THE LEGAL FRMEWORK GOVERNING MARITIME ADIMISTRATION IN UGANDA.

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DECLARATION

This Research report is my original work and has not been presented for a degree award in any other university.

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APPROVAL

This research has been submitted with our approval as the University supervisor.

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DEDICATION

I dedicate this most importantly to God and my mum Mrs. Kemigisha Betty for the love and support through the hardship of my education.

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LIST OF STATUS

Constitution of the Republic of Uganda 1995 as amended in 2000 and 2005

East African Community 1999 Act 1904

Inland water Transport (Control) Act 1938

International Maritime Organization

Lake Victoria Transport Act 2007

Railways Corporation Act

The Ferries Act 1905

Traffic and Road Safety Act of 1998

International Convention for safety of life at sea 1974

International Convention for the prevention of pollution from Ships (MARPOL)

International Convention ON Standards of Training, Certificate and Watch keeping dor seafers

Intergovernmental Oceanographic Commission (IOC)

Africa's Integrated Maritime Strategy

African Maritime Charter

LIST OF ABBREVIATIONS

MARPOL	International Convention for the prevention of pollution from Ships
IOC	Intergovernmental Oceanographic Commission
IMO	International Maritime Organization
SOLAS	The International Convention for Safety of Lives at Sea
STCW	Standards of Training, Certification and Watch keeping for Seafarers
STCW-F	The International Convention on Standards of Training, Certification and Watch keeping for Fishing Vessel Personnel
COLREG	The International Convention on the International Regulations for Preventing Collisions at Sea
FAL	The International Convention on Facilitation of International Maritime Traffic
LL	International Convention on Load Lines
SAR	International Convention on Maritime Search and Rescue,
EAC	East Africa community and came into force for operation
UNEP	United Nations Environment Programme
RSP	Regional Seas Programme
FAO	Food and Agriculture Organization
COFI	Committee on Fisheries
WMO	World Meteorological Organisation
UNESCO	United Nations Educational, Scientific and Cultural Organization

UNCTAD	United Nations Conference on Trade and Development
ISBA	International Seabed Authority

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ABSTRACT

This research examined Uganda's maritime administration. Water transport is not a problem limited to Uganda. It is a wide spread problem in most communities both developed and developing world and as such it has attracted international attention by developing conventions aimed at smoothening operational safety and navigation on water resources.

Uganda has ratified some of the instruments and conventions to signify her compliance with the obligations by developing comprehensive legal and institutional frameworks for management of water transport.

The study will concentrate on the international, regional and national legal framework with a focus on the points of strengths and weaknesses to what extent to which these laws has been complied with thus supply accordingly the necessary recommendations. There are common problems like overcrowding, marine accidents, poor management thus the need for regulation as far as legal protection is concerned and supports to improve these areas.

2010, The Lake Victoria Transport Act[4], Inland water Transport (Control) Act[5], The Rivers Act[6], The Ferries Act[7], The vessel Registration as treaty for the Establishment of the East African Community Act[8] .

These are supplemented by a number of regional and international environmental law instruments such Tripartite Agreement on Inland Waterways Transport between the Government of the United Republic of Tanzania[9], the Government of the Republic of Uganda and the Government of the Republic of Kenya among others to be discussed in detail in the following chapters. It is therefore against the foregoing legal and policy framework that this research is premised with the major purpose being to examine the extent of maritime law compliance and enforcement in Uganda.

In Africa Uganda has the biggest in land water ways. The navigable water j bodies include Lake Victoria, Lake Kyoga, Lake Edward, Kazinga and Bunyonyi among others. Uganda Rivers and lakes including wetlands cover about 18% of the total area of the country. Lake Bunyonyi occupies a total area of about 48.5 sq. Kms. Lake Bunyonyi is 900m (2952 ft in depth thus appearing as the 1st deepest lake in Uganda, 2nd in Africa. Lake Bunyonyi has a large population of about 110,000 people composed of two tribes Batwa and Bakiga who face a lot of transport related problems such as drowning among others has remained a big issue in Uganda. Lake Bunyonyi given her location

[4] Lake Victoria Transport Act 2007
[5] Inland water Transport (Control) Act 1938
[6] Rivers Act 1907
[7] The Ferries Act 1905
[8] East African Community 1999 Act 1904
[9] Salman, S. M., & Boisson de Chazournes, L. (Eds.). (1998). International watercourses: Enhancing cooperation and managing conflict: Proceedings of a World Bank seminar. The World Bank.

makes it inaccessible and the government of Uganda has pretended as if all is well. However, there are both legal and non-legal challenges in the implications of Maritime. The study is important as it ushers an opportunity to identify strength and weakness. Upon identification of the limitations above, recommendations could be made to improve the administration of maritime laws.

1.2 Statement of the problem

In Uganda many water accidents are witnessed on her inland water bodies for example On Monday May 20, 2019 a tragedy struck the waters of Lake Victoria, when 27 people died in a boat that capsized in Kalangala. The boat was carrying 34 people and an assortment of merchandise. The police stated that the boat was overloaded and the engine failed, causing the wind to blow it over. Three weeks later, on June 8, 2019 another boat carrying 57 people capsized on the same lake. 49 bodies were recovered and there were 8 survivors. This raises the question of safety of transport on our waters this shows that there is no updated specific law to deal with a modern water transport system with all its attendant challenges[10]. Despite the availability of a variety of relevant marine laws like Inland Transport(control) act, Rivers Act, Ferries Act... to guide the running of water transport Uganda and related activities are still being assailed with by a large of inconsistence that need to be addressed[11]. Therefore, this research paper proceeds to make a review of the international and national legal and policy frameworks

[10] https://www.newvision.co.ug/new_vision/news/1491503/overhaul-national-maritime-law(accessed 22/06/2019)

[11] Calvo, C. M. (1994). Case study on intermediate means of transport: bicycles and rural women in Uganda. Environmentally Sustainable Development Division, Technical Department, Africa Region, World Bank.

for maritime as well as their implementation in Uganda thus identifying the limitations and proposing appropriate recommendations to address them.

1.3 Objectives of the study

General objective of the study

To examine the legal framework governing maritime administration on lakes in Uganda.

1.4 Specific Objectives

i. To examine the laws relating to maritime administration.

ii. To examine the institutions governing the administration of maritime laws.

iii. To examine the challenges faced by the institutions.

1.5 Research questions

(i) What are the laws relating to maritime administration?

(ii) What are the institutions governing the administration of maritime laws?

(iii) What are the challenges faced by the institutions?

1.6 Scope of the study

The study focuses on the efficiency of the legal Laws governing maritime administration in in Uganda. Uganda having a number of national laws and policies to guide the running of water activities and having ratified a couple of international agreements this

imposes an obligation on the part of Uganda in compliance with the principles of international law.

Notwithstanding the fact that other researchers have published their works in that regard, however, their information accurate it cannot fit in the context of inland water bodies.

1.7 Significance of the study

There is a problem of drowning on inland water bodies goes un noticed due to the increase of the marine related accident so the study is useful in creating awareness of the existing maritime laws. The research will help expose the difficulties with enforcement of the marine laws on inland water bodies and recommend practical ways for compliance.

Further the research will formulate action points that will improve observance with the compliance of the laws to minimise marine law abuse.

The findings of the study are expected to be useful to the policy makers, NGOS, JSC, local reform commission which will help in persuading the above mentioned to formulate better maritime laws. The study will bring a transformation on the available literature on the subject matter.

