

BUNGE LA TANZANIA

MAJADILIANO YA BUNGE

MKUTANO WA KUMI NA TISA

Kikao cha Thelathini na Tatu – Tarehe 20 Mei, 2020

(Bunge Lilianza Saa Nane Kamili Mchana)

D U A

Spika (Mhe. Job Y. Ndugai) Alisoma Dua

SPIKA: Waheshimiwa Wabunge, tukae. Katibu.

NDG. LAWRENCE MAKIGI – KATIBU MEZANI:

HATI ZA KUWASILISHA MEZANI

Hati zifuatazo ziliwasilishwa Mezani na:-

NAIBU WAZIRI WA MIFUGO NA UVUVI:

Maelezo ya Waziri wa Mifugo na Uvuvi kuhusu Muswada wa Sheria ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu wa Mwaka 2020 *[The Deep Sea Fisheries Management and Development Bill, 2020]*

MHE. SIKUDHANI Y. CHIKAMBO - K.n.y. MWENYEKITI WA KAMATI YA KUDUMU YA BUNGE YA KILIMO, MIFUGO NA MAJI:

Maoni ya Kamati ya Kudumu ya Bunge ya Kilimo, Mifugo na Maji kuhusu Muswada wa Sheria ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu wa Mwaka 2020 *[The Deep Sea Fisheries Management and Development Bill, 2020]*

MHE. CECILIA D. PARESSO - K.n.y. MSEMAJI MKUU WA KAMBI RASMI YA UPINZANI BUNGENI WA WIZARA YA MIFUGO NA UVUVI:

Maoni ya Kambi Rasmi ya Upinzani Bungeni kuhusu Muswada wa Sheria ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu wa Mwaka 2020 [*The Deep Sea Fisheries Management and Development Bill, 2020*]

SPIKA: Katibu.

NDG. LAWRENCE MAKIGI – KATIBU MEZANI:

MASWALI NA MAJIBU

(Maswali yafuatayo yameulizwa na kujibiwa kwa njia ya mtandao)

Na. 307

Huduma za Watu Wenye Ulemavu Nchini

MHE. MWATUMU DAU HAJI aliuliza:-

Kumekuwa na utekelezaji mdogo wa huduma za watu wenye ulemavu kwenye huduma za majengo, vyombo vya usafiri pamoja na vyombo vya habari:-

Je, Serikali inasema nini katika kuhakikisha huduma za watu wenye ulemavu zinazingatiwa?

WAZIRI WA NCHI, OFISI YA WAZIRI MKUU, SERA, BUNGE, KAZI, AJIRA, VIJANA NA WENYE ULEMAVU alijibu:-

Mheshimiwa Spika, naomba kujibu swali la Mheshimiwa Mwatumu Dau Haji, kama ifuatavyo:-

Mheshimiwa Spika, Serikali ilipitisha Sheria ya Watu Wenye Ulemavu Na. 9 ya Mwaka 2010 na Kanuni zake za mwaka 2012, ambapo vifungu vya 35 – 50 vya sheria hiyo

vinaelekeza kufikika kwa majengo, mazingira yanayotuzunguka na upatikanaji wa huduma na habari kwa watu wenye ulemavu.

Mheshimiwa Spika, Serikali ilifanya mapitio ya Kanuni za Maudhui ya Vyombo vya Habari za Mwaka 2011 zinazovitaka vyombo vyote vya habari kuwa na wakalimani wa lugha ya alama. Baadhi ya vyombo vya habari vimekuwa vikitekeleza agizo hili mfano; Televisheni ya Taifa (*TBC*) na Uhai *Tv (UTV)*. Serikali inaendelea kufuatilia suala hili ili kuhakikisha kuwa vyombo vyote vya habari vinatekeleza agizo hili.

Aidha, kwa upande wa majengo, Serikali imeweka Mwongozo wa Utoaji wa Vibali vya Ujenzi, Usimamizi na Ukaguzi wa Majengo kwenye Mamlaka za Serikali za Mitaa wa mwaka 2017 ambao umezingatia mahitaji ya watu wenye ulemavu. Serikali inaendelea kusimamia kuhakikisha sekta zote zinazingatia uwepo wa huduma bora za wenye ulemavu.

Mheshimiwa Spika, Serikali kwa kushirikiana na wadau wa sekta binafsi na umma wanaandaa mpango wa Taifa wa kuimarisha huduma kwa watu wenye ulemavu (2020/21 - 2023/24). Moja ya Lengo mahsusi la kuanzishwa kwa mpango huo, ni kuimarisha mazingira ya upatikanaji na ufikiwaji wa huduma mbalimbali za jamii yenye kuzingatia mahitaji ya watu wenye ulemavu ikiwemo elimu, afya, hifadhi ya jamii, usafiri, barabara, michezo, burudani, vifaa saidizi, marekebisho, taarifa na mawasiliano.

