



Country Update

WTO Fisheries Negotiations: Main Issues and Interests of the East African Community (EAC)

Provided by



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Introduction

The fishing industry in Uganda is important in terms of employment, food security as a valuable source of proteins and essential micronutrients and for poverty reduction. The fishing industry is one of the major economic activities, and fish and fisheries products have been the second foreign exchange earner next to Coffee. In 2015, the industry contributed to 3% of the national GDP and 12% of the agriculture sector GDP¹. Due to a number of

challenges there has been a marked reduction in the export of fish and fish products in terms of value and volume. For example, a total of 39,201 tonnes, of fish and fish products were exported in 2005. These reduced to 17,597.34 tonnes in 2014, and slightly increased to 19,111.50 tonnes in 2016.² In terms of value, the fish and fish products exports reduced from US\$136 million in 2011 to US\$117 million in 2015³.

Uganda is endowed with an abundance of freshwater

¹ Ministry of Agriculture, Animal Industry and Fisheries, Annual Report 2016

² UBOS Statistical Abstract 2016

³ Ibid

resources. Fresh water lakes cover 15.3% of the country's surface area. They include five major lakes (Victoria, Albert, Kyoga, Edward and George)⁴ and other minor lakes, rivers, swamps, dams, valley tanks, and ponds. The most productive of these in terms of fish resources is Lake Victoria, which accounts for 58% of the country's total fish catch. Uganda, controls 45 % of Lake Victoria, Kenya controls 6 %, and Tanzania holding the largest portion with 49 % of the lake located in its territory.

All the national waters are fresh and contain an impressive range of fish species. Over 350 fish species are known to exist in these water bodies. Most of the available species have not been exploited adequately. The most important of these for commercial and subsistence exploitation are the Nile Perch, (Species of the Lates), the Nile Tilapia (Oreochromis), the Herring-like (Alestes), the Catfish (Bagro and Clarion), Hydrocynus (Tigerfish), the small "Sardine" Rastrineobola, the Lungfish (Protopterus) and the Haplochromines.

Fishing activities are mainly carried out in open water sources and on a small scale by artisanal methods using plank canoes and to a lesser extent, fiberglass boats. Some dugout canoes are also still being used. The plank canoes are generally 4 to 12 m in length and dugout canoes average 3.5 m. About 30% of the vessels are motorized.

It is estimated that about 1,000,000, - 1,500,000

people are directly employed in fisheries related activities; and about 5,000 people are working within the industrial processing fisheries sector, with fisheries overall contributing to the livelihood of nearly 5.3 million people⁵. Artisanal fishermen utilize various gears including a variety of nets, seines, fish traps and hook and line. In a number of localities, traditional methods including baskets, traps and mosquito nets continue to be used.

Fish farming and commercial aquaculture activities have expanded over the past years. However, according to an official in the Fisheries department, aquaculture in Uganda is yet to reach its full potential. Both cage and pond aquaculture are developing all around the country, mainly for commercial purposes. Today, fish farmers more and more upgrade their subsistence farms to commercial small scale production units. It is estimated that there are 2,000 such farmers who own nearly 500 out of the national total estimated at 2, 000 ponds⁶.

Stakeholder's Perspectives

Ms. Mukasa, an official from Uganda Fish Processors and Exporters Association (UFPEA) pointed out that many people are involved in fish farming and some of them have gone into cage farming aquaculture. Because of this, there is an increase in the number of cages in Lake Victoria. However, the fish being farmed are only tilapia and catfish. Nile Perch which consists of 99 per cent of Uganda's exports to the international markets does

⁴ UBOS Statistical Abstract 2010

⁵ Ministry of Agriculture, Animal Industry, and Fisheries ; Annual report 2016

⁶ EU (2016): Action Document for Promoting Commercial Aquaculture in Uganda

not grow well in cages since it is a free-range fish. Farmed fish which has a lucrative market at national and regional level will allow an increase in Nile Perch exports to the international market and also allow it (Nile Perch) to increase in population in the lakes. Ms. Mukasa is calling for increased support from government to the aquaculture especially in terms of provision of seed fry for distribution to fish farmers; and extension services to address the existing poor pond management practices. All this will require increased budget to the fisheries department.

Uganda's fish and fish products are either consumed at local level or exported to neighboring or international markets. Most of the fish sold on the local market is fresh but some is smoked, fried or sundried. The fish which is destined for neighboring countries especially the Democratic Republic of Congo (DRC), South Sudan and Rwanda is mainly smoked, salted or sundried. Exports to the European Union (EU), U.S and other markets (which include Australia, the Middle East, Egypt and South East Asia) are mainly composed of Nile perch Fillet, although there has been an upward surge in the amount of chilled and frozen Nile tilapia fillets exported to these premium markets. The EU is the major market for Uganda's fish and fish products accounting for almost 75% of total fish exports.

Regarding the fish exports, Ms. Mukasa from the Uganda Fish Processors and Exporters Association (UFPEA) stresses that "the sector has not been doing very well as it used to in the last decade or so. There has been a decline in fish exports both in terms of value and volumes; and in the biomass of the Nile perch in Lake Victoria. This has been mainly

because of illegal fishing practices that have continued to take place in the lakes. Fish processing has been hit by the reducing catch and a number of factories have closed down. The Association used to have 21 factories but, currently, only eight factories are operating. "Even the remaining factories are struggling to stay in business, currently operating at 20 to 30% below capacity because there is no fish".