1.8 literature review

Natural resources such as water resources are held in trust by the state government and local government to be reserved for ecological and tourist purposes for the common good of the people. Therefore the government reserves the right to determine in what manner these resources are to be utilized. Bwama Island is the largest island on lake bunyonyi which is one of the deepest water way in Africa and often dangerous during rainy causing difficulty for school going children and adults crossing the lake.

On Saturday 24th, 2018 a passenger boat sank off mutina beach on Lake Victoria and 32 bodies were reported dead on 26th 2018, according to a statement by the Minister of works and transport (published November 27th 2018).

However, the fact that these water resources have continuously and openly became death traps with no reaction from the government who are rightful owner therefore reveals critical problems in responsible ownership, commitments and strictness in applying the law focus of this research topic on inland water bodies.

The previous research has made great strides towards discussing the law related to water transport in Uganda.

According to William R Dernier[12], The author highlight that the potential of inland water ways of Uganda as an efficient mode of transport have not received the attention it deserves yet inland water ways such as inland water bodies is an essential component of the national road transport system. The author observes that Uganda's water laws

[12] William R Dernier, 2008 on International Maritime Organization (IMO).

are strong indicators of the states concern of matters of maritime on the lakes and rivers.

Additionally the report portrays the problem as the insufficient budget allocations preventing the authorities from carrying out their obligation of ensuring effectiveness and efficiency and compliance of the law. This publication much as it offered guide to the research, however it is so generalist in nature as it was intended for use by the whole of Uganda it does not give an in-depth on the effectiveness of the law because It does not address the specific application of the law and practice in relation to inland water bodies.

Twesigomwe[13] state that the Transport Licensing Board (TLB) a body within the Ministry of Works and Transport mandated to inspect and license all vessels including passenger and cargo boats and landing sites on inland water transport is limited by budgetary restrictions. The authors also state that it was also found that there is no training for inland water transport operators like training on the life saving procedure which is so important. This report does not provide factors that have led to the problem and the possible solutions thus the findings are not enough to the research topic.

Nakyonyi Aisha She emphasizes the need to improve safety on Uganda water bodies[14]; she cites a number of accidents that have occurred in the last decade. Aisha discusses the legal and institutional framework for wrnter transport in Uganda. She recommends

[13] Twesigomwe, M. (2014). Legal protection against marine accidents in Uganda (Doctoral dissertation, Makerere University).

[14] Nakyonyi, A. (2011). Maritime safety on Lake Victoria: Analysis of the legal and regulatory framework (Master's thesis).

for the repeal of the existing laws as they are obsolete and outdated. On the issue of institutions she states that the existing institutional framework is contradictory. Aisha's study deals more with the safety measures on Lake Victoria in comparison with relevant international instruments. While Aisha's study is an important piece of research it deals more with the international instruments and port and coastal state control, leaving out inland water and major causes of marine accidents on Uganda's water bodies. In my view this does not provide a solution in relation to the laws that are applied to the inland water ways.

Paul Kwamusi's research The major mode of transport of persons living near water in Uganda is water transport[15]. This study was commissioned to understand the cost structures of inland water transport services. The study findings revealed a number of issues that are important in understanding the characteristics of rural water transport in Uganda, the research stated that the transport mode is one of the oldest economically and environmentally sustainable mode of transport for passengers and cargo, so non implementation of the transport policies, absence of the relevant policies are some of the reasons for poor performance of the transport sector and that inland water ways play a vital role in the economic development especially for remote areas. These findings are largely technical and may not be understood by non experts yet the concern of enforcement and implementation is done by those of with no specific technical powers in the area. However, these findings are not conclusive to my research topic.

[15] Porter, G. (2008). Transport planning in sub-Saharan Africa II: putting gender into mobility and transport planning in Africa. Progress in Development Studies, 8(3), 281-289.

Awal, the study aimed at collecting and analysing data of water transport accidents that occurred in the inland waterways of Bangladesh during 1995 to 2005[16], observed that the number of accidents increased significantly over the years and most predominant causes of accidents were found to be overloading, cyclone and collision. It was found in this study that accidents cannot be caused by a single factor as it is a complex interaction of mechanical failure, human errors and natural causes[17]. Awal highlights some factors behind Water Transport Accidents as follows; Vessel Design Factors which include Faulty Design and Construction; Mechanical Failures of the Vessel and Insufficient and Flawed Navigational Instruments. The learned author is brief, without giving any remedial practical approaches required to improve navigability inland water bodies, which leaves room for further research.

Operating Environment Factors include Foggy weather condition; Excessive current and whirlpool and Cyclone and stormy weather.

Human Factor include, Overcrowding and overloading; Rush of passengers during embarking and disembarking and Incompetence of the captain master other professionals.

Enforcement and educational factor include, Negligence amount of application and practice of vessel safety regulations; Deficiency in public awareness building programs and Deficiency in weather warning and counter measure system. Although the author clearly illustrates the factors and causes of accidents in Bangladesh, this information is

[16] Awal, Z. I. (2006). A study on inland water transport accidents in Bangladesh: experience of a decade (1995-2005). In Proceedings of the International Conference on Coastal Ships & Inland Waterways (Vol. 2, pp. 67-72).
[17] Ibid

only relevant for the non-legal factors affecting water transport and as such is not sufficient in the analysis of the efficacy of the law on water transport in Uganda.

A report by the World Bank on the Revival of Inland Water Transport[18]. The findings in this report show that quality of IWT services suffers because of inadequate regulation and involvement of Government in service delivery. As overloading contributes to 56 present of accidents on waterways, the Government is responsible for failing to provide the framework that would prevent overloading[19]. The report further finds that an adequate level of resources is required to ensure good sector management and that priority should be given to making enough human resources available to enforce safety regulation (controlling the technical quality of vessels design and construction, controlling overloading). The report gives an insight of the reform needed to strengthen the inland water transport legal framework. It is however, of particular significance to Bangladesh than Uganda due to the economic and political differences of the two countries.

According to Dodds et al. (2012) review, the implementation of the integration principle has been limited or slow in most countries. An obvious reason is competing interests between different activities such as fishery, nature conservation and shipping, and that these sectors already have their own legal frameworks implemented by different independent authorities and backed up by different economic interests. However, integrative steps have been taken. In 2014, for example, the European Union

[18] Loucks, D. P., & Van Beek, E. (2017). Water resource systems planning and management: An introduction to methods, models, and applications. Springer.
[19] Ibid

Directorate-General (DG) Environment and DG for Maritime Affaires and Fisheries (MARE) was merged to one portfolio-DG for Environment, Maritime Affaires and Fisheries (EC Press Release IP/14/984).

1.9 Methodology

This study adopted the qualitative method. Primary and secondary materials formed the substance for analysis. The primary and secondary data was collected and obtained by use of structured interviews and questionnaires and guided discussions with all the stake holders and people local community who are likely to be affected by water transport activities and the information to be presented in this paper was collected via a critical review of published literature, government documents and press reports. The data and evidence to be obtained was examined and critically analyzed to achieve the research objectives in order to answer the research problem and questions. Concentration was paid to those respondents with data, knowledge, expertise and skill as far as the research problem is concerned.

The research used a sample size of some members who included managers from water transport companies that foresee water transport activities on inland water bodies and people within that area who are likely to be affected by water transport and development activities.