Na. 308

Kuruhusu Wananchi Kujenga Shule za Msingi

MHE. JOEL M. MAKANYAGA aliuliza:-

Shule nyingi za msingi hapa nchini zina wanafunzi wengi sana wanaozidi kiwango kinachotakiwa cha wanafunzi takribani 700.

Je, ni kwa nini Serikali isiruhusu wananchi wajenge shule nyingine kwa mpango wa kujenga hata madarasa mawili kila mwaka na shule hizi zitambuliwe kisheria?

WAZIRI WA NCHI, OFISI YA RAIS, TAWALA ZA MIKOA NA SERIKALI ZA MITAA alijibu:-

Mheshimiwa Spika, naomba kujibu swali la Mheshimiwa Joel Mwaka Makanyaga, Mbunge wa Chilonwa, kama ifuatavyo:-

Mheshimwa Spika, Wananchi wanaruhusiwa kujenga shule katika maeneo yenye mahitaji kwa kushirikisha viongozi wa Halmashauri ili kusogeza huduma karibu na wananchi. Kupitia utaratibu huu, Serikali imefanikiwa kuwa na shule ya msingi kila kijiji na shule za sekondari kila kata. Aidha, Serikali kwa kushirikisha nguvu za wananchi imekuwa na utaratibu wa kujenga vituo shikizi katika maeneo ambayo shule mama iko mbali ili kuboresha mazingira ya kujifunzia na kufundishia. Baadhi ya vituo hivyo baadaye husajiliwa kuwa shule baada ya kukidhi vigezo.

Na. 309

Tatizo la Umeme Mpaka wa Tunduma

MHE. FRANK G. MWAKAJOKA aliuliza:-

Serikali imeshindwa kutatua tatizo la upatikanaji wa umeme katika mpaka wa Tunduma kwa muda mrefu sasa jambo linalosababisha kupoteza wageni na wateja wa Bandari ya Dar es Salaam kwa kuhofia usalama wao kutokana na giza:-

Je, Serikali iko tayari kuunganisha umeme wa Zambia ili huduma hii iwe inapatikana muda wote ili kulinda wateja wanaopitisha mizigo toka Bandari ya Dar es Salaam na mpaka wa Tunduma?

WAZIRI WA NISHATI alijibu:-

Mheshimiwa Spika, naomba kujibu swali la Mheshimiwa Frank George Mwakajoka, Mbunge wa Tunduma, kama ifuatavyo:-

Mheshimiwa Spika, Mji wa Tunduma unatumia umeme wa Gridi ya Taifa kwa asilimia 100 kupitia njia ya msongo wa kilovoti 33 kutoka Kituo cha kupoza umeme cha lyunga, mjini Mbeya na kusambaza umeme katika maeneo ya Wilaya za Mbozi, Momba na Songwe.

Mheshimiwa Spika, kwa ujumla hali ya upatikanaji umeme kwa sasa ni ya kuridhisha. Hata hivyo, hitilafu katika baadhi ya miundombinu ya umeme imekuwa ikisababisha kuzima umeme ili kupisha matengenezo katika njia kuu ya umeme katika Mkoa wa Songwe na baadhi ya maeneo ya Wilaya ya Mbeya vijijini.

Mheshimiwa Spika, Serikali kupitia *TANESCO* imekarabati miundombinu ya umeme ili kuimarisha upatikanaji wa umeme katika maeneo hayo. Aidha, katika mwaka wa fedha 2020/2021, *TANESCO* imepanga kujenga kituo cha umeme Mlowo (*switching station*) pamoja na njia ya umeme msongo wa kilovoti 33 yenye urefu wa kilomita 65 kutoka kituo cha kupoza umeme cha lyunga Mbeya hadi Mlowo kwa gharama ya shilingi bilioni 1.2. Mradi huu unatarajia kuanza kutekelezwa mwezi Julai, 2020 na kukamilika mwezi Mei, 2021 kupitia Kampuni ya *TANESCO M/S Electrical Transmission and Maintenance Company (ETDCO) Limited*.

Na. 310

Vifo Vitokanavyo na Ajali za Barabarani na Majini

MHE. MASOUD ABDALLAH SALIM aliuliza:-

Ajali za barabarani na majini zimekuwa zikisababisha vifo na majeruhi.

Je, ni watu wangapi wamepoteza maisha kwa ajali za barabarani na majini kuanzia kutoka Juni, 2018 hadi sasa?

