

Wednesday, 18<sup>th</sup> March, 2020 COUNTY ASSEMBLY OF SIAYA DEBATES

## REPUBLIC OF KENYA

### SIAYA COUNTY ASSEMBLY

#### THE HANSARD

##### Second County Assembly-Fourth session

Wednesday, 18<sup>th</sup> March, 2020

The House met at the Chambers at 9.30 a.m.

*[The Temporary Speaker (Jane Atieno) in the Chair]*

#### PRAYER

#### MOTION

##### REPORT ON COMMITTEE OF AGRICULTURE ON STATUS OF FACILITIES AT FISH LANDING BAYS

**Hon. Ochieng:** Thank you Madam Speaker. I wish to move that this House adopts the report on Committee of Agriculture, livestock, and Fisheries on the Status of County Government facilities at the fish landing bays in the County laid on the Table of the House on Thursday 5<sup>th</sup> March 2020, at 2.30pm.

I want to believe that all the Honorable Members have this report with them; I will just go straight to the background information that is page 5.

The County Government of Siaya has a total of 81 fish landing sites along the shores of Lake Victoria, and 3 along Lake Kanyaboli. Over the years, the County Government of Siaya has made some efforts to bring the fish landing sites to high quality standards by investing in various infrastructural facilities: beach, bandas, boats and engines, access roads, fish dryers, flood lights among others. However, a lot of work remains undone. These investments still are considered limited in achieving the objectives of sanitizing the fishing industry to a profitable and organized venture.

The County Assembly Committee on Agriculture therefore resolves to conduct a comprehensive and conclusive oversight on the County Government funded facility at all the fish landing bays in Siaya County.

#### **The general observation of the Exercise was:**

To ascertain the status of all County Government Funded Fishing facilities at the fish landing bays in Siaya County.

#### **The Specific Objectives included;**

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Wednesday, 18<sup>th</sup> March, 2020 COUNTY ASSEMBLY OF SIAYA DEBATES

1. To verify the status of fish bandas at the fish landing bays in Siaya County.
2. To ascertain the status and the functionality of motor boats at the fish landing bays in Siaya County.
3. To conduct fact findings, Interventions, meetings, with beach management units on management and operational challenges.

The main respondents in this exercise were: The beach management unit officials in various BMU beaches visited.

The Committee also conducted a session with fisheries officers at the County directorate of fisheries to corroborate the data presented herein. The field work was conducted from the 19<sup>th</sup> to 21<sup>st</sup> August 2019, followed by a follow up meeting with the Directorate of Fisheries on the 17<sup>th</sup> of September 2019. This report is therefore a comprehensive document of the findings with details, recommendations in line with objectives, of the oversight exercise.

### **Summary report**

The report details the Committee findings on the status of the County Government funded fish landing facilities in beaches of Siaya County. It reports specific developments in each of the beaches while highlighting the basic challenges as well.

The Committee visited two beaches per ward in consultation with the area MCAs and Yala fish farms. The report therefore covers a total of 21 beaches, each highlighting various issues. Some of the general Committee findings specific to some beaches include;

- i) The lack of basic amenities such as toilets in Oyamo, Ndeda, Saga Island beaches.
- ii) Lack of ECDE schools for children at Saga Island
- iii) Inadequate drugs at Oyamo Health Centre.
- iv) The Islands also lack a speed boat, ambulance for health evacuation purposes.
- v) It was also noted that there is rampant use of illegal fishing gears in almost all the islands with little enforcement effort by the BMU executives and the fisheries officers
- vi) The officers also reported increased cases of harassment and arrest by officers from the neighboring Uganda as well as overfishing and use of illegal gears by neighboring counties of Homabay and Kisumu.

The Committee recommends various measures to curb illegal fishing, including but not limited to:

- i) Sensitization of BMU Management by laws and development of regulations to operationalize Siaya County Fisheries and Aquaculture Act 2017.
- ii) Heavy and immediate deployment of enforcement officers, equipped patrol motor boats with facilitation to fight illegal gears.
- iii) Rescue missions and general security of the lake.
- iv) Partnership with other authorities of the National Government.

### **Acknowledgement**

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Wednesday, 18<sup>th</sup> March, 2020 COUNTY ASSEMBLY OF SIAYA DEBATES

The Committee wishes to thank the office of the Speaker of the County Assembly as well as the office of the Clerk of the County Assembly as well as its secretariat for the support extended to the Committee in the execution of its mandate, despite the adverse weather conditions especially while traveling the Lake Victoria to the island that left two Members of the Committee sick; one of them being the Chair.

The Committee further extended its appreciation to the BMU Members and the Directorate of Fisheries who volunteered information, or submitted written response to the Committee for the success of this exercise.

The Committee also wishes to thank the Medical Officers from Yala Sub County Hospital who dedicated their time to attend to the Committee Chairman who was attacked by Malaria while on duty.

It is my pleasant duty Pursuant to Standing Order Number 196, to Table this Report of the Sectorial Committee of Agriculture, Livestock and Fisheries on the status of the County Government funded facilities along the fish landing bays and beaches in Siaya County.

We move **to Introduction**, that is page 8

In Siaya County, the main activity in the Fisheries Sub sector is ; captured fish in Lake Kanyaboli, Lake Victoria as well as dams and fisheries aqua culture undertaken in fish ponds. The fisheries resource users use their fish landing sites of which, there are a total 81 along the shores of Lake Victoria, and 3 fish landing sites along Lake Kanyaboli.

The County Government of Siaya has made some efforts to improve the infrastructural standards of the fish landing sites, but a lot of works still remain un done. The beaches/ fish landing bays are managed through an organized network of fishermen, Business people, Boat owners and Members of the Community.

The Beach Management Unit (BMUs) are organizations of fisheries. Fish traders, boat owners, fish processors and other beach stakeholders who traditionally depend on fisheries activities from a specific fish landing bay for their livelihoods.

A BMU is made up of general Members referred to as BMU Assembly, and the BMU Executive who are elected after every 4 years to transact Business on behalf of its membership in line with the BMU Celebration 2007.

In the spirit of Public Participation in fisheries management, BMUs were formed under regulations 23 (2) f of Fisheries Act, Cap 378. Fisheries Development and Management Act no.35 of 2016, as Fisheries core management structure.

The BMU management regulations 2007 were enacted to govern BMU operations. The County Director of Fisheries as the administrator of both the BMU regulations 2007 and the Siaya County Fisheries and Aquaculture Act 2016 is obliged to supervise the administration of and the operations of the BMU management unit in all the beaches and the fish landing bays in the County.

The Fourth Schedule of the Constitution of Kenya 2010 evolves all activities fisheries thus giving the County Government the mandate to manage the fish landing bays/beaches in order to facilitate all the economic activities for the community and the stakeholders.

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Wednesday, 18<sup>th</sup> March, 2020 COUNTY ASSEMBLY OF SIAYA DEBATES

Madam Speaker, I think we will just move straight to the general Committee findings which are in page 21.

The following are the general observations cutting across all the fish landing bays and beaches in Siaya County.

1. The Committee noted that even though some efforts have been put by the County Government in the construction of the fish bandas in a majority of the fish landing bays in the County. However some beaches still lack modern bandas and operate from the old structures constructed by the help of other fisheries from the stakeholders, e.g. Lamarck 2, National Government that is the CDF, before the advent of Devolution. Examples include Kokach beach, Kopyata beach and Wichlum beach.

Notably however, some constructed bandas have delayed works, poor maintenance and poor drainage system owing from poor work man ship. Example includes Nyalaji, Ojura, Misori, Ugambe, and Nyaudenge beaches.

2. The Committee noted that rampant use of illegal fishing gears in most of the beaches, some of which were evidently displayed along the beaches, examples include Nyalaji, Ojura, Kabwong', Kokach, Kayundi and Kopyata beaches among others.

It was also noted that some of the reported cases in some of the use of the illegal fishing gears in some of the beaches as a result of the invasion of fishermen from some of the neighboring Counties such as Kisumu and Homabay

3. The Committee also noted reports of rampant harassment and insecurity post by fishermen from neighboring Homabay County's beaches in Suba and law enforcement officers from the neighboring Country Uganda. The harassment by the Ugandan authorities is mainly due to the differences in fishing and fisheries policies and laws between the two countries. Use of illegal fishing gears by the Kenyan fishermen and invasion, overfishing into the Ugandan waters.
4. The Committee noted that the County Government has not invested into any cooling storage facilities in any of the beaches.
5. The Committee noted that the BMU are operating using different by laws, and without any training. This has led to increased cases of leadership wrangles, little compliance with BMU and fisheries regulations and rampant financial mismanagement.
6. The Committee also noted general lack of basic amenities such as lack of clean water in most beaches around the lake thus exposing the community to diseases, little maintenance of health facilities, with those in the island lacking health workers and drugs, lack of pit latrines, toilets and ECDE centers in most islands such as Oyamo, Ndeda and Saga Islands

7. The Committee noted that despite the high revenue potential on the industry, the county Government has made little efforts to exhort the revenue sources from the fishing industry, with some beaches entirely lacking revenue officers. E.g. Saga, Oyamo, Ndeda and Mageta Island beaches among other beaches.

8. The Committee noted that there is a lot of revenue loss by fishermen selling their produce to Uganda traders from the island beaches across the lake.

Wednesday, 18<sup>th</sup> March, 2020 COUNTY ASSEMBLY OF SIAYA DEBATES

9. The Committee noted that the fishermen and other stakeholders at the beaches are not organized in savings and credit groups that would enable them access financial facilities, and resources from various stakeholders such as the Government, Financial institutions, and other organizations. It was however noted that almost all the beach members equivocally expressed their interests in joining SACCOs for such benefits.
10. The Committee also noted increased establishment of new beaches along the lake, thus contributing to over fishing and difficulty in enforcing fishery regulations, The County Fisheries department should therefore highly regulate the establishment and operation of beaches.

I will move to the recommendations that are page 25. Following the aforementioned findings, the Committee made the following recommendations: the CECM Agriculture should prioritize the construction of and pre-audit maintenance of fish bandas in all the beaches of the county.

The construction of fish bandas in beaches were therefore guided by the recommendation standard BQ installed with appropriate facilities such as electric power and running water. The department should liaise with BMUs and sensitize on periodic maintenance, improvement and sustainability of such projects.

The CECM Agriculture should immediately develop BMU standards and by laws for all the beaches to regularize their operations including but not limited to measures aimed at curbing illegal fishing gears. A copy of the standardized by-laws should be submitted to Committee on Agriculture for consideration by the end of the Financial Year 2019/2020

The County Director of Fisheries should sensitize the BMU members on the appropriate fishing methods and sustainability of the fisheries and the consequence associated with any contravention of the fisheries regulations on illegal fishing gears.

The department must also entrench high level of integrity among the officers in order to curb the vice in the use of illegal gears in the lake. The CECM Agriculture must therefore periodically update the committee on the status of the fight against illegal fishing on quarterly basis by the end of financial year 2019/2020

In order to compliment the efforts of the national government in order to protect the fisheries from harassment and insecurity posed by neighbouring counties and country Uganda through the functions of the coast guard units, the county fisheries department should strive to implement the Siaya County Fisheries and Aquaculture Act 2017 which has uniform provisions with those of neighbouring stakeholders.

The county should therefore properly sensitize the BMU's on the provisions of the Act and craft the implementing regulations in order to put the fishermen at a level field with regards to uniform policies used by all stakeholders in the lake.

The department should also strive to organize joint inter county stakeholder's forum in which possible solutions and challenges would be muted for joint implementations. The CECM Agriculture should provide a status report on the implementation of the Act to the Committee on Agriculture within 30 days upon the approval of this report.

The County Government should source out for partnership and investors to invest in new and or revamp and renovate existing cooling and processing plants strategically located along the

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Wednesday, 18<sup>th</sup> March, 2020 COUNTY ASSEMBLY OF SIAYA DEBATES

major beaches in order to allow for proper storage and processing of fish produce for better price.

The CECM Agriculture should report to the House on the status of efforts made with regards to liaising with stakeholders, investors or partners to invest in fish processing by the end of Financial Year 2020/2021

The CECM Agriculture should immediately organize a comprehensive training for all the BMU Executive on general BMU management, leadership and financial management among others.

The members should also be sensitized on the use of illegal gears and appropriate fishing methods and the sustainability of the lake. The fisheries officers should also appropriately capacity build for proper implementation of fisheries and regulations. The CECM Agriculture should provide a status report on training by the end of FY 2019/2020 to the Committee on Agriculture

The CECM Agriculture should purpose to procure and provide two patrol boats with 40 horse-power for the fisheries officers in the two Sub-Counties of Bondo and Rarieda in order to help in rescue missions, the fight against illegal fishing gears as well as maintenance of general security of the fishermen while in the lake.

The CECM should budget for the two boats in FY 2020/2021

The fishermen, fish farmers and all business stakeholders equivocally expressed their need for savings and credit cooperatives. The CECM Agriculture and CECM Trade should sensitize the fishermen on the need and the establishment of cooperative societies for revolving funds and credit facilities along the beaches.

Upon the enactment of Siaya County Cooperative Bill 2019 in to law the CECM Trade should initiate the process of empowering the fisher folk through their saccos by helping them acquire appropriate fishing gears and marketing of fishing produce through savings and credit schemes within the provisions of the County Cooperative Act.

The CECM Agriculture should prioritize the renovation and development Yala Fish Farm for staffing, renovation and stocking. The Committee on Agriculture and the Committee on Budget should ensure that the facility is funded in 2020/2021 to subsequent budgets.

The County Government should prioritize the provisions of unsustainability of basic amenities at the beaches such as toilets in Nyaudenge, Wich Lum, Kabuom, Kayundi, Oyamo, Ojura among others. Health facilities and supply of drugs in Saga, Ndeda, Oyamo ECDE at Saga Island among others the CECM Health should budget for a speed motorboat ambulance for emergency health evacuations on the island within the county. The Committee on Health services should follow up on the implementation of these recommendations.

Some would wonder why we are advocating for construction of ECDE's and the equipping of health facilities in respective beaches that we visited. As a committee we were also looking on the welfare of the fisher folk community.

We found some of the islands like Saga where people are there with their young children but they lack where to take them to school when we want to develop a community wholesomely it should be equipped with a learning facility for their kids to be taken to those facilities.

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Wednesday, 18<sup>th</sup> March, 2020 COUNTY ASSEMBLY OF SIAYA DEBATES

Where they are doing their fishing they might get sick and if there is lack of drugs in those facilities and it is an island where there is no any other facility apart from those government health centers and facilities. There should be a consideration in such isolated areas to be well equipped with health workers and medicines in those respective health centers.

I call upon Hon. Edwin Odhiambo to second.

**Hon. Odhiambo:** I second.

*(Question proposed)*

**Hon. Oriaro:** Thank you, Madam Speaker. I want to appreciate the work by the Committee on Agriculture for the report they have brought. I give a nod to it based on the scope they had wanted to attain but I want to underscore that it is told in the report that all the MCAs in their Wards were contacted I was not contacted in this reporting so that is why banda in my place is only being mentioned in generality and I doubt if the committee really know that I have a banda in my Ward. Even its specific name and the name of the beach.

One thing that is clear that was not in the mind of the committee most of the problems they are raising national government vide a regional protocol had all agreed to come up with one front towards marine management that is why we are talking of marine guards. The question would have been do we have marine guards in our Lake Victoria Waters?

Or along Lake Kanyaboli beaches? If the answer is no then this is what ought to have been highly underscored even if we will invest the issue of gears that are illicit I think we can only be addressed when we have the guards because their patrol is what will bring this one to note.

If we don't have the guards, it means that the County Government of Siaya is in a deep slumber the sector and the leadership because if in our beaches we don't have it then they ought to have petitioned the national government because they are the ones to be in charge of deploying the marine guards.

This matter should be really looked into because manning the fisheries without us engaging the national government, Intergovernmental Relations Act stipulates how the separation of duties the Constitution is very clear on how we can come up with memorandum or common agreements on how to run some of these. This is not underscored in the report and I believe it squarely has to be there.

Lastly, on the issue of funding some of these beaches like the one in Kadenge is in my Ward. We have been having budget hearings and public participation. So if a beach falls in my Ward and hence a banda then it should be a priority of Central Alego Ward not tossing it to some unknown entities without even having a grip in their sectors.

We have been talking of budgetary regimes we have. It is not clear who is in charge. It's like it is being done from outside and then brought to the CECMs so it is all about oversight by the committee so that even when we talk about fisheries allocation towards cooperative the objective should be very clear that are we coming up with it towards capacity building the fisher folk in terms of establishment of their financial base on investment.

Wednesday, 18<sup>th</sup> March, 2020 COUNTY ASSEMBLY OF SIAYA DEBATES

What about those areas that do not thrive on neo modern concept of aquaculture which can be applicable anywhere?

We should define all this so that we know where we spend, others where we need to spend like the ECDE's and health centers should be priorities for various Wards so that we don't look for a ground. If it would be applicable, then a multi stakeholder forum on the part of the Executive needs to ensure in a case such as this the committee ought to have incorporated the Committee on Health that I am in so that you can look at it from my...

**The Temporary Speaker:** Yes Hon. Olsi

**Hon. Olsi:** I can't say what is missing but what makes me more bitter is that even in this document the last page you can see in West Uyoma something that even yesterday apart from raising a Statement I have gone directly to visit His Excellency the Governor in his office about these 3 motorboats that were meant to help the BMU's in Uyoma.

The machines that did not reach the specifications at all. I don't know which direction to go to before I go mad. It is easy to go mad when your people suffer and some people are rejoicing. These 3 motorboats were delivered in Siaya last year in the month of February. The specifications and the report was done by the Department of Agriculture on the 27<sup>th</sup> of May last year. It is over 1 year.

What a county where its people are suffering and the machines that should be helping them were delivered and it is known and the report is here with us that whatever was delivered did not meet the specifications. That's not a matter of canceling the contracts. I believe it is done in a situation where the contractor fails to deliver or fails to do the work as expected. These were delivered and I can tell you from the report that we have here that the representatives...

*(Inaudible)*

**MOTION**

ADJOURNMENT

**The Temporary Speaker:** There being no other Business this House adjourns until tomorrow Thursday, 19<sup>th</sup> March, 2020 at 2.30 p.m. in the Chamber.

The House rose at 10.42 a.m.

