the Uganda Police Force. The Surveillance Unit Organisation, command, control and training need to be domiciled under the Uganda People's Defence Forces (UPDF) and Uganda Police Force (UPF). The rationale is that, given the need for continuous surveillance and sophisticated ways employed by people involved in illegal fishing, the support of both the UPDF and the UPF are required.

Amended

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- Middle left: A signature with the word "Amended" written vertically next to it.
- Bottom left: A signature with the word "Amended" written vertically next to it.
- Center: A signature with the word "Amended" written vertically next to it.
- Bottom center: A signature with the word "Amended" written vertically next to it.
- Right side: Several signatures and initials, including "Jwe", "AA", "Amended", and "Amended".

3.0 METHODOLOGY:

The Committee held an in-house meeting to discuss the matters raised in the President's letter and thereafter met with the Minister of State for Fisheries and staff from the Directorate of Fisheries to consider the propositions by H.E, the President.

During the meetings, the Committee considered the President's letter and deliberated on it in accordance with Rule 143(4) which states that *'The debate on the Motion under this Rule shall be confined to consideration of matters referred to in the message of the President or to any suggestion relevant to the subject matter of the amendment recommended by the President'*.

4.0 COMMITTEE OBSERVATION AND RECOMMENDATION:

4.1 Clause 4: Definition of "licensing officer"

The President recommended that the definition of the "licensing officer" be reviewed to refer to only the Chief Fisheries Officer. The proposal by the Committee which was captured in the Assent Copy referred to the "licensing officer" to mean the Chief Fisheries Officer or a District Fisheries Officer.

The Committee agrees with the President's guidance, however, the guidance will have effect on the following provisions which will require amendment to align them to the proposal:

- (a) The definition of "licensing officer" will be deleted since the Chief Fisheries Officer in whom the licensing mandate is fully vested is defined under Clause 4 and Clause 7(d) stipulates the mandate of the Directorate in relation to the issuance of licences and permits.

Thereafter the phrase "licensing officer" should be replaced with "Chief Fisheries Officer" wherever it appears. The Clauses are :- (Clause 33 (2), (4), (5), (6) and (7); Clause 48(1) and (2); Clause 53; Clause 54; Clause 55; Clause 62 (3), (4) and (6); Clause 63; and Clause 64).

- (b) Clause 24 (1)(c) should be deleted to ensure consistency.

- (c) The phrase "District Fisheries Officer" under clauses 39(1) and 84(1) should be replaced with the phrase "Chief Fisheries Officer".

- (d) Clause 84 (3) should be deleted since it will be covered under Clause 56 (1).

- (e) Clause 62 (1) should be amended by inserting immediately after the word "issued", the words "by the Chief Fisheries Officer".
- (f) Clause 62 (2) should be deleted since it is taken care of by the amendment under Clause 62 (1).

4.2 Clause 13: Establishment of Fisheries Monitoring, Control and Surveillance Unit

"The President expressed concern that given the need for continuous surveillance and the sophisticated ways employed by people involved in illegal fishing, the support of both the UPDF and the UPF is required".

The Committee takes cognisance of the President's concern and recognizes the fact that one of the functions of the UPDF is to preserve and defend the sovereignty and interior integrity of Uganda including engaging in productive activities for the development of Uganda.

The Committee also notes that the President as Commander in Chief of the Uganda People's Defence Forces and Fountain of Honour has the prerogative to deploy the forces whenever need arises as mandated by the Constitution. The Committee appreciates the role played by the UPDF in other sectors in the country like health, disaster and roads.

Furthermore, the Committee notes that the Uganda Police Act Cap 303 mandates the police force; to protect the life, property and other rights of individuals; to maintain security within Uganda; to enforce the laws of Uganda; to ensure public safety and order; and to prevent and detect crime in the society.