WAZIRI WA MAMBO YA NDANI YA NCHI alijibu:-

Mheshimiwa Spika, napenda kujibu swali la Mheshimiwa Masoud Abdallah Salim, Mbunge Wa Mtambile, kama ifuatavyo:-

Mheshimiwa Spika, katika Kipindi cha Juni 2018 hadi Aprili, 2020 ajali za barabarani zilitokea jumla ni 3,500, ambazo zimesababisha vifo 1,772 na majeruhi 4,906. Aidha, kwa upande wa ajali za majini kwa kipindi kama hiki kuanzia mwezi Juni, 2018 hadi mwezi Aprili, 2020 zimetokea ajali 17 zilizosababisha vifo vya watu 244 na majeruhi 41.

Na. 311

Barabara ya Singida - Sepuka - Ndago – Kizaga

MHE. MARTHA M. MLATA aliuliza:-

Je, ni kitu gani kimesababisha kuchelewa kwa ujenzi wa barabara ya Singida – Sepuka – Ndago hadi Kizaga?

WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO alijibu:-

Mheshimiwa Spika, napenda kujibu swali la Mheshimiwa Martha Moses Mlata, Mbunge Viti Maalum, kama ifuatavyo:-

Mheshimiwa Spika, barabara ya Sabasaba – Sepuka – Ndago – Kizaga (kilometa 77.6) anayozungumzia Mheshimiwa Mbunge ni barabara ya Mkoa iliyojengwa kwa kiwango cha changarawe na inahudumiwa na Wakala wa Barabara Tanzania (*TANROADS*) Mkoa wa Singida. Barabara hii ni muhimu kiuchumi kwa kuwa inapita kwenye vijiji vingi vikiwemo vijiji vya Sepuka, Kaselya na Ndago ambavyo wakazi wake ni wakulima wa zao la alizeti.

Mheshimiwa Spika, kwa kutambua umuhimu wa barabara hii, Serikali imeendelea kutenga fedha za matengenezo mbalimbali kila mwaka ili iendelee kupitika katika majira yote ya mwaka. Katika mwaka wa fedha 2018/2019, jumla ya Sh.1,403.81 zilitengwa kwa ajili ya kufanya kazi za matengenezo ya kawaida na sehemu korofi. Aidha, katika mwaka wa fedha 2019/2020, jumla ya shilingi 1,171.04 zilitengwa kwa ajili ya kufanya matengenezo ya kipindi maalum na sehemu korofi. Vilevile, Serikali imeanza kufanya upembuzi yakinifu na usanifu wa kina wa barabara hiyo kwa ajili ya kujenga kwa kiwango cha lami ambapo katika mwaka wa fedha 2020/2021, shilingi milioni 250 zimetengwa kwa ajili ya kazi ya usanifu wa kina.

Mheshimiwa Spika, mara usanifu wa kina utakapokamilika, Serikali ifahamu gharama za ujenzi na kuanza kutafuta fedha kwa ajili ya ujenzi wa barabara hiyo kwa kiwango cha lami.

Na. 312

Maeneo yenye Mawasiliano Hafifu – Wilaya ya Urambo

MHE. MARGARET S. SITTA aliuliza:-

Wilaya ya Urambo ina maeneo ambayo yana mawasiliano ya simu na mengine yenye mawasiliano hafifu na Wizara inayo orodha ya maeneo yenye mawasiliano hafifu Wilayani Urambo.

Je, ni lini maeneo hayo yatafanyiwa kazi ili wananchi hao waweze kuwasiliana katika kujitafutia maendeleo?

WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO alijibu:-

Mheshimiwa Spika, napenda kujibu swali la Mheshimiwa Margaret Simwanza Sitta, Mbunge wa Urambo, kama ifuatavyo:-

Mheshimiwa Spika, nakiri kuwa, pamoja na juhudi za Serikali katika kuhakikisha mawasiliano ya simu yanasambazwa nchini kote hadi kufikia mwishoni mwa mwaka 2020, bado Wilaya ya Urambo ina maeneo ambayo mawasiliano ya simu ni ya shida ikiwemo Kata za Ugalla, Uyogo, Usisya, Nsenda, Itundu na Vumilia.