The Research was also conducted using library and desk research methods. These desk research methods were used to review government published data such as laws and policies which are very helpful in the entire research process. Also important textbooks

and articles were reviewed to obtain and contextualize scholarly opinions for the guidance of this paper. The research also reviewed Newspapers to ascertain the current trends in the industry. The paper intends to rely on some internet sources for secondary or tertiary information to support the study especially in ascertaining current global trends in the industry.

1.10 Organization of Chapter

This research comprises of five chapters. This chapter has provided the context for the research by considering a brief historical background of Maritime administration. It has outlined the purpose and rationale of the study.

Chapter two consists of a review of the laws relating to maritime administration. both regionally and internationally.

Chapter three discusses the institutions governing the administration of maritime laws.

Chapter four provides the core discussion of the study. Challenges examine the challenges faced by the institutions.

Chapter five proposes the realistic conclusions and recommendations on how to fill the gaps in the legislation in an effort to improve the maritime laws administration in Uganda.

CHAPTER TWO

THE LAWS RELATING TO MARITIME ADMINISTRATION.

3.1 Introduction

Maritime safety refers to such measures intended to ensure safety of human life and property when on any water body and the protection of the marine environment. According to Urbański safety of human life and property is composed of two components, safety of ships and persons[20].

This chapter makes analysis of the international, regional and national perspectives and some provisions governing maritime. At the national level, the Constitution of the Republic of Uganda[21].The other laws relating to maritime include: Inland water Transport (Control) Act[22], The Rivers Act[23], The Ferries Act[24], The vessel Registration Act 1904 and the land act. This means that the government reserves the right to determine in what manner these water resources are to be utilized.

Uganda has also subscribed to a range of regional instruments including: Treaty for the Establishment of the East African Community 1999 and Tripartite Agreement on Inland Waterways Transport between the Government of the United Republic of Tanzania, the Government of the Republic of Uganda and the Government of the Republic of Kenya.

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[20] Urbański, J., Morgaś, W., & Kopacz, Z. (2008). The safety and security systems of maritime navigation. The Journal of Navigation, 61(3), 529-535.
[21] Constitution of the Republic of Uganda 1995 as amended in 2000 and 2005
[22] Inland water Transport (Control) Act 1938
[23] The Rivers Act 1907
[24] The Ferries Act 1905

On the international scene Uganda approved; The International Convention for Safety of Lives at Sea (SOLAS) ,The International Convention for Prevention of Pollution from Ships as modified by the Protocol of 1978 relating thereto and by the Protocol of 1997 (MARPOL') ,The International Convention on Standards of Training, Certification and Watch keeping for Seafarers as amended, including the 1995 and 2010 Manila Conventions (STCW), The International Convention on Standards of Training, Certification and Watch keeping for Fishing Vessel Personnel 1995 (STCW-F),The International Convention on the International Regulations for Preventing Collisions at Sea 1972, (COLREG), The International Convention on Facilitation of International Maritime Traffic, 1955 (FAL),International Convention on Load Lines 1966, (LL) and International Convention on Maritime Search and Rescue,1979 (SAR) aimed at improving water safety in Uganda. Thus to say Uganda is subject to the standards contained in these instruments. The above provide guidelines for marine safety and impose certain obligations in relation to the marine safety to the member states.

2.2 The national legal frame work.

2.2.1 The Constitution of the Republic of Uganda

The Constitution of the Republic of Uganda is the supreme law governing Uganda. It spells out issues of environment, good governance, social and economic development, rule of law, and fundamental freedoms of expression and worship, among others.

Article 244 and section 44(1) of the land Act[25] provide that natural resources such as water resources are held in trust by the state government and local government to(be reserved for ecological and tourist purposes for the common good of the people. This means Ugandans are to enjoy rights and opportunities and access to clean and safe water for different purposes.

2.2.2 The Inland water Transport (Control) Act

The Inland water Transport (Control) Act sets the regulations for the licensing of ships while the Vessels (Registration) Act establishes the obligations to register all classes of vessels. Section 2 (1) of the act state that No person shall, except under and in accordance with the terms of a licence, convey by means of any ship upon the inland waters of Uganda. However having these implemented on Uganda lakes is a problem. Within the inland water bodies, the mandate for facilitating a maritime safety culture is the prerogative of national and regional institutions. In East Africa the basis policy for water transport cooperation is enshrined in the East Africa community treaty and the second East Africa Community Development Strategy (2001-2005) which have provisions intended to improve maritime safety on Inland waterways. Member states of the EAC also ratified a tripartite Inland water way Agreement that was signed on 30th November 2002 between Kenya, Uganda and Tanzania. Its subject is cooperation in infrastructure services for Inland water way transport. Its purpose is to facilitate and promote inland water way transport.

[25] Article 244 and section 44(1) land Act

2.2.3 The Uganda National Roads Authority

The Uganda National Roads Authority (UNRA) was established by the National Authority Act[26]. UNRA became operational on 1st July 2008. National Roads Authority (UNRA), the agency responsible for Uganda's transport network, UNRA was created by an Act of Parliament in 2006 to develop and maintain the national roads network, advise the government on general roads policy and help address national transport concerns.

2.2.4 Ferries act 355

In this Act, except where the context otherwise requires, "boat" means any vessel which is not a ship as defined for the purposes of the Inland Water Transport (Control) Act[27] States that No boat shall ply for hire upon any ferry declared by the Minister to be a public ferry, otherwise than under a licence from the Minister or any person or authority appointed by the Minister for that purpose but subject to such conditions and exceptions as the Minister may specify. Section (3) of the act states that. The licence in respect of each ferry boat shall prescribe the conditions upon and subject to which the licence shall be held. Section (4) of the act states that. The owner and every person in charge of a boat, other than a licensed ferry boat, plying for hire upon a public ferry commits an offence and is liable on conviction to a fine not exceeding one hundred shillings for each journey.

[26] National Authority Act, No. 15 of 2006
[27] Inland Water Transport (Control) Act. Section (2).

2.2.5 The Lake Victoria Transport Act,

An Act of the community to make provisions for the commission to regulate maritime safety and security, to make provision for the construction, survey, registration and licensing of all vessels used on the lake[28], for the safety of passengers and cargo. Enacted by the East African Legislative Assembly assented to by the heads of state of Kenya ,Tanzania and Uganda in January 2008 at Kampala as indicated by EAC /CM9/Decision 66 was adopted by East Africa community and came into force for operation in 2009 as indicated in EAC/CM18/Decision[29] 139. The Act vests specific functions in the Lake Victoria Basin Commission and the relevant units in partner states with respect to standards, developments and regulation of maritime safety and security.

Section 9 of the Lake Victoria Transport Act stipulates that the Council shall by notice in the Gazette delegate any of the powers conferred upon it under the Act to the Commission. One of the functions of the commission is to formulate policies and programs on maritime safety and security and also to coordinate the conduct of investigations relating to accidents on the Lake including shipwrecks and any other maritime casualties . The Act addresses the following;

The seaworthiness of the ships, it is critical that all ships must be fit in design, structure, condition and fit for purpose on the lake. The Act requires vessels operating on the lake to carry certificates of seaworthiness that includes a record of equipment carried onboard.

[28] Talley, W. (2013). Maritime safety, security and piracy. CRC Press.
[29] Twesigomwe, M. (2014). Legal protection against marine accidents in Uganda (Doctoral dissertation, Makerere University).

Matters on Collision avoidance and ships routing is provided for in part 8 of the Lake Victoria Transport Act[30] and part 10 of the Maritime safety of Regulations under the heading of safety of Navigations. Safety of navigations can be considered as such conditions of conducting the ships at sea which ensure the ships are not endangered by collisions, stranding or storm damage . The example of the accident that happened on Saturday 24th November, 2018 where passenger boat sank off mutima beach leading to loss of many lives. This was because the boat was not worth and it was over loaded. The commission of inquiry report into the cause of the accident attributed partly to poor and sound signals on both vessels. It follows therefore that the adherence to the provision of the Act and Regulations will enhance safety on the lake. Both port and Flag state authorities should always inspect vessels before they sail for compliance with the requirements, ensure the deck crew has necessary qualifications and are conversant with safety equipment on the vessel.

Crewing standard, the law provides for certificates of competence and manning in part VII of the Act, lays down mandatory minimum requirements for certification, training and qualifications of masters, officers and ratings serving on tankers as well as safety training. Inadequately training or qualified crews are a major factor in the cause of shipping accidents because most of the crew working on the boats on the inland waterways are not qualified thus causing accidents even on Lake Bunyonyi and thus this Act may be applied on the lake for its safety even though it was specifically implemented for Lake Victoria.

[30]Lake Victoria Transport Act and part 10

2.2.6 Uganda Railways Corporation Act

The Uganda Railways Corporation is mandated to provide inland waterway transport services[31]. This law was enacted to facilitate the construction, operation and maintenance of railways in Uganda, including marine and road services. The Act also provides for the establishment and management of the Uganda Railways Corporation which is vested with powers of inspection of both masters and vessels. Under section 71 of the Act[32], the Corporation is mandated to declare and cause to be published in a tariff notice, places to be inland waterway ports. The Act further prohibits the embarking and disembarking any passenger or goods at any place other than an inland water way port declared. However, the same Act exempts small boats from the provisions of this section.

Currently, the Corporation has only retained asset management functions. The Rift Valley Railways (Marine Division) is entrusted with the management of the Inland Water Transport Services which were formerly operated by Uganda Railways Corporation.

2.2.7 The African Maritime Charter

The African Maritime Charter provides definition for International maritime Organization as a specialized agency of the United Nations with a purpose of providing mechanism and framework for cooperation among Governments in the field of governmental regulation and practices relating to technical matters of all kinds affecting shipping

[31] Clark, X., Dollar, D., & Micco, A. (2002). Maritime transport costs and port efficiency.
[32] section 71 of the Act

engaged in international trade[33]. Article 4 of the charter provides that this Charter is aimed at strengthening cooperation among States Parties in maritime transport, inland waterways navigation, ports and related activities. Article 32 of the African maritime Charter provides for Improvement of the Safety and Security of Maritime and Inland Waterways Transport. It states that States Parties shall endeavour to improve the safety of vessels not covered by relevant IMO Conventions including fishing, cargo, passenger ships and other small crafts operating in inland waterways. In this regard States Parties may be inspired to consider adopting the IMO Model legislation for the regulation of safety on inland waterways

Article 33 of the African Maritime Charter[34] provides for Concerted Actions for the Development of Passenger Transport. It states that States Parties shall establish at national and regional level a concerted plan of action for the development of maritime and inland waterways passenger transport which is reliable, competitive and sustainable.

The African Maritime Charter provides for Safeguard Clause which states that, „nothing in the Charter shall prejudice the rights and obligations of any State Party under the United Nations Convention on the Law of the Sea, 1982, and under the customary international law of the sea.

[33] Baker, M. L. (2011). Toward an African maritime economy: empowering the African Union to revolutionize the African maritime sector. Naval War College Review, 64(2), 39-62.
[34] Article 33 of the African Maritime Charter

2.2.8 National responsibility for maritime safety

Uganda does not have a specialized agency for Maritime Administration[35]. The function to is vested in the transport Licensing Board and the Division of Water and Rail Transport in the Transport Regulation Department of the Ministry of Works and Transport.

In Uganda, the power is invested in the Transport Licensing Board established under the Traffic and Road Safety Act, 1998. Section 1(1) of The Inland Water Transport (Control Act) 42 provides for "board" to mean Transport Licensing Board. The Board is mandated to license and inspect all vessels including passengers and cargo boats used for inland water transport. The board is appointed by the Minister of Works and Transport.

In accordance with Lake Victoria Transport Act[36], 2007, the main responsibility of each of the states like Uganda is required to establish a maritime administrative unit for the purpose of registering vessels, enforcement of safety of navigation, carrying out inspections, implementation of maritime training, conduct of investigations into casualties on the lake and appointment of personnel responsible for the management and implementation of the Act.

Section 105 (1) of the Act, provides for reporting of accidents where a vessel is involved in an accident occasioning;

[35] Stevenson, J. R., & Oxman, B. H. (1974). The Preparations for the Law of the Sea Conference*. American Journal of International Law, 68(1), 1-32.
[36] Lake Victoria Transport Act, 2007,

(a) Loss of life or any serious injury to any person; or

(b) Any damage affecting the seaworthiness or her efficiency

The owner or master of the vessel shall, within twenty-four hours of the occurrence of the accident or as possible thereafter transmit to the Registrar of Vessels a written report of the accident.

Also under the UNCLOS the state has the duty to effectively exercise and enforce their rules and standards for the ships in accordance to the convention[37]. However when the ship is in the coastal waters of another state, the coastal state has concurrent jurisdiction thus the ship is required to comply with its rules. Article 91(1) provides that every state shall fix the conditions for the grate of its nationality to the ships, for the registration of the ships in its territory and for the right to fly its flag. Thus under this convention also the states have the duties to make sure that these rules are followed since they are signatories to the convention they have to exercise their duties.

[37] Anderson, D. (1998). The roles of flag States, port States, coastal States and international organisations in the enforcement of international rules and standards governing the safety of navigation and the prevention of pollution from ships under the UN convention on the law of the sea and other international agreements. Sing. J. Int'l & Comp. L., 2, 557.

2.3 International convection governing the maritime administration;

2.3.1 The international Maritime Organization (IMO)

The international Maritime Organization (IMO) which Uganda is a member is the UN system's regulatory agency for the maritime sector and its global mandate is safer shipping and cleaner oceans[38]. The primary roles of IMO are to promote safe, secure, environmentally sound, efficient and sustainable shipping through cooperation. The key IMO conventions include the following, international convention for the safety of lives at the sea, (SOLAS) 1974 and its protocol 1978[39], international convention for the prevention of pollution from ships (MARPOL) is the most important international regulation for preventing pollution of marine environment and was adopted in 1973, as modified by the protocol of 1978 and International Convention on standards of training, certification and watch keeping for seafarers (STCW) as amended including the 1995 and 2010 manila amendments.

2.3.2 The international convention for the safety of life at sea, 1974 and its protocol, 1978

The SOLAS Convention in its successive forms is generally regarded as the most important of all international treaties concerning the safety and it has been amended severe times[40]. The 1974 Convention has been updated and amended on numerous

[38] Wambua, P. M. (2009). Enhancing regional maritime cooperation in Africa: The planned end state. African Security Studies, 18(3), 45-59.
[39] Kristiansen, S. (2013). Maritime transportation: safety management and risk analysis. Routledge.
[40] Kummer, K. (1999). International management of hazardous wastes: the Basel Convention and related legal rules. Oxford University Press on Demand.

occasions. It was adopted on November 01, 1974 and came into force on May 25, 1980. The Convention has been ratified by both Kenya and the United Republic of Tanzania. Uganda has been called upon to ratify the Convention.

The SOLAS convention aims primarily at the protection of human life at sea, prescribing uniform rules on navigation[41], prevention of pollution, stability, machinery, electrical installations, lire prevention and other aspects of the construction of ships[42]. It also prescribes rules for safety of navigation such as danger and distress messages, meteorological and ice patrol services and routing among others. Uganda has not ratified this 1974 convention which portrays a lack of government will to person's human life at sea, prevention of pollution and allowing proper ships and boats to navigate to the waters of lake bunyonyi. By ratifying this convention to will help in the wellbeing of the inland water bodies.

2.3.3. International Convention for the prevention of pollution from ships (MARPOL).

This is the main international convention covering prevention of pollution of the marine environment by ships from operational or accidental causes[43].

It was adopted on 2 November 1973 at IMO and it has to help with issues of pollution on the lake like at lake bunyonyi where the water has been polluted and it turns to

[41] Prior, S., Chircop, A., & Roberts, J. (2010). Area-based management on the high seas: possible application of the IMO's particularly sensitive sea area concept. The International Journal of Marine and Coastal Law, 25(4), 483-522.
[42] Williams, T., & Armstrong, K. (1999). EMC for Systems and Installations. Newnes.
[43] Vanem, E., Endresen, Ø., & Skjong, R. (2008). Cost-effectiveness criteria for marine oil spill preventive measures. Reliability Engineering & System Safety, 93(9), 1354-1368.

army green and has a bad smell thus thus affects the activities at the lake so this convention would be a great deal.

2.3.4. International Convention on Standards of Training, Certification and Watch keeping for Seafarers, 1978

The STCW Convention, 1978 was drafted with the close co-operation of IMO[44]. The Convention has been ratified by Kenya and the United Republic of Tanzania. Uganda has been called upon to ratify the Convention. It was adopted on July 07, 1978 and came into force on April 28, 1984. It was the first Convention to establish basic requirements on training, certification and watch keeping for seafarers on an international level. The Convention prescribes minimum standards relating to training, certification and watch keeping for seafarers which countries are obliged to meet or exceed. There have been major revisions in 1995 and 2010[45]. The 1995 amendments entered into force on 1 February 1997. One of the. major features of the revision was the division of the technical annex into regulations, divided into Chapters as before, and a new STCW Code, to which many technical regulations were transferred. Part A of the Code is mandatory while Part B is recommended. Another major change was the requirement for Parties to the Convention to provide detailed information to IMO concerning administrative measures taken to ensure compliance with the Convention. This represented the first time that IMO had been called upon to act in relation to

[44] Hesse, H. (2003). Maritime security in a multilateral context: IMO activities to enhance maritime security. The International Journal of Marine and Coastal Law, 18(3), 327-340.

[45] Piniella, F., Silos, J. M., & Bernal, F. (2013). Who will give effect to the ILO's Maritime Labour Convention, 2006?. International Labour Review, 152(1), 59-83.

compliance and implementation. Generally, implementation is down to the flag States, while port State control also acts to ensure compliance.

The regulations contained in the Convention are supported by sections in the STCW Code[46]. Generally speaking, the Convention contains basic requirements which are then enlarged upon and explained in the Code. The Manila amendments to the STCW Convention and Code were adopted on 25 June 2010, marking a major revision of the STCW Convention and Code. The 2010 amendments are set to enter into force on 1 January 2012 under the tacit acceptance procedure and are aimed at bringing the Convention and Code up to date with developments. While in Uganda, the UPDF has taken over the role of regulating water bodies such as Lake Victoria and others. The main challenge is untrained crew thus convention would provide laws at need to be followed in order to improve on the standards of training. In the lack of effective safety regulations for vessels operating on inland waterways, IMO under a technical co-operation project PR267 TC02RAF/98/ 109 developed model safety Regulation for inland waterways vessels and Non-Convention craft, including fishing vessels, operating in Africa[47]. As per paragraph 4 of the preamble, provide a regional safety and pollution prevention standards for new vessels and barges and appropriate existing vessels to be used on inland waterways[48]. Under the paragraph 5, these regulations are intended to facilitate the operations of vessels to which the relevant international conventions are

[46] Jensen, Ø. H. (2016). The international code for ships operating in polar waters: finalization, adoption and law of the sea implications.
[47] Nakyonyi, A. (2011). Maritime safety on Lake Victoria: Analysis of the legal and regulatory framework (Master's thesis).
[48] Ibid

not applicable thus while Uganda has no waterline or coastline, this regulation suits it's applicability to regulation of safety inland water bodies.

2.3.5 Global marine-related organizations within the United Nations system

Two United Nations bodies, the Intergovernmental Oceanographic Commission (IOC) and the International Maritime Organization (IMO) are exclusively concerned with ocean affaires. IOC promotes marine scientific investigations, and IMO is dealing with shipping and pollution from maritime activities. Several other UN bodies have ocean-related issues among their core activities. One is the United Nations Environment Programme (UNEP) that one year after its creation (1973) selected the protection and development of oceans and coastal areas as one of its six major programme areas, and launched the Regional Seas Programme (RSP) [49].

Other marine-related UN bodies are the Food and Agriculture Organization (FAO), with its subsidiary body Committee on Fisheries (COFI), the World Meteorological Organisation (WMO) dealing with global climate, the United Nations Educational, Scientific and Cultural Organization (UNESCO) dealing with marine sciences, United Nations Conference on Trade and Development (UNCTAD) dealing with technology transfer, and the International Seabed Authority (ISBA) with responsibility for mineral resources of the seabed[50].

IMO, FAO, WMO and UNESCO are specialized autonomous agencies with their own budgets and status, while UNEP is subordinate to the UN General Assembly, and the

[49] (Keskes 1997, own information).
[50] Ibid

IOC is subordinate to UNESCO with budgets controlled by their mother organizations. Interestingly, in the 1980s, merging the marine activities of UNEP, IOC and COFI of FAO in a new organization, the International Ocean Agency (IOA) (DSH 1988) was discussed but not realized.

2.3.6 Intergovernmental and non-governmental organizations outside the UN system

There are also many intergovernmental and non-governmental organizations (NGOs) outside the United Nations system that play important roles in promoting global and regional marine-related research and management.

Among the most prominent intergovernmental organizations are the International Council of Scientific Unions (ICSU) promoting international cooperation and coordination in the advancement of science, the International Council for the Exploration of the Sea (ICES) concerned with marine and fisheries sciences, and scientific advice on marine and fisheries management to regulatory commissions[51], the European Commission (EC) is the executive body of the European Union (EU)[52], the International Union for Conservation of Nature (IUCN) provides a forum for governments and NGOs to discuss global and regional conservation issues and the International Bank for Reconstruction and Development (World Bank) promoting the flow of capital internationally by lending funds for development projects.

[51] Supra note 45
[52] Ibid

Among the many different types of environmental NGOs involved in both global and regional marine issues are the World Wildlife Fund (WWF), Greenpeace, Oceana, Birdlife International and Seas at Risk (an umbrella organisation of environmental NGOs from across Europe) can be mentioned (See "The role of non-governmental organizations" section). Oceana is the largest NGO focused solely on ocean conservation, protecting marine ecosystems and endangered species. Example of another kind of NGO is the Regional Advisory Councils (RACs) connected to the work of the EU Common Fisheries Policy (CFP). The RACs involve different stakeholders, such as fishermen, vessel owners, processors, traders, fish farmers, women's fisheries groups, environmental and consumer organizations and others. Their role is to submit opinions to the European Commission and Member States on different aspects of fisheries management. Other examples in Europe are Europeche (representing fishermen) and Euro Chlor (representing the chloralkali industry). Several indigenous NGOs act at regional and local levels. In Australia, for example, indigenous peoples' rights and interests in marine protected areas have recently been recognized[53].

2.3.7 Regional marine-related organizations in Europe

International commitments regarding regional European seas are mainly connected to the regional marine conventions: the Helsinki Convention on the Protection of the Marine Environment of the Baltic Sea Area (HELCOM 8), the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR 9), the Convention for the Protection of the Mediterranean Sea Against Pollution (Barcelona

[53] (Ross et al. 2009).

Convention) and the Convention on the Protection of the Black Sea Against Pollution (Bucharest Convention). These organizations are the regional focal points for environmental protection and nature conservation in their respective sea areas.

Within the legal framework of IMO, the regional marine commissions and their Contracting Parties, coordinate (e.g. the Helsinki Commission) or cooperate through joint activities (e.g. UNEP/RSPs and the OSPAR Commission) to protect the regional seas against pollution from ships and other maritime activities. The International Council for Exploration of the Sea gives, as mentioned above, scientific advice on marine environment and fisheries management to regulatory commissions and the EU. The Nordic Council of Ministers (NCM) covers a much wider area than just the marine environment but has a marine environmental working group—the Nordic Marine Group. It contributes to the implementation of relevant marine NCM activities, such as the Environmental Action Programme 2013–2018 (NCM 2012) and the Arctic Cooperation Programme. The Arctic Council promotes coordination and interactions among the Arctic states and their indigenous communities.

None of these organizations have a mandate to work with marine environmental issues in a comprehensive way. ICES are responsible for the coordination and promotion of marine scientific research, and on request, provide scientifically based advice within the area of the environment and fishery, for example, to HELCOM, OSPAR and the EC. The regional marine environmental commissions deal with the environmental effects of fishing, but the fishery is managed by the regional fishery commissions under FAO and the European Union (EU). Within the EU, the Common Fisheries Policy and the Maritime

Transport Policy are the coordinating mechanisms for fisheries and shipping, respectively[54]. The Marine Group of the Nordic Council of Ministers sometimes coordinates common Nordic issues within the work of, for example, HELCOM, OSPAR and the EU (NCM 2012).

2.3.8 The regional marine commissions and the EU

The European Union is a contracting party to HELCOM, OSPAR and the UNEP/MAP Secretariat for the Barcelona convention, which at the regional level coordinate and facilitate the implementation of EU directive requirements, especially the Marine Strategy Framework Directive (MSFD). The EU and UNEP are observers to the Bucharest convention.

At the end of the 1990s and the early 2000s, several Contracting Parties to the regional marine conventions in northern Europe gave a lower priority to the work in HELCOM and OSPAR[55].After the Soviet Union collapsed in 1991, and the expected enlargement of the EU, more focus was put on its marine work and the development of a European Marine Strategy. For example, the Swedish Environmental Protection Agency (SEPA) considered that Swedens international marine work should give priority to the EU. The work with HELCOM and OSPAR was to be reduced, and SEPA would no longer assume a lead country role in the commissions[56]

[54] (Salomon 2009).
[55] (Kern and Loffelsend 2004; Valman et al. 2014).
[56] (Naturvårdsverket 2004).

In 1999, the work of HELCOM was reviewed and restructured without changing the convention (HELCOM 1998a, own information). HELCOM was not longer a forum for East–West bridge-building, as during the era of the Soviet Union. HELCOM's role in the Baltic Sea framework had become uncertain, partly as a consequence of the further enlargement of the EU. Today, the European Commission coordinates its work with the marine regional commissions as the most appropriate way to protect the regional marine environments and their resources.

Following the Bremen Declaration from the joint HELCOM and OSPAR Ministerial Meeting in Bremen 2003, cooperation and coordination with the EU, other international bodies and regional seas conventions became increasingly important (HELCOM 2003b). This strengthened the role of the regional marine commissions, and today work is continuous on coordination and harmonization, for example, of HELCOM recommendations and OSPAR decisions with EU's marine-related directives, especially the MSFD and the Birds and Habitats Directives. The HELCOM and OSPAR strategic goals are largely compatible with the MSFD criteria for achieving Good Environmental Status by 2020 (See "Marine and maritime management in the EU" section), which according to the Baltic Sea Action Plan should be achieved by 2021[57]. Fisheries management remains under the EU Common Fisheries Policy, but the environmental effects of the fishery are addressed by the regional marine commissions.

[57] (HELCOM 2007).

2.3.9 The 2050 Africa's Integrated Maritime Strategy

The AU secretariat started to develop ideas for jointly addressing the African Maritime Domain (AMD) from 2007. A revised version of the 1993 maritime transport charter, the so-called Durban Resolution, was adopted in 2009. In that year, African Heads of State and Governments called upon the AU Commission (AUC) "to develop a comprehensive and coherent strategy" (African Union 2009:18) – the 2050 AIM Strategy, which was eventually adopted in January 2014.

The 2050 AIM Strategy provides an overall understanding of maritime security that encompasses the economic, social, and environmental and security dimensions. Its vision, which it derives from the 2002 Constitutive Act, is "to foster more wealth creation from Africa's oceans, seas and inland water ways by developing a thriving maritime economy and realizing the full potential of sea-based activities in an environmentally sustainable manner". This multidimensional approach and perspective on maritime security governance is exemplified in the threats it defines to Africa's seaborne development potential. These include organized crime (including piracy, smuggling and human trafficking) and Illegal, Unreported and Unregulated (IUU) Fishing, natural disasters, environmental degradation and climate change, threats to strategic communication systems, vulnerable legal frameworks, and a lack of and/or poorly maintained aids to navigation (e.g. nautical charts and maritime safety information).

A number of strategic objectives are set to address these challenges and to form a comprehensive policy framework for maritime collaboration towards the realization of

Africa's seaborne development potential. Among others, the 2050 AIM Strategy envisions the establishment of a Combined Exclusive Maritime Zone of Africa (CEMZA), to enhance awareness on maritime issues by engaging civil society and other stakeholders, to strengthen maritime capacities and capabilities, to ensure maritime safety and security, to minimize environmental damages and to prevent criminal and hostile acts at sea. It also seeks to protect populations, maritime heritages (e.g. biodiversity) and critical infrastructures from pollution and toxic and nuclear waste dumping and to improve the management of Integrated Coastal Zones, as well as promoting the ratification, domestication and implementation of international legal instruments and creating synergies and coherence between different sectoral policies within and between the RECs/RMs.

To implement the AIMS and to achieve its ambitious objectives, the establishment of a number of new policies, strategies, agencies and coordination mechanisms is suggested. Beside the Combined Exclusive Maritime Zone of Africa (CEMZA), this includes but is not limited to a representative continental working group of Chiefs of African Navies and/or Coast Guards (CHANS), and standardized Regional Maritime Headquarters (MHQ) with Maritime Operational Coordination Centers (MOC) in all RECs/RMs, a Common Fisheries Policy, a Trans-Saharan Crime Monitoring Network, a continental wide and multidisciplinary Oceans and Seas Research Institute of Africa (OSERIA), a cross-sectoral Strategic Foresight Marine Task Force (SFMTF), a Continental Free Trade Area (CFTA), and an integrated multi-sectoral and multi-disciplinary Maritime Disaster Management Strategy for Africa.

The 2050 AIM Strategy describes an ambitious and coherent policy approach for sustainable maritime security and development in Africa. It seeks to enshrine maritime security at the continental level, to strengthen collaboration between the AU, the RECs, member states and international partners, and to construct new fields for maritime policy and engagement at continental level.

Maritime security practices and initiatives in Africa have so far been situated at the sub-regional level (for instance the 2009 Djibouti Code of Conduct (DCoC in East Africa, the 2013 Yaoundé Declaration in West Africa and efforts by the Southern African Development Community (SADEC). The 2050 AIM Strategy seeks to shift African maritime security policy to the continental level and, by doing so, reasserts the strategic leadership role of the AUC and its agencies. Africa, rather than international trade or a specific region, becomes the referent object that needs protection.

Africa is reasserting itself on the global maritime security agenda, and it is trying to do so on its own terms. The agenda of the 2050 AIM Strategy is certainly ambitious, and given the lack of resources for such activities on the continent, its implementation will largely depend on international funding and support. The sustainability of its maritime security community and the practices that constitute it are fragile. Recent international initiatives, such as the EU naval capacity building mission EUCAP NESTOR and development projects in Somalia, seem to indicate that a greater convergence between African and international maritime security practices is emerging. Nevertheless, for most international actors piracy is most likely to remain more important than fish and African development; and though such 'development' issues might be targeted within a

comprehensive counter-piracy strategy (e.g. Bueger et al 2011), it remains to be seen whether or not the international community is willing to support the full implementation of the 2050 AIM Strategy beyond measures aimed at protecting international merchant shipping.

CHAPTER THREE

THE INSTITUTIONS GOVERNING THE ADMINISTRATION OF MARITIME LAW IN UGANDA

3.1 Introduction.

The Key institutions responsible for maritime administration in Uganda are; Ministry of Works and Transport responsible for regulation of the sector through inspection and licensing of water vessels except the fishing vessels which are regulated by Ministry of Agriculture, Animal Industries and Fisheries, the Uganda Marine Police, the Uganda National Roads Authority, the Rift Valley Railways (Marine Division) which is entrusted with the management of the Inland Water Transport Services on the lake and the vessels which were formerly operated by Uganda Railways Corporation, the National Lake Rescue Institute and National Environmental Management Authority (NEMA). These institutions help in the administration of maritime laws[58].

3.2 Institutions.

3.2.1 Uganda National Roads Authority (UNRA),

The Uganda National Roads Authority (UNRA) was established by the National Authority Act[59]. UNRA became operational on 1st July 2008. National Roads Authority (UNRA),

[58] Akech, J. M. (2006). Land, the Environment and the Courts in Kenya. Department for International Development & Kenya Law Reports.
[59] National Authority Act, No. 15 of 2006

the agency responsible for Uganda's transport network, UNRA was created by an Act of Parliament in 2006 to develop and maintain the national roads network, advise the government on general roads policy and help address national transport concerns.

The Uganda National Roads Authority (UNRA) is a government agency mandated to develop and maintain the national roads network[60], advise the government on general roads policy, contribute to the addressing of national transport concerns, and perform certain other functions. UNRA is charged with, among other things, the selection of contractors, the supervision of construction, the scheduling of maintenance, and the prioritization of national road works.

3.2.2 Ministry of Works and Transport.

This is a government ministry responsible for one of the important sectors to plan[61], develop and maintain transport infrastructure like water, air and road transport and the following are the functions of the ministry.

i. Initiate, formulate and develop national Policies, laws, plans and programs for safe and efficient water transport infrastructure and services
ii. Inspection, Registration and licensing of all marine vessels and thus works hand in hand with the board.
iii. Monitoring and evaluation of performance of transport services.

[60] Rwanyekiro, Isaiah (16 July 2014). "Uganda connected border-to-border by tarmac". New Vision. Kampala. Accesed 20. 06 2019.
[61] Van Franeker, J. A., & Meijboom, A. (2006). Fulmar Litter EcoQO Monitoring in the Netherlands 1982-2004 in relation to EU Directive 2000/59/EC on Port Reception Facilities Report for the Ministry of Transport, Public works and Water Management (V&W), contract nr DGTL/ZH/2.53. 2.5012. Alterra, Texel Sampling of Fulmars in the Netherlands is conducted by the Dutch Seabird Group (Nederlandse Zeevogelgroep-NZG).

3.2.3 National Environmental Management Authority (NEMA).

NEMA is a semi-autonomous institution established in May 1995, under the National Environmental Act cap 153 as a principle agency in Uganda charged with the responsibility of coordinating, monitoring, regulating and supervising environmental management.45 NEMA is also to develop the environmental policies, laws, regulations, standards and guidelines for the management of the environment in Uganda and it also carries out environmental audits, enforcement and compliance. Under section 1 of the Act, defines environment to mean the physical factors of the surroundings of human beings including land, water, air, atmosphere, climate, sound, odour and taste. The constitution of Uganda states that the government under the parliament shall by law provide measures intented to protect and preserve the environment from abuse pollution and for a sustainable development[62]. Also under the objective provides that all Ugandans enjoy rights and access to clean and safe water. All these can be done though the Authority because that's its responsibility to provide a sustainable development. The Act also provides for the functions of the authority and they are to advise on the formulation and implementations of environmental and climate change policies, plans and programmes, to advise on the harmonisation of the policies of the government and many other in accordance with the Act.

[62] Mubangizi, J. C. (2006). The Constitutional Protection of Socio-Economic Rights in selected African countries: a comparative evaluation. African Journal of Legal Studies, 2(1), 1-19.

3.2.4 The board.

Under the Inland water Transport (Control) Act provides the board to mean the Transport Licensing Board established by the Traffic and Road Safety Act.

The Traffic and Road Safety Act provides for the composition of the Board as follows:

1. Board Chairman,
2. The Inspector General of Police or his representative
3. The Chairperson of National Road Safety Council (NRSC)
4. The Solicitor General or his representative
5. The Director of Transport in the Ministry responsible for Transport or his representative
6. Two representatives of the motor industry, and
7. Two representatives of the travel industry.
8. The Board Secretary.

Functions of the Transport Licensing Board include Routine inspection and licensing of Inland Water Transport Vessels, Settling disputes between Inland Water Transport Vessel operators, Routine up-dating of register and data on licensed water transport vessels, Carrying out education and awareness campaigns on Inland water Transport Safety measures and many others.

3.2.5 Uganda Police Forces

The force is established under the police Act which provide for the structure, organization and functions of the police force[63]. And the functions are also defined to include the protection of property, live and other rights of the individual, to maintain security with in Uganda, to enforce laws and also to ensure public safety and order as provided under section 4 of the Act.

This means that the force can also be used in the administration of maritime laws in order to keep order on the lakes including lake bunyonyi as they play a big role to keep peace on the in land water bodies.

[63] Benbow, T. (2007). Maritime Forces and Counter-insurgency. Contemporary Security Policy, 28(1), 80-95.

CHAPTER FOUR

CHALLENGES FACED BY INSTITUTIONS.

2.1 Introduction

The Key institutions responsible for Water Transport in Uganda are; Ministry of Works and Transport responsible for regulation of the sector through inspection and licensing of water vessels except the fishing vessels which are regulated by Ministry of Agriculture, Animal Industries and Fisheries, the Uganda Marine Police, the Uganda National Roads Authority, the Rift Valley Railways (Marine Division) which is entrusted with the management of the Inland Water Transport Services on the lake and the vessels which were formerly operated by Uganda Railways Corporation, the National Lake Rescue Institute and National Environmental Management Authority (NEMA

4.2 Challenges being faced by the institutions.

4.2.1 There is a problem in the reduction of the depth of the lake and pollution.

Lake bunyonyi is the deepest in Uganda and thus the second deepest lake in Africa, kabale District Natural Resources Rogers Akatwijuka says the lake which was 900 metres deep about 10 years ago has lost 10 metres on its depth. The study was carried out following reports there there was massive silting on the lake due to poor farming

practices. Also due to massive pollution the colour of the lake changes to army green during the dry season and omits a bad smell.

4.2.2 Safety standards

Safety is often compromised because inland waterbodies tends to be ignored by existing government, For example transport in Lake bunyonyi suffers from among others hazardous safety and or security. Very many people are estimated to have drowned annually in the lake as a result of maritime accidents, and it's still happening up to date like the live people the drowned in the lake. Also 500 people are estimated to have drowned annually in Lake Victoria also as a result of maritime accidents. Thus this shows that in land waterbodies have been neglected over the years by the government.

4.2.3 Unaffordable Lifejackets

It is well known that most users of water transport in Uganda do not use life jackets. In co-operation with the Ugandan National Lake Rescue Institute (NLRI), Lifejackets in general are reported to be very expensive for the water transport users and as such majority do without them. Even on Lake Bunyonyi the are few life jackets and some of the vessels don't have them because they cannot be affordable by the people using the lake.

4.2.4 Seaworthiness of ships

All vessels on lake Bunyonyi were found to lack safety standards. There are no boat building standards specified for the small owned boats on the inland waterbodies. In order to make certain that shipping is kept safe and that marine accidents are kept at minimum, it"s important that all ships are fit in design structure and condition and equipment to encounter the ordinary perils of the voyage.

The Lake Victoria Transport Act and the corresponding Maritime Safety Regulations lay down standards relating to the construction and equipments of ships, fire protection life saving arrangements and appliances, communication equipment, carriage of bulk cargos and dangerous goods. The Act requires vessels operating on the lake to carry certificates of seaworthiness attesting to compliance with the technical requirements. But because the government does not inspect the inland water bodies like Lake Bunyonyi the ships that are being used on the water bodies are not worth since most of them use wooden boats on the lake thus causing accidents which is one of the most challenges faced by the lake.

4.2.5 Inadequately trained crew.

Uganda lacks a marine training institute that trains the crew on the water body for its not a requirement in our national laws therefore the vessels or are manned by untrained crew. It should therefore follow that an improvement in the quality of the crews would lead to reduction of accidents. The law provides for Certificates of

competence and manning in part 8 of the regulations but these laws have not been implemented in Uganda

4.2.6 Poor Navigational Aids

The importance to the safety of shipping is the establishment of navigational aids such as lighthouses, lightships on the lake.

Under section 10(g) and 11(h) of the Act this obligation is the responsibility of the LVBC and Maritime Administrative Units respectively. However the Act is ambiguous in as far as it does not give a criteria and guidelines for the establishment of such aids. Further it does not provide for a mechanism through which this is to be achieved, the source of funding as well as a time frame within which a state should discharge this obligation.

4.2.7 Lack of serious law to regulate inland water bodies in Uganda.

The following are the law governing inland water bodies in Uganda; Inland water Transport (Control) Act 1938, The Rivers Act 1907, The Ferries Act 1905, The vessel Registration Act 1904 and the lake Victoria Transport Act, 2007. This means that the government reserves the right to determine in what manner these water resources are to be utilized and to formulate the laws that can govern the water bodies. Some of these laws have never been applied in Ugandan courts thus shows that there are no serious implementation of the laws concerned to water bodies in Uganda.

4.3 Conclusion

The challenges faced by inland water bodies include among others; reduction in the water levels and pollution, lack of affordable lifejackets to be used on the lake, the lack of safety standards to be followed by institutions, lack of worthy ships to be used, lack of trained crew since there are no institutions to train the crew in Uganda , the poor navigational aids and lack of serious laws to govern the lake.

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

5.1 Conclusions.

The research conducted that the Ministry of Works and Transport and the local communities on Lake Bunyonyi on the issue of marine transport revealed there is no streamlined water transport management on Lake Bunyonyi as the forms of management are dictated by the boat owners themselves.

The researcher interviewed the people staying near the lake to understand what seem to be the causes of Marine Accidents on Lake Bunyonyi. Officials from the Ministry of Works and Transport pointed out backward sailing practices (boat operators starting journeys without proper weather forecasts); boat over loading; poorly built boats; poorly maintained boats and ill-trained or untrained boat builders and operators as the major causes of marine accidents. It was noted that almost all marine accidents in the lake involve the small vessels and not the big ones. It was also found that inadequately trained or qualified crews are a major factor in the cause of accidents. The May 2005 was partly attributed to inadequately trained crew on the bridges of both vessels. It should therefore follow that an improvement in the quality of the crews would lead to a reduction of accidents.

5.2 Recommendations.

The laws governing maritime need to be amended to enact as to provide measures that would help improve safety and security on of vessels operating on different islands. Like the marine insurance Act only deals with issues of insurance policy coverage which do not have an updated specific law to deal with the inland water transport system with all its attended challenges.

The tragic accident that happened on lake Victoria that claimed over 32 lives was caused by total negligence and recklessness by the parties responsible for the safety of people travelling on the national water bodies.

The marine police officers had evidence that the boat was not licensed but left it to carry on the fateful day. This is all due to the laws that are not being implemented for example under the Inland water Transport (Control) Act, provides for the licensing of the vessels but does not provide for the penalty for the people who break the law. Thus these laws were made way back and situations have changed so the need to amend the laws.

Strengthening Inspection, Registration and Licensing of all marine vessels. Following the establishment of the Maritime Administration, the Ministry should strengthen the inspection, registration and licensing in collaboration with security organs and Communities through collaborative empowerment. This will help to reduce the accidents if the laws and the institutions work hard towards reducing the accidents on the inland water bodies.

Review and update of legal framework. It is recommended that the parliament expedites The Inland Water Transport Bill 2018 for submission to Cabinet for approval to strengthen water transport safety management; streamline and better regulate water transport safety and strengthen enforcement.

Strengthening Surveys and Inspection. The Ministry should work with Classification Societies to strengthen surveys on all the conventional vessels and issue International Safety certificates on behalf of the Country for purposes of establishing seaworthiness.

Training of Boat Operators. In addition to maritime training services by offered by regional maritime training institutes like Dar es Salaam Maritime Training Institute in Tanzania and Bandari Maritime College in Kenya, the Ministry is urged to establish maritime training centers at Kabale University, Fisheries Training Institute and support the private sector in the training of boat operators in basic skills like crowd management, swimming, use of Life Saving Appliances and Personal Survival Techniques.

Monitoring and Regulation of vessel operations. The Ministry should strengthening with strict guidelines the registration of passengers embarking and disembarking vessels and vessels intending to offer cruise services. The Ministry should in addition developing infrastructure at landing sites, for safe embarkation and disembarkation of passengers.

Water Transport Safety Sensitization. The Ministry should further strengthen sensitizing of boat owners, operators, passengers and local communities about water transport safety using all available media together with the Security Agencies.

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