The Committee is therefore of the opinion that the earlier position as passed by Parliament be maintained and in the event of any sophisticated ways employed by people involved in illegal fishing, as cited by the President, the UPDF may be deployed in accordance with the Provisions of the UPDF Act and the Constitution of the Republic of Uganda.

PROPOSED AMENDMENTS TO THE RETURNED FISHERIES AND AQUACULTURE BILL

CLAUSE 4: INTERPRETATION

Delete the definition of "licensing officer" and thereafter substitute for the words "licensing officer" wherever the words appear, the words "Chief Fisheries Officer".

Justification

To ensure that there is only one centralized office mandated to issue licences relating to fisheries activities for proper coordination and regulation.

CLAUSE 24: FUNCTIONS OF DISTRICT FISHERIES OFFICERS

Clause 24 is amended in sub-clause (1), by deleting paragraph (c).

Justification

It is a consequential amendment arising from vesting the licensing mandate to only the Directorate of Fisheries Resources, headed by Chief Fisheries Officer.

CLAUSE 62: AQUACULTURE ACTIVITY LICENCE

Clause 62 is amended—

- (a) in Clause (1) by inserting immediately after the word "issued", the words "by the Chief Fisheries Officer"; and
- (b) by deleting sub-clause (2).

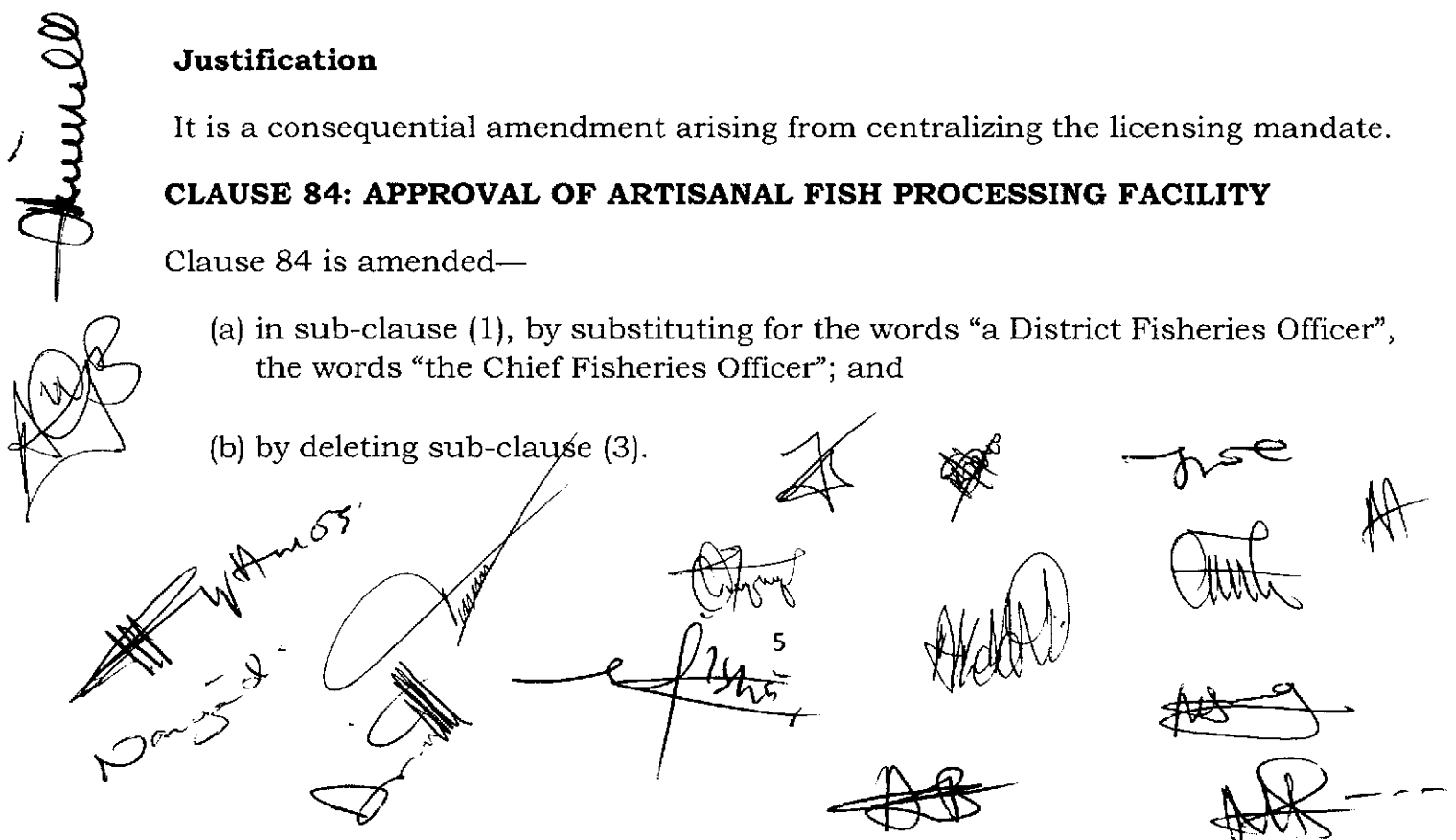
Justification

It is a consequential amendment arising from centralizing the licensing mandate.

CLAUSE 84: APPROVAL OF ARTISANAL FISH PROCESSING FACILITY

Clause 84 is amended—

- (a) in sub-clause (1), by substituting for the words "a District Fisheries Officer", the words "the Chief Fisheries Officer"; and
- (b) by deleting sub-clause (3).



Justification

- Consequential amendment arising from centralizing the licensing mandate.
- The deletion of sub-clause (3) is to ensure consistency with Clause 56 (1) following the centralization of the licensing mandate. The register of all licensed artisanal processing facilities will be kept by the Chief Fisheries Officer under clause 56 (1).

CLAUSE 13: ESTABLISHMENT OF FISHERIES MONITORING, CONTROL AND SURVEILLANCE UNIT

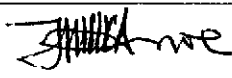


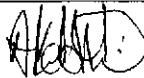
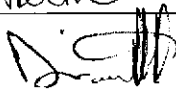
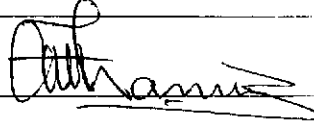
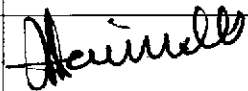
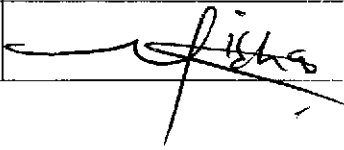
Clause 13 (2) and (3) be maintained as passed by Parliament as follows:


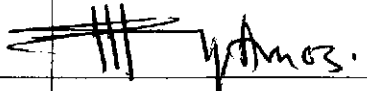

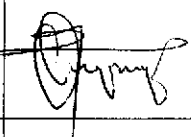
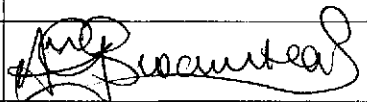
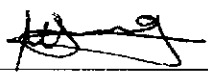
Establishment of Fisheries Monitoring, Control and Surveillance Unit.

1. There is established a Fisheries Monitoring, Control and Surveillance Unit within the Directorate.
2. The Surveillance Unit shall comprise persons with qualifications in fisheries sciences, appointed by the Public Service Commission and trained by the Uganda Police Force.
3. The Minister may, in consultation with the Minister responsible for internal affairs, by statutory instrument, make regulations for—
 - (a) the organisation and deployment of the Surveillance Unit;
 - (b) the functions and duties of officers of the Surveillance Unit;
 - (c) the terms and conditions of service, grades, ranks and appointment and discipline of officers of the Surveillance Unit;
 - (d) the description and issue of arms, ammunition, accoutrements, uniforms, authority cards and other necessary supplies to officers of the Surveillance Unit; and
 - (e) matters relating generally to the good order and administration of the Surveillance Unit.
4. Where the terms and conditions of service of an officer of the Surveillance Unit authorise him or her to possess firearms in the course of his or her duties, the officer shall, in addition to any other terms and conditions that may be imposed under this section, wear a uniform and be governed by regulations made under this section regarding—
 - (a) powers of search and arrest;
 - (b) training;
 - (c) discipline; and
 - (d) use of firearms.

Rt. Hon. Speaker and Hon. Members, I beg to report.

**REPORT OF THE SECTORAL COMMITTEE ON AGRICULTURE, ANIMAL
INDUSTRY AND FISHERIES ON THE FISHERIES AND AQUACULTURE BILL,
2021 - AS RETURNED BY H.E. THE PRESIDENT**

NO	NAME	CONSTITUENCY	PARTY	SIGNATURE
1	Hon. Okori-Moe Janet Grace Akech	DWR Abim	NRM	
2	Hon. Dr. Atim Agnes Apea	DWR Amolatar	NRM	
3	Hon. Dr. Aber Lilian	DWR kitgum	NRM	
4	Hon. Akello Christine	Erute County North	NRM	
5	Hon. Driwaru Jennifer	DWR Maracha	NRM	
6	HON. Dr. Lokii John Baptist	Matheniko County	NRM	
7	Hon. Nyongore Enock	Nakaseke North	NRM	
8	Hon. Kamukama Davis	Bunyangabu County	NRM	
9	Hon. Kabuura Derrick Baimukye	Bushenyi- Ishaka Municipality	NRM	
10	Hon. Komol Joseph Miidi	Dodoth North County	NRM	
11	Hon. Kesande Grace Bataringaya	Bunyaruguru County	NRM	
12	Hon. Wakabi Pius	Bugahya County	NRM	
13	Hon. Magoola Rachel Miriel	DWR Bugweri	NRM	
14	Hon. Migadde Robert Ndugwa	Buvuma Islands	NRM	
15	Hon. Muhumuza David	Mwenge County North	NRM	
16	Hon. Begumisa Mary	DWR Sembabule	NRM	

17	Hon. Okumu Gabriel	Okoro County	NRM	
18	Hon. Okot John Amos	Agago North County	NRM	
19	Hon. Akora Maxwell Ebong Patrick	Maruzi County	UPC	
20	Hon. Okot Santa	DWR Aruu North County	PPP	
21	Hon. Apolot Stella Isodo	DWR Ngora	FDC	
22	Hon. Walyomu Muwanika Moses	Kagoma County	INDEPE NDENT	
23	Hon. Tusiime Julius Karuhanga	Rwampara East County	INDEPE NDENT	
24	Hon. Ojara Martin Mapenduzi	Bardege-Layibi Division	INDEPE NDENT	
25	Hon. Mukasa Julius Opondo	Bujumba County	INDEPE NDENT	
26	Hon. Kayanga Baroda	Kamuli Municipality	INDEPE NDENT	
27	Hon. Maj. Gen. Kavuma Sam	UPDF Representative		
28	Hon. Bwanika Abed	Kimanya Kabonera	NUP	
29	Hon. Mugabi Susan	DWR Buvuma	NUP	
30	Hon. Kyebatutika Manjeri	DWR Jinja	NUP	
31	Hon. Matovu Charles	Busiro South	NUP	
32	Hon. Ekanya Geoffrey	Tororo North County	FDC	
33	Hon. Lukwago John Paul Mpalanyi	Kyotera	DP	

34.	Hon. Anywar Ricky	Kilak County North	FDC	
35.	Hon. Nanyondo Veronica	DWR Bukomasimbi	NUP	
36.	Hon. Nakimuli Hellen	DWR Kalangala	NUP	