Mheshimiwa Spika, Serikali kupitia Mfuko wa Mawasiliano kwa Wote imeendelea kutekeleza miradi mbalimbali ya kufikisha huduma za mawasiliano nchi nzima. Katika Wilaya ya Urambo, Serikali kupitia Mfuko wa Mawasiliano kwa Wote ilitangaza zabuni ya awamu ya nne ambapo mtoa huduma VODACOM alishinda zabuni katika kata mbili ambazo ni Kata ya Kasisi ikijumuisha vijiji vinne (Azimio, Kasisi, Mapambano na Wema) na Kata ya Ukondamoyo ikijumuisha vijiji vinne (Ifuta, Kamalendi, Tumaini na Ukondamoyo) ambapo tayari mtoa huduma amekwishasaini mkataba wa utekelezaji wa mradi mnamo tarehe 24 Januari 2020. Hali kadhalika mtoa huduma *TTCL* alishinda zabuni katika kata ya Ugalla ikijumuisha vijiji vitatu (Issongwa, Izengabatogilwe, Ugalla) ambapo tayari mtoa huduma amekwishasaini mkataba wa utekelezaji wa mradi mnamo tarehe 24 Januari 2020. Pia mtoa huduma HALOTEL alishinda zabuni katika Kata ya Vumilia ikijumuisha kijiji cha kimoja cha Vumilia ambapo tayari mtoa huduma amekwishasaini mkataba wa utekelezaji wa mradi mnamo tarehe 24 Januari 2020.

Mheshimiwa Spika, kwa upande wa Kata ya Nsenda, Serikali kupitia Mfuko wa Mawasiliano kwa Wote ilijumuisha kata hiyo kwenye zabuni ya awamu ya nne iliyotangazwa tarehe 18 Julai 2019 lakini haikufanikiwa kupata mtoa huduma. Hivyo itaingizwa katika orodha ya miradi ya mfuko inayosubiri kutekelezwa kulingana na upatikanaji wa fedha za ruzuku katika mwaka wa fedha 2019/20. Aidha, Kata za Uyogo, Usisya na Itundu pia zitaingizwa katika orodha ya miradi ya Mfuko inayosubiri kutekelezwa kulingana na upatikanaji wa fedha za ruzuku katika mwaka wa fedha 2019/20.

Na. 313

Uzazi Salama kwa Akina Mama Nchini

MHE. JOSEPHINE J. GENZABUKE aliuliza:-

Asilimia 75 ya vifo vya akina mama vinavyotokea wakati wa ujauzito na kujifungua vinaweza kuepukika:-

Je, Serikali ina mkakati gani wa kuhakikisha akina mama hasa waishio vijijini wanajifungua salama?

WAZIRI WA AFYA, MAENDELEO YA JAMII, JINSIA, WAZEE NA WATOTO alijibu:-

Mheshimiwa Spika, naomba kujibu swali la Mheshimiwa Josephine Johnson Genzabuke, Mbunge wa Viti Maalum, kama ifuatavyo:-

Mheshimiwa Spika, Wizara ya Afya, Maendeleo ya Jamii, Jinsia, Wazee na Watoto kwa kushirikiana na Ofisi ya Rais - TAMISEMI imeboresha vituo vya afya zaidi ya 352 na vingine kujengwa upya ili vitoe huduma zote za afya ya uzazi kabla na wakati wa ujauzito, wakati wa kujifungua ikiwemo kumtoa mtoto tumboni kwa njia ya operesheni na kuzijengea uwezo wa kutoa huduma ya damu salama kwa watakaohitaji. Aidha, hospitali mpya 67 za Halmashauri zinajengwa ili huduma ziwafikie wananchi wote wa vijijini na mjini kwa usawa na urahisi zaidi.

Mheshimiwa Spika, katika kuhakikisha kwamba upatikanaji wa dawa na vifaa tiba vinakuwepo muda wote, Serikali imeongeza bajeti ya dawa na vifaa tiba, kutoka shilingi bilioni 31 mwaka 2015/2016 hadi shilingi bilioni 200 mwaka 2019/2020. Ongezeko hili la kibajeti na usimamizi imara wa rasilimali vimeongeza upatikanaji wa dawa muhimu katika vituo vya kutolea huduma kutoka asilimia 53% (2015/2016) hadi kufikia asilimia 94% (2019/2020). Aidha, juhudi hizi zimewezesha wajawazito kuendelea kupata huduma za afya ya uzazi na mtoto ikiwemo kinga tiba dhidi ya malaria (SP),

fehol ambayo ni kinga tiba dhidi ya upungufu wa damu, vipimo vya shinikizo la damu, kaswende, wingi wa damu, sukari na kadhalika. Sanjari na hilo, idadi ya akina mama wanaojifungulia katika vituo vya kutolea huduma imeendelea kuongezeka hadi kufikia asilimia 83 mwezi Machi 2020 ikilinganishwa na asilimia 64 kwa kipindi kama hicho mwaka 2015/16.

