

A PUBLIC PETITION TO THE SENATE

THE CONSTITUTION OF KENYA

(Articles 1, 2, 3, 4, 10, 12(1), 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 37, 39,
40, 42, 43, 46, 47, 70, 238, and 119 as read with Articles 93, 94 and 96)

SENATE STANDING ORDERS

(Part XXIV- Public Petitions)

A PETITION FOR THE PROTECTION OF THE SOCIO-
ECONOMIC, ENVIRONMENTAL, HUMAN DIGNITY, AND
OTHER CONSTITUTIONALLY PROTECTED
RIGHTS AND FUNDAMENTAL FREEDOMS OF THE
FISHERMEN AND THE RESIDENTS OF BUDALANG'I
AND FUNYULA CONSTITUENCIES ON THE SHORES OF
LAKE VICTORIA
IN BUNYALA AND SAMIA SUB-COUNTIES OF
BUSIA COUNTY

TO: THE SENATE OF THE REPUBLIC OF KENYA
PARLIAMENT BUILDINGS
P. O. BOX 41842-00100
NAIROBI.

1 | Page

A public petition presented by Hon. Senator Emma Mbura to the Senate of Kenya
on the problems facing Kenyan fishermen on Lake Victoria in Busia County.

② Hon. Speaker
You may approve.
The petition is
in compliance
with the
Standing
Orders and
the Law. You
may approve.
24/2/15

① Director (LAP)

This Petition may be
submitted to the
Speaker for approval as
it has been developed
with the input of our
Directorate

24/2/15

WE, THE UNDERSIGNED citizens of the Republic of Kenya, who fish on Lake Victoria in Busia County, and who are also taxpayers;

DRAW the attention of the Honourable Senate of the Republic of Kenya to the following:

1. **THAT** fishing in the waters of Lake Victoria, which is the main economic activity of the communities living on the shores of Lake Victoria, in Bunyala Sub-County (Budalang'i Constituency) and in Samia Sub-County (Funyula Constituency) of Busia County, is facing imminent collapse.
2. **THAT** due to gross neglect of the local fishing industry in Busia County by successive Governments of Kenya since independence, the lives and livelihoods of the fishermen, and of the local communities which they support, have been gravely and negatively affected.
3. **THAT** the fishermen continue to encounter major challenges and obstacles which hinder their prosperity, including:

a. Harassment and brutalisation by Ugandan authorities:

- (i) Ugandan authorities regularly harass and brutalise Kenyan fishermen, confiscating caught fish and even fishing boats and other fishing gear, both within and without Kenya's territorial waters.

- (ii) The main conflict is around the fact that fish such as the Nile perch breed in the shallow Kenyan waters and then relocate to grow and mature in the deeper Ugandan waters. Naturally, Kenyan fishermen follow the fish to Ugandan waters, where they encounter all manner of abuses at the hands of Ugandan authorities.

b. General insecurity and piracy on the lake:

Many fishermen have fallen prey to criminals who operate unchallenged on the lake. The criminals beat up innocent fishermen, and steal their caught fish and fishing gear, including boats and nets. A number of fishermen have even lost their lives to the criminals.

c. Exposure to illnesses and lack of health facilities for fishermen:

Both fishermen and other people living on the shores of Lake Victoria get exposed to many air, water, and vector borne diseases, including bilharzia, malaria, and TB. The dreaded HIV/AIDS pandemic is also rampant in the area due to what is called “fish-for-sex” business. Even Ebola is a lurking risk due to the frequent interaction between Kenyan and Ugandan fisher folk. The fishermen lack local health facilities where they can access services.

d. Lack of modern landing sites:

In spite of the fact that there are many landing sites on Lake Victoria, in Samia and in Bunyala sub-counties, they are not demarcated, earmarked, or developed. Also, the sites lack the necessary facilities, such as fish bandas, good roads, electricity, piped water, and good sanitation, which are required minimum of modern landing sites.

e. Lack of fish processing and preservation plants:

There is an urgent need to establish fish processing and cooling plants to prevent the massive losses suffered by fishermen when fish go bad due to poor storage facilities.

f. Lack of search and rescue facilities:

The lack of modern search and rescue equipment and skilled manpower, in times of emergency, has resulted in many people losing their lives in circumstances where they could easily have been saved.

4. **THAT** many local attempts to resolve some of the grievances above and/or to seek appropriate relief have all failed. They include:

- a. Setting up community vigilante groups armed with crude weapons to patrol the lake.
 - b. Pleas by community elders to the Ugandan authorities to stop harassing Kenyan fishermen.
 - c. Pleas to civil society groups
 - d. Interventions by local politicians seeking amicable solutions from their Ugandan counterparts
 - e. Pleas to Kenyan authorities.
5. **THAT** the time has come for the Government of Kenya to intervene and save the fishermen and other members of the communities in Bunyala and Samia sub-counties from imminent calamity.
6. **THAT**, none of the issues raised in this Petition is pending in any court of Law, Constitutional or any other legal body.

WHEREFORE, your humble petitioners pray that the Senate inquires into the matters raised in this petition, and:

- A. URGES** the National Government to reach out to the Government of Uganda with a view to setting up policies and systems for the proper utilisation of the common lake resources for the mutual benefit of the citizens of the two countries;

- B. URGES** the National Government, in coordination with the Government of Uganda, to consider setting up formal taxation points on any of the islands along the Kenya-Uganda border on the lake, whereby fish caught by Kenyan fishermen in Ugandan waters can be formally taxed by Ugandan authorities;
- C. URGES** the National Government to immediately beef up security on the lake through the provision of adequate mobile police units to patrol the lake around the clock, using modern speedboats and other equipment for policing such waters;
- D. URGES** the Busia County Government to urgently set up adequate health facilities, including floating dispensaries/hospitals, and ambulances along the shores of Lake Victoria, in Bunyala and Samia Sub-Counties of Busia County, to address the health challenges faced by the fishermen and other members of the local communities;
- E. REQUESTS** the National Government and the Busia County Government to allocate funds towards setting up of modern fish processing and/or cooling plants in Bunyala and Samia Sub-Counties of Busia County.
- F. REQUESTS** the National Government and the Busia County Government to allocate funds towards construction of well-equipped landing sites along Lake Victoria in Bunyala and Samia Sub-Counties of Busia County and which meet the stringent standards of the European Union, to facilitate the direct export of fish from Busia to the Euro zone.

G. URGES the National Government and the Busia County Government to collaborate to set up proper and adequate modern disaster, emergency and search and rescue facilities and equipment along Lake Victoria in Bunyala and Samia Sub-Counties of Busia County.

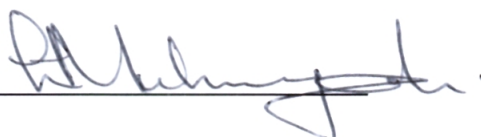
H. TAKES ANY OTHER MEASURE as the Honourable Senate will deem fit, just, and expedient in the circumstances to protect the territorial integrity and sovereignty of the Republic of Kenya; to uphold the Rule of Law; and to protect the rights and fundamental freedoms of the residents of Bunyala and Samia Sub-Counties, and of other Kenyans under the Constitution of the Republic of Kenya.

And we, your **Petitioners**, who have annexed hereto lists Marked as "A", "B", "C", and "D", containing our names, National Identity Card numbers, mobile phone numbers, and signatures, will ever pray.

PETITION PRESENTED TO THE SENATE by:

**HON. EMMA GETRUDE MBURA,
Nominated Senator,
Mombasa County.**

On this 17 Day of **FEBRUARY, 2015**

Signature: 

FISHERMAN FROM LAKE VICTORIA REGION

"A"

NO.	NAME	ID NO.	PHONE NO.	SIGNATURE
01	ALFRED WESONGA SIDUWA	20898731	0710261187	Alfred
02	VINCENT OBANDA MUSAUBA	2067253	0734509807	Obanda
03	FRED OBUORT LEO	22988954	0718315642	Fred
04	BENARD MAGIO	2102249		Bu
05	DENIS OBUORT SIDUWA	24484452	0723166066	Denis
06	JONATHAN BWIRE LIANDA	27888162	0914421193	Jonathan
07	SIDUWA BWIRE BONVENTURE	31188384	0727756729	Bonventure
08	ABEID KIBADEN OMARI	7421066	0715731939	Abaid
09	JOHN OTIENO LIETA	1533140	0701038416	John
10	KENNEDY NDEGE	22989513	0721374947	Kennedy
11	AUGUSTINE TABU ERONDA	29096254	0715606850	Augustine
12	Paul Omoridi	27111568	0704574353	Paul
13	JULIA ODHIAMBO	2601085	0715833676	Julia
14	WELLINGTON O. OJAMBO	21539071	0707835960	Wellington
15	TOBIAS MULAHO MAGIO	1145750	0708604537	Tobias
16	ALEX WANDERA OKUMU	5689132	0718908447	Alex
17	PETER ALUMASI MAPALE	22987848	0729493782	Peter
18	PETER NAMAKHABWA GIWONA	13286578	0729716317	Peter
19	NELSON GOMBE AFUBWA	20137972	0727094435	Nelson
20	John Paul Kigisa	25210261	0725081409	John Paul
21	THOMAS BWIRE WANDA	30118904	0704777171	Thomas
22	SAUL OLOO NYONGESA	22785540	0714516856	Saul
23	SANDE FREDRICK	30306436	0717618521	Sande
24	BENADINE KOKA	93210201	0728968885	Benadine
25	EDGAR JUMA KETCHUKA	24324563	0723476542	Edgar
26	FREDRICK OKELLO	13879758	0712535792	Fredrick
27	ROBERT ALUMASI MAPALE	4228795	0704175117	Robert
28	SAUMU HERI	20298732	0725231845	Saum
29	OKELLO Samanya Fredrick	30776880	0731781155	Okello
30	AKINYI JANETRIX OGUTHU	29316032	0714487443	Akinyi
31	CONSULTA MANGO DEDI	27156093	0711976302	Consulta
32	Hyssan Gsm	922157	0722571025	Hyssan
33	JOSEPH WANJALA ODUKA	1726615		Joseph
34	GENA OUNDO LUKEYO	22998618	0719738868	Lukeyo

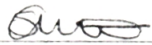
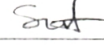
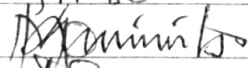
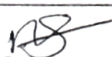
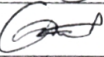
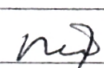
FISHERMAN FROM LAKE VICTORIA REGION

"B"

NO.	NAME	ID NO.	PHONE NO.	SIGNATURE
01	DESTERIOUS OmuKE	5680039		<i>[Signature]</i>
02	DENNIS OKERO	9606288	0718742332	<i>[Signature]</i>
03	DAVID MUSUNGU	9954586	0729872862	<i>[Signature]</i>
04	WASHINGTON OBATI		0714158614	<i>[Signature]</i>
05	JOHN OKOIA	11670387	0721375919	<i>[Signature]</i>
06	ISAVID OMONDI		0704011940	<i>[Signature]</i>
07	DERICK OMONDI			<i>[Signature]</i>
08	BENARD MAPACHE	23343982	0724079662	<i>[Signature]</i>
09	ABE Andrew Madoraka Mwangi	4603204	0701548909	<i>[Signature]</i>
10	MALAKI Joshua	21987363	0704011942	<i>[Signature]</i>
11	FREDCK OPIYO			<i>[Signature]</i>
	ALEX BWIRE	38807869	0729431008	<i>[Signature]</i>
13	Lavender Akinzi	28062647	0713941785	<i>[Signature]</i>
14	OLIVER OTUMBA	26057792	0710261186	<i>[Signature]</i>
15	DENNIS OWAKI	2670826	0700206007	<i>[Signature]</i>
16	OMONDI S BARRACK	32606579	0707384569	<i>[Signature]</i>
17	HUMPHREY JUMA KURA	27428740	0727437051	<i>[Signature]</i>
18	JOSEPH KURA JUMA	4210648		<i>[Signature]</i>
19	FLODA AOKO KURA	8027937	0710711817	<i>[Signature]</i>
20	GAFREY BWIRE		07059675A8	<i>[Signature]</i>
21	Kevin BWIRE		0704229095	<i>[Signature]</i>
22	MARGARET APIYO OBANDO	6681825	0720039238	<i>[Signature]</i>
23	SIMON MAIONI MATAYO		070639828	<i>[Signature]</i>
24	SICILIA ANYANGIO WANJAMBA	4226664	07086687	<i>[Signature]</i>
25	RODGERS OUMA SAIDI	28025644	0714380382	<i>[Signature]</i>
26	Charles Were Adero	11131613	0726032644	<i>[Signature]</i>
27	NELLY AJUMBO BWIRE	20929823	0702169351	<i>[Signature]</i>
28	JOHN OTIENO	10547985	0715605182	<i>[Signature]</i>
29	BENTA ACHIENG		0706230291	<i>[Signature]</i>
30	CHRISTOPHER MWARI Juma	20244200		<i>[Signature]</i>
31	GEORGE OMOGA	20569696	073166072	<i>[Signature]</i>
32	VERONICA OLOD	9098394	0712227612	<i>[Signature]</i>
33	REDEMTER NABWIRE Okumu	5691867	0719400866	<i>[Signature]</i>
34	Longinus Juma Ndonga	23294627	0718754497	<i>[Signature]</i>

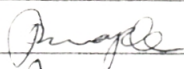
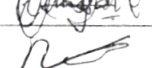
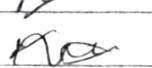
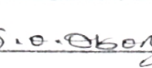
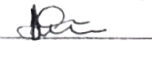
FISHERMAN FROM LAKE VICTORIA REGION

"C"

NO.	NAME	ID NO.	PHONE NO.	SIGNATURE
01	STEPHEN OTIENO OWINO	27000866	0725782030	
02	KENGEBY ODHAMBO OINEX	27606610	0727749751	
03	ADRIAN MRAKHRO MUGANDA	7501978	0722304720	
04	JOSEPH WILLIAM OTIENO	596638	0718731015	
05	AUSTINE OUMA OCHWATH	25867507	0727303938	
06	FARUKU MBABAZI OCHIENO	32716110	0738189468	
07	BERICK KHAMENGE OKOCH	14530747	0789407445	
08	JANE AJAMBO MUSUMBA	910476	0713347473	JANE
09	JACKSON MABUDU OMOJO	4228249	0701895429	OMOJO
10	PETERDLUNGA OBWORI	4229985	0715797629	
11	AMOS OMONDI WERE	23272585	0714507184	
12	MILVICENT ACHIENG	12500473	0711132923	
13	GEORGE WANJALA MAKORHA	2141105	0715101580	
14	MIKE DAY MAKHANDE	27702073	0723166406	
15	MADAMU CHRISTOPHER	12684631	0728773544	
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				
30				
31				
32				
33				
34				

FISHERMAN FROM LAKE VICTORIA REGION

"D"

NO.	NAME	ID NO.	PHONE NO.	SIGNATURE
01	PATRICK OGOLA MAPLE	4210344	0714339422	
02	JACINTA ORONYA MAPALE	5138219	0714527366	
03	CAXTON ABROSE BARASA	7897861	0708854411	
04	MOSES OLGOTH OBIWOTO	2570958	0717998717	
05	AUGUSTINE O. OMBITI	21059708	0706515047	
06	SILVESTER O. OBONYO	10548212	0714486846	S.O. Obonyo
07	JAMES MUGABE MBWEDE	26808788	07001331056	
08				
09				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				
30				
31				
32				
33				
34				