Another challenge facing the fish processors and exporters is the capacity to comply with the EU's Sanitary and Phytosanitary (SPS) measures. She pointed out that Uganda's fish exports are susceptible to EU bans given the fact that there were already a series of fish export bans between 1997 - 2000 on the ground of food safety; and also in 2015 Uganda had to impose a self-ban of fresh fruits to the EU markets. Ms. Mukasa maintains that government should invest more funds in the systems of regulation, inspections and laboratory testing. The landing sites should be further upgraded and all the value chain actors in the fish industry trained in food safety and compliance to the EU standards.

According to Mr. Lwettute, one of the officials at the Gaba Landing Site (10 kilometers outside Kampala), the challenges facing the fishing industry are many, and the existing legislative measures are not adequate tools of regulation and conservation. Unregulated fishing is still rampant leading to the harvesting of immature fish. Pressure for food and economic survival is pushing more people from the neighboring countries especially DRC into fishing. This situation is worsened by the fact that the immature fish has a market in DRC and on the local market. Given the fact that fishery is basically one of open access, there are relatively few restrictions

on who may fish, and few technical measures to control fishing mortality. He explained that national legislations prohibit various fishing techniques, including the use of artificial light (lamp, flare, torch, etc.) or any poison, noxious substance, explosive or electrical device; and the size of the nets. A further restriction specific to Lake Victoria, entered into force through Statutory Instrument No. 15 of 1981, establishes the minimum size for Nile perch as 440 mm, and for Nile tilapia as 280 mm. Restrictions have also been placed by the authorities on the use of beach seines and trawlers (except for experimental purposes) on Lake Victoria. However, according to Mr. Lwettute, despite these legislations, there are low levels of compliance; in fact the use of destructive fishing gears and methods has continued. .

Other challenges include: the limited involvement of lakeside communities in the management process; degradation of fish habitats due to contamination from the catchment area as a result of poor agricultural practices, deforestation, increased sewage discharge and degradation of wetlands. The fish quality is also most often below standard due to lack of proper facilities, methods and attitudes to improve handling, processing and storage. In addition to the outdated laws and fisheries regulations, there is lack of trained man power, inadequate enforcement of the existing laws and poor dissemination of relevant information to the fisher folks and lakeside communities. He called upon government to address these challenges and also curb smuggling of Ugandan fish to neighboring countries, and to prevent unlicensed foreigners from fishing in Ugandan shared waters.

An official from the Ministry of Agriculture, Animal Industry and Fisheries (MAAIF) explained that the competent authority under this Ministry as far as the fishing industry is concerned is the Department of Fisheries Resources, headed by the Commissioner for Fisheries. There are a number of legal frameworks governing the fisheries subsector. These include; inter alia; The Fish Act (1964), which is currently under review, is the principal Act from which regulations for aquaculture have been developed; and The National Agriculture Research System Act (2005) regulates fisheries and aquaculture research among other agriculture research areas. The Fish (Amendment) Act, 2011 authorizes the Department of Fisheries Resources to issue licenses and permits; to establish and maintain a register of all persons issued with licenses and to require a certificate of vessel ownership and a fishing vessel identification plate to be displayed on every licensed fishing vessel. The official explained that in order to enforce the regulations, the Ministry has undertaken a number of actions including the deployment of the military to guard Uganda's territorial waters and also address illegal fishing and smuggling.

The three partner states, Uganda, Tanzania and Kenya, who share Lake Victoria have also instituted stringent measures to control fishing in the shared water through regional management bodies such as the Lake Victoria Fisheries Organization (LVFO), which has broad responsibilities for fostering effective cooperation between the three member states in order to develop and adopt a common approach to the conservation and management of the Lake's living resources to ensure ecosystem health and sustainability. The three countries have also

agreed to minimum sizes, types and kinds of gear, as well as minimum sizes and slot sizes for exploiting the respective fisheries. For instance, all countries agreed that Nile perch, which is the most commercially viable, should not be harvested until it is 50cm long, or weighing 2kg, regardless of its source. The EAC also launched the Lake Victoria Fisheries Management Plan III (FMP III) 2016-2020 in Arusha in June 2015 to facilitate the recovery of the Nile perch, and ensure that member states sustainably and equitably use the lake.

Recommendations to EAC's Delegates to the WTO

The entry point for Uganda to address the challenges facing the fish industry is to address the issue of regulation and conservation. This will require financial resources and also technical assistance and capacity building of all actors in the fisheries subsector. Therefore the negotiations going on in the WTO towards crafting new disciplines on fisheries subsidies should take into account the urgent need by countries like Uganda to address the current challenges in their fisheries subsector. In fact unlike developed countries, the overexploitation of the fisheries stock in Uganda is not as a result of fisheries subsidies but a lack of requisite resources for government to address the challenges facing the subsector. The Geneva Ambassadors should ensure that under Special and Differential Treatment countries like Uganda and the East African countries in general can be able to provide subsidies to support their small scale fishing and the fishing subsector in general; and the right to support their fisheries sector should be protected.

The Ambassadors should negotiate for technical assistance and capacity building for Uganda to address the SPS measures and traceability requirements; to address the illegal fishing, to monitor fish stocks in order to ensure sustainability and to upgrade further up the fisheries value chain. The Geneva Ambassadors should also address the issue of tariff escalation to ensure that value addition is not hampered. Negotiations for capacity building and technical assistance can be within the WTO or at a bilateral level with the EU and other countries.

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