Mheshimiwa Spika, aidha, tarehe 6 Novemba, 2018, jijini Dodoma Makamu wa Rais wa Jamhuri ya Muungano wa Tanzania Mama Samia Suluhu Hassan alizindua Kampeni ya "Jiongeze tuwavushe salama" ambayo ni kampeni ya Kitaifa inayolenga kuzuia vifo vitokanavyo na uzazi na vifo vya watoto wachanga nchini Tanzania. Madhumuni ya kampeni ni kuhamasisha viongozi wa Serikali, viongozi wa dini, mashirika yasiyo ya kiserikali, wadau wa maendeleo, watoa huduma za afya, familia na jamii kwa ujumla ili kuchangia katika juhudi za taifa ya kupunguza vifo vinavyotokana na uzazi na vifo vya watoto wachanga. Wakuu wa Mikoa walisainishwa mikataba ya utekelezaji na ufuatiliaji katika mikoa yao.

Na. 314

Kuwasaidia Watoto wa Kike Walioambukizwa VVU

MHE. MARYAM SALUM MSABAHA aliuliza:-

Maambukizi ya UKIMWI/VVU yameongezeka kwa kasi sana na kusababisha watoto kati ya miaka 15 – 24 kupata maambukizi mapya na wahanga wakubwa wakiwa ni watoto wa kike ambapo kati ya watoto 90 watoto wa kike ni 72:-

Je, Serikali ina mkakati gani wa kuwasaidia watoto wa kike ambao wengine waliambukizwa VVU kwa makusudi?

WAZIRI WA AFYA, MAENDELEO YA JAMII, JINSIA, WAZEE NA WATOTO alijibu:-

Mheshimiwa Spika, naomba kujibu swali la Mheshimiwa Maryam Salum Msabaha, Mbunge wa Viti Maalum, kama ifuatavyo:-

Mheshimiwa Spika, Wizara imeboresha aina ya utoaji wa huduma za tiba na matunzo kwa kufanya yafuatayo: Kupanga siku/muda maalumu wa kuwapatia huduma za VVU na UKIMWI Watoto (mf. Kutoa huduma siku ya Jumamosi); Utoaji wa huduma za watoto za VVU na UKIMWI kwa muda wa ziada baada ya saa za kazi; Kutoa huduma za VVU na UKIMWI kwa Watoto wanaoishina VVU siku yoyote na muda wowote pale ambapo mtoto atakuwa anahitaji huduma; Kuwahusisha Watoto na vijana wenyewe kwenye utoaji wa huduma za VVU na UKIMWI ikiwemo elimu ya kujikinga na maambukizi mapya; Uwepo wa klabu za Watoto na vijana rika balehe ambazo huwakutanisha vijana na kujadili mafanikio na changamoto mbalimbali za huduma za VVU na UKIMWI. Asilimia 85 ya vituo vinavyotoa huduma za VVU kwa vijana viliripoti kuwa na Klabu hizi (*Mapping Report*, 2018) na Kujumuisha kwa pamoja huduma za VVU na UKIMWI, huduma za afya ya uzazi na Watoto na huduma za chanjo.

Mheshimiwa Spika, Wizara kwa kushirikiana na Asasi ya TAYOA inatumia teknolojia ya simu za mkononi katika kutoa elimu ya kujikinga na VVU; huduma za upimaji wa VVU; matumizi sahihi na endelevu ya ARV; kukumbusha miadi ya kliniki na afya ya uzazi kupitia namba ya bila malipo ya 117 ambapo kwa kipindi cha Januari hadi Desemba, 2019 zaidi ya simu milioni 8.5 zilipigwa kwa mahitaji elimu na ushauri. Kituo hiki kimekuwa kikihudumia wastani wa simu 2,164 kwa siku ambapo wateja hupatiwa elimu na kupewa rufaa kwenye huduma, lengo kuu ni kuwaelimisha vijana.

Mheshimiwa Spika, Wizara kupitia Jukwaaa la Kampeni ya Kipepeo inaendelea kuelimisha vijana walio katika rika balehe hususan mabinti walio katika shule za sekondari kupitia elimu ya ana kwa ana kwa kutumia wasanii na kupitia vyombo vya habari na mitandao ya kijamii, ambapo hadi sasa Mikoa ya Morogoro, Arusha, Tanga,

Singida na Dodoma imeshafikiwa ambapo vijana 27,176 kwa matukio ya elimu ya ana kwa ana kutoka shule za sekondari zipatazo 56 kati yao wasichana ni 15,241 na wavulana 11,935.

Na. 315

Hitaji la Maji Vijiji vya Jimbo la Tabora Kaskazini

MHE. ALMAS A. MAIGE aliuliza:-

Mradi wa Maji ya Ziwa Victoria unapeleka maji Nzega, Igunga, Tabora, Sikonge na Urambo na utavipatia maji vijiji vya Jimbo la Tabora Kaskazini:-

Je, Serikali ina mpango gani wa kuvipatia maji vijiji 42 vya Jimbo la Tabora Kaskazini vilivyobaki bila maji hasa katika Kata ya Shitage, Makazi, Igulungu, Bukumbi na Ufuluma?

WAZIRI WA MAJI alijibu:-

Mheshimiwa Spika, naomba kujibu swali la Mheshimiwa Almas Athuman Maige, Mbunge wa Tabora Kaskazini, kama ifuatavyo:-

Mheshimiwa Spika, Jimbo la Tabora Kaskazini lina jumla ya kata 19 na vijiji 82. Kupitia utekelezaji wa Mradi wa Maji kutoka Ziwa Victoria kwenda Miji ya Nzega, Igunga, Tabora, Sikonge, Urambo na Kaliua, vijiji 26 vya Jimbo la Tabora Kaskazini vitanufaika na huduma ya maji. Vijiji hivyo ni Ibushi, Igoko, Isikizya, Ilalwansimba, Ikonola, Maswa, Itobela, Ibelamilundi, Isenegezya, Mtakuja, Majengo, Ikongolo, Kanyenye, Kiwembe, Kalemela, *Saw Mill*, Imalampaka, Magiri, Mayombo, Kinyamwe, Lunguya, Upuge, Kongo, Kasenga, Mhogwe na Uhuru-mbiti.

Mheshimiwa Spika, katika kuhakikisha vijiji 42 vilivyobaki vinapata huduma ya maji, Serikali inatekeleza mradi wa uchimbaji wa visima 21 katika vijiji 16 vya Wilaya ya Uyui kwa gharama ya Sh.590,466,100. Aidha, kupitia Mpango

wa Malipo kwa Matokeo (*Payment for Results*), Serikali inatekeleza miradi minne ya mtandao wa bomba katika Wilaya ya Uyui. Aidha, Serikali itahakikisha kuwa inaendelea kujenga miradi ya maji katika vijiji vyote vilivyobaki katika Jimbo la Tabora Kaskazini kwa kadiri fedha zinavyopatikana.

Na. 316

Vifaa vya Umeme wa Jua Kukosa Ubora

MHE. JANET Z. MBENE aliuliza:-

Serikali haijawahakikishia wananchi nishati ya kutosha ya umeme kwa matumizi ya viwandani na nyumbani. Sekta binafsi imeweza kujikita katika kuleta vifaa vya umeme wa jua (*solar panels*) na miundombinu yake na wengine wanawakopesha wananchi vifaa hivyo. Baadhi ya wafanyabiashara wa vifaa hivyo wameingiza vifaa duni ambavyo havidumu na hawatoi garantii wala huduma ya matengenezo baada ya mauzo:-

(a) Je, ni nani anayesimamia na kuhakikisha kuwa vifaa hivyo vina ubora unaohitajika?

(b) Je, ni nani ahusishwe na hasara pamoja na uharibifu unaotokana na moto hasa ukizingatia kuwa vifaa hivyo ni ghali na hivyo wananchi wanaingia hasara kubwa?

(c) Je, kuna ukaguzi wowote unaofanywa kwa bidhaa hizo kabla ya kuuzwa?

WAZIRI WA VIWANDA NA BIASHARA, alijibu:-

Mheshimiwa Spika, napenda kujibu swali la Mheshimiwa Janet Zebedayo Mbene, Mbunge wa Ileje lenye sehemu (a), (b) na (c), kama ifuatavyo:-

(a) Mheshimiwa Spika, Wizara kupitia Shirika la Viwango Tanzania (*TBS*) ina dhamana ya kusimamia na kuhakiki ubora wa bidhaa zote zinazotoka nje ya nchi na

zinazozalishwa na viwanda vya ndani zikiwemo vifaa vya umeme (*solar panel and related accessories*).

(b) Mheshimiwa Spika, muuzaji wa bidhaa yoyote akiwa mfanyabiashara au mtengenezaji hubeba dhamana ya ubora wa bidhaa anayoiuza ikiwa ni pamoja na kutoa maelekezo ya matumizi sahihi ili kuepuka madhara yanayoweza kutokea kutokana na matumizi yasiyo sahihi ya bidhaa. Sheria ya Viwango Na. 2 ya Mwaka 2009 hutumika kusimamia ubora ikiwa ni pamoja na kutoa mamlaka kwa Waziri mwenye dhamana kuondoa bidhaa iliyopimwa na kuonekana haikidhi matakwa ya viwango na kuwajulisha umma madhara pamoja na kuiharibu kwa gharama za mwingizaji wa bidhaa hiyo.

(c) Mheshimiwa Spika, bidhaa za vifaa vya umeme wa jua zipo katika kundi la vifaa vya Viwango vya Lazima (*Mandatory Standards*). Hivyo, ni lazima vikaguliwe na kupimwa ili kuthibitisha kama vina ubora wa kiwango husika kabla ya mzalishaji au mfanyabiashara kuruhusiwa kuuza sokoni. Vifaa hivyo hupimwa kwa kutumia mfumo wa *Preshipment Verification of Conformity (PVOC)* isipokuwa kwa bidhaa za betri na electric cable ambazo hupimwa kwa kutumia mfumo wa *Destination Inspection (DI)* .

Mheshimiwa Spika, pia hukagua na kupima bidhaa zote zikiwemo za umeme wa jua zinazolingia nchini kupitia mipaka ya nchi yetu iliyorasimishwa na Serikali na katika bandari zetu kabla ya kuruhusiwa kuingia katika soko la Tanzania. Vilevile, hufanya ukaguzi katika soko na maghala ili kubaini ubora wa bidhaa zilizopo kwenye soko zikiwemo vifaa vya umeme wa jua (*solar panel and its associated components*). Pale inapobainika kuwa bidhaa husika haijakidhi kiwango, muagizaji au muuzaji hutakiwa kuharibu bidhaa hizo kwa gharama zake mwenyewe au kuzirudisha katika nchi zinakotoka. Shirika pia hutoa elimu kwa umma na waagizaji wa bidhaa mbalimbali ikiwa ni pamoja na bidhaa za umeme wa jua kwa lengo la kuhakikisha kuwa bidhaa zote za umeme wa jua zinazolingia na kuuzwa hapa nchini zina ubora unaokubalika.

SPIKA: Tunaendelea Waheshimiwa Wabunge, Katibu.

NDG. LAWRENCE MAKIGI – KATIBU MEZANI:

MISWADA YA SHERIA YA SERIKALI

Muswada wa Sheria ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu wa Mwaka 2020 [The Deep Sea Fisheries Management and Development Bill, 2020]

(Kusomwa Kwa Mara ya Pili)

SPIKA: Ahsante sana. Sasa moja kwa moja nimkaribishe mtoa hoja, Waziri Waziri wa Mifugo na Uvuvi, Mheshimiwa Luhaga Mpina ili aweze kuwasilisha hoja yake mzeani.

WAZIRI WA MIFUGO NA UVUVI: Mheshimiwa Spika, naomba kutoa hoja kwamba Muswada wa Sheria ya Usimamizi na Kuendeleza Uvuvi wa Bahari Kuu wa Mwaka 2020 [The Deep Sea Fisheries Management and Development Bill, 2020] pamoja na marekebisho yake sasa yasomwe kwa mara ya pili.

Mheshimiwa Spika, kipekee napenda kutoa shukrani zangu za dhiti kwa Kamati ya Kudumu ya Bunge ya Kilimo, Mifugo na Maji chini ya Mwenyekiti wake Mheshimiwa Mahmoud Hassan Mgimwa, Mbunge wa Mufindi Kaskazini na Makamu Mweyekiti wake Mheshimiwa Dkt. Christine Gabriel Ishengoma, Mbunge wa Viti Maalum wa Mkoa wa Morogoro kwa ushirikiano, maelekezo na ushauri mzuri sana waliutoa wakati wa kupitia Muswada huu.

Vilevile, napenda kutoa shukrani zangu za dhiti kwa Mheshimiwa Mmanga Mjengo Mjawili, Mjumbe wa Baraza la Wawakilishi, Waziri wa Kilimo, Maliasili, Mifugo na Uvuvi wa Serikali ya Mapinduzi ya Zanzibar kwa ushirikiano mkubwa alionipatia katika kuandaa Muswada huu. *(Makofi)*

Mheshimiwa Spika, napenda kulihakikishia Bunge lako Tukufu kwamba Muswada huu umezingatia kwa kiasi kikubwa ushauri na mapendekezo ya Kamati. Pia maoni na ushauri kutoka Serikali ya Mapinduzi ya Zanzibar yamezingatiwa katika Muswada huu. Aidha, namshukuru pia Mwanasheria Mkuu wa Serikali Prof. Adelardus Kilangi kwa kusaidia kukamilika kwa Muswada huu pamoja na marekebisho yake. Pia tunawashukuru wadau mbalimbali wa sekta ya uvuvi nchini ambao kwa nyakati tofautitofauti waliotoa ushauri wao kuhusu Muswada huu. (*Makofi*)

Mheshimiwa Spika, lengo la Muswada huu ulioambatishwa pamoja na hati hii ni kutungwa kwa Sheria mpya ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu ya Mwaka 2020 [*The Deep Sea Fisheries Management and Development Bill, 2020*].

Mheshimiwa Spika, madhumuni ya Muswada. Muswada huu unapendekeza kutungwa kwa Sheria Mpya ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu ya Mwaka 2020 pamoja na kuweka masharti bora ya usimamizi, udhibiti na uhifadhi wa rasilimali za uvuvi katika Ukanda Maalum wa Uchumi wa Bahari Kuu (*EEZ*). Kutungwa kwa sheria hii kutaimarisha utekelezaji wa matakwa ya sheria na mikataba ya kikanda na kimataifa katika kudhibiti, kuendeleza na kuhifadhi rasilimali za uvuvi. Aidha, Muswada unaopendekezwa unakusudia kuifuta Sheria ya Mamlaka ya Usimamizi wa Uvuvi wa Bahari Kuu, Sura ya 388.

Mheshimiwa Spika, sababu ya kutungwa kwa sheria mpya na kufutwa kwa Sheria ya Mamlaka ya Kusimamia Uvuvi wa Bahari Kuu Na. 1 ya mwaka 1998 [*The Deep Sea Fishing Authority No. 1 of 1998*] pamoja na Marekebisho yake ya Sheria Na.4 ya mwaka 2007 ni kuondoa changamoto zilizopo katika sheria hiyo ikiwemo kutokuzingatia kwa masuala muhimu ya kusimamia meli za uvuvi zinazopeperusha Bendera ya Tanzania nje ya mipaka ya Bahari ya Tanzania, uhifadhi na usimamizi wa rasilimali za uvuvi (*conservation and management measures*), udhibiti wa uvuvi haramu (*Illegal, Unreported and Unregulated Fishing (IUU)*),

udhibiti wa bandari (*port states measures*), uwezo wa Mawaziri wenye dhamana kuingia mikataba ya uvuvi (*Bilateral Fishing Agreement*), ukusanyaji na ubadilishanaji wa taarifa za uvuvi na mavuno ya samaki na uhifadhi wa mazingira (*EEZ*) na vivutio (*incentives*) kwa wavuvi na wawekezaji wa Tanzania.

Mheshimiwa Spika, mambo muhimu yaliyozingatiwa katika Muswada huu ni pamoja na:-

(i) Kuweka utaratibu wa usimamizi wa meli za uvuvi zinazopeperusha Bendera ya Tanzania.

(ii) Kuweka utaratibu wa usimamizi, uhifadhi, udhibiti na uendelezaji wa rasilimali za uvuvi katika *EEZ* ya Tanzania.

(iii) Kuweka utaratibu wa kudhibiti uvuvi haramu usitolewa taarifa na usiodhibitiwa kwa kutumia badanri (*port states measures*).

(iv) Kuendeleza kuwepo kwa masharti mahususi yaliyoanzisha Mamlaka na muundo wake.

(v) Kuweka mfumo wa ukusanyaji wa taarifa za uvuvi na mavuno ya samaki.

(vi) Uwezo wa Waziri mwenye dhamana kuingia mikataba ya uvuvi.

(vii) Kuweka masharti ya kuvua kwa meli za uvuvi za kigeni.

(viii) Kuweka vivutio kwa meli za wazawa na wawekezaji wa ndani ya nchi.

(ix) Kuweka utaratibu wa kukamatwa, kuuzwa, kutaifishwa au kuachiwa kwa dhamana vifaa vilivyokamatwa na kuhusishwa na kosa.

(x) Kuanisha makosa na adhabu dhidi ya ukiukwaji wa sheria.

Mheshimiwa Spika, matokeo ya kutungwa kwa sheria hii ni pamoja na:-

(i) Kuchochea uwekezaji katika ukanda wa uchumi wa Bahari Kuu na kuongezeka mapato yatokanayo na rasilimali za uvuvi wa Bahari Kuu.

(ii) Kuimarika kwa mahusiano ya kikanda na kimataifa kutokana kwa kupungua kwa matokeo ya uvuvi haramu na kuimarisha udhibiti na ufuatiliaji wa meli za uvuvi zinazopeperusha Bendera ya Tanzania zinapovuka nje ya mipaka ya nchi katika Bahari Kuