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## GEMEINDE UGANDA: FISCHEREI- UND AQUAKULTURGESETZ BEDROHT RECHT AUF NAHRUNG VON KLEINFISCHER\* INNEN

Der Zweck dieser Briefaktion ist es, die Aufmerksamkeit der ugandischen Regierung auf eine Reihe von Bestimmungen des Fischerei- und Aquakulturgegesetzes von 2020 zu lenken. Diese besitzen das Potenzial, die Menschenrechte von Kleinfischer\*innen zu untergraben. Wir fordern, dass die Verabschiedung und Umsetzung des Gesetzes gestoppt wird, bis die Bedenken geprüft und angegangen worden sind.

### Hintergrund

Fischergemeinden gibt es in 17 der 135 Distrikte Ugandas. Die Männer fischen zumeist den Fisch. Frauen übernehmen die Trocknung, die Verarbeitung, den Verkauf sowie die Versorgung des Haushalts. Meist handelt es sich um Subsistenzwirtschaft zur eigenen Versorgung. Nur überschüssiger Fisch wird auf lokalen Märkten verkauft. Viele der Gemeinden sind von Armut betroffen: Oftmals reicht der Fang nicht aus, um den Lebensunterhalt zuverlässig zu sichern. Viele leben in prekären Verhältnissen mit unzureichendem Zugang zu Wohnraum, Gesundheitsversorgung und anderer Infrastruktur. Bisherige Fischereipolitiken und -gesetze beinhalteten keine Maßnahmen, um die Armut kleiner Fischergemeinden zu beheben. Die 2017 initiierten Fischereigesetze zielten darauf ab, diesen Mangel zu beheben, indem sie „die Ernährungs- und Nahrungssicherheit, Einkommensbildung und Armutsbekämpfung“ förderten. Doch anstatt sich darum zu bemühen, das Leben der Gemeinden zu verbessern, konzentrierte sich die Regierung allein auf die Bekämpfung illegaler Fischerei. Dieses Ziel ist legitim, führte in der Praxis jedoch oftmals zu Gewalt und Menschenrechtsverletzungen. Der ugandische Präsident hatte im November 2017 eine Richtlinie erlassen, mit der die Armee ermächtigt wird, gegen illegalen Fischfang mit Verhaftungen und der Beschlagnahmung von Ausrüstung und Fischfang vorzugehen. Seitdem patrouilliert die Armee täglich in den Fischergemeinden. Berichte über Gewalt häufen sich, darunter Prügel, das Verbrennen von Angelrüstung und Häusern und in einigen Fällen sogar Todesfällen. So berichtete die ugandische Tageszeitung Daily Monitor im vergangenen Jahr über die Tötung von zehn jungen Fischern aus dem Landkreis Mpuunge im Bezirk Mukono durch die Armee. Trotz einer Vielzahl von Protesten gegen die exzessive Gewalt der Armee blieben Maßnahmen zur Verbesserung der Situation aus. Am 9. März 2020 hat die Regierung dem Parlament ein neues Fischerei- und Aquakulturgegesetz vorgelegt. Der Gesetzentwurf wurde ohne Beteiligung der lokalen Fischereigemeinden erarbeitet. Das Gesetz soll illegale Fischereiaktivitäten bekämpfen. Es sieht vor, die „Fisheries Monitoring, Control and Surveillance Unit“ durch die ugandische Armee paramilitärisch ausbilden zu lassen. Neben der engen Zusammenarbeit zwischen Landwirtschafts- und Verteidigungsministerium enthält der Gesetzentwurf Bestimmungen, die die Armee ermächtigen, bei der Kontrolle von Fischereitätigkeiten Gewalt anzuwenden, ohne genau festzulegen, unter welchen Umständen dies gerechtfertigt ist. Das Gesetz bedroht mehrere Menschenrechte von Kleinfischer\*innen und ihren Familien, unter anderem die Rechte auf Leben und Nahrung.

### **Bitte senden Sie einen Brief an:**

Office of the Permanent Secretary  
Mr. Pius Wakabi Kasajja  
Ministry of Agriculture, Animal  
Industry and Fisheries  
P.O Box 102, Entebbe Plot 16-18,  
Lugard Avenue, Entebbe  
Uganda

### **oder per Email an:**

[info@agriculture.go.ug](mailto:info@agriculture.go.ug)

### **Bitte senden Sie eine Kopie des Schreibens an:**

Permanent Secretary  
Ministry of Defence and Veteran  
Affairs  
Chwa II Road, Mbuya, Kampala  
P.O. Box 3798, Kampala  
Uganda

### **oder per Email an:**

[mod.ps@defence.go.ug](mailto:mod.ps@defence.go.ug)

### **Bitte senden Sie eine Kopie des Schreibens an das ugandische Generalkonsulat in Wien:**

Ugandisches Generalkonsulat  
Breitenfurterstraße 219  
1230 Wien

### **oder per Email an:**

[consulategeneral@uganda.at](mailto:consulategeneral@uganda.at)

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Uganda kostet 1,80 €.  
Ein Brief innerhalb von  
Österreich kostet 0,85 €.

### **Bitte senden Sie uns eine Nachricht, wenn Sie sich an die ugandische Regierung wenden:**

Valentin Hategekimana  
[hategekimana@fian.org](mailto:hategekimana@fian.org)

Mr. Pius Wakabi Kasajja  
Ministry of Agriculture, Animal Industry and Fisheries  
P.O Box 102, Entebbe Plot 16-18,  
Lugard Avenue, Entebbe  
Uganda  
Email: [info@agriculture.go.ug](mailto:info@agriculture.go.ug)

## **Fisheries and Aquaculture Bill**

Dear Mr. Kasajja,

Recently I learnt about the ongoing parliamentary discussions on the Fisheries and Aquaculture Bill 2020 in Uganda. As per the information I received, the Bill was drafted without open consultations and there was a complete lack of effective participation of fishing communities. If enacted, the Bill will seek to achieve the otherwise legitimate objective of deterring illegal fishing in the country through the use of the army and legalization of the use of force against small-scale fishing communities, impacting on their right to food and nutrition, among others.

The majority of small-scale fishers already live in precarious conditions with inadequate access to housing, health facilities, and other infrastructure. Many of them are not able to sustain their livelihood as fishing alone does not ensure sufficient income. This is also why many of them find no other choice but to use undersized nets and catch undersized fish as a coping mechanism to sustain their livelihood, which is considered unlawful and illegal by the government. Instead of putting efforts to create an enabling environment that can help to uplift the lives of small-scale fishers, the proposed Bill will legalize the involvement of the army in regulating illegal fishing activities. Among others, the Bill provides for the training of the Fisheries Unit in para-military skills by the Uganda Peoples Defence Forces (UPDF). Aside from close cooperation between the ministers of agriculture and defence on measures to combat illegal fishing, the Bill has provisions that authorizes the army to use force in regulating fishing activities, while failing to define the circumstances under which the use of force may be warranted. For the last three years, the army has exerted excessive use of force and violence has become the order of the day. In the year 2020, it has been reported that 10 fishermen were killed by the army only in Mpuunge sub-country in Mukono district. As a result, small scale fishers who depend on the lake for food and the sale of a little surplus fish have been forced to abandon their livelihood altogether. The Bill, thus will not only legitimize army violence, but it will also exacerbate it and threaten several human rights of small-scale fishers and their families, such as the right to life and the right to food and nutrition.

As a state party to several human rights instruments, among others, the International Covenant on Economic, Social, and Cultural Rights, Uganda is obliged under international law to respect and fulfil the right to food and nutrition of its people including small-scale fishers in Uganda. While deterring and enforcing penalties on illegal fishing is important, the Fisheries and Aquaculture Bill in its current state will pose a threat to the right to food and nutrition as well as the right to live and constitute a breach to Uganda's human rights obligations. The Bill will also disproportionately affect the small-scale fishers. Some of the specific human rights under threat in Uganda's Constitution include, for example, the right to adequate food and nutrition inferred from Articles 45 and 8A as well objectives IV and XX11 and freedom from cruel, inhumane and degrading treatment that is guaranteed under Article 24 of the Constitution. In addition, the Bill fails to respect the UN Declaration on the Rights of Peasants and People working in Rural Areas (UNDROP) Article 6, which states that "Peasants and other people working in rural areas shall not be subjected to arbitrary arrest or detention." Also, the Bill runs afoul of the FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries article 6.9 which states that "All parties should create conditions for men and women of small-scale fishing communities to fish and to carry out fisheries-related activities in an environment free of crime, violence, (...) corruption and abuse of authority. States should ensure access to justice for victims of inter alia

violence and abuse (...)"'. The Bill has also failed to respect the Objective X of the National Objectives and Directive Principles of State Policy which requires the State to take all necessary steps to involve the people in the formulation and implementation of all development plans and programs.

In considering the above, I would like to kindly request the government of Uganda to:

1. Review and revise the proposed Bill so it will respect, protect and fulfil the right to food and nutrition and other related human rights that are already guaranteed in the Constitution of Uganda. This means the Bill should promote the sustainable management of the fisheries sector through the provision of an institutional framework that will sensitize and empower small-scale fishers as the basis for the realisation of the right to food and nutrition of small-scale fishers.
2. Ensure that the Bill is re-drafted in an inclusive and participatory manner, with wider consultations including especially fishing communities. Therefore, the government should engage members of parliament from lake regions to conduct wide consultations in their constituencies on alternative provisions to the sustainable management of fisheries in their communities.
3. Take proactive measures to ensure that fishing communities' activities are not hampered by the violence of the Ugandan army. Hence, provisions of the Bill that legitimise the use of force as a default mode of operation should be amended.
4. Investigate and hold to account those responsible in the army for human rights violations including killings, torture or/and inhuman treatments.

Please keep me informed of the action you plan to take in this regard.

Yours sincerely,

## ✂ KOPIE DES BRIEFES FÜR IHRE UNTERLAGEN

Mr. Pius Wakabi Kasajja  
Ministry of Agriculture, Animal Industry and Fisheries  
P.O Box 102, Entebbe Plot 16-18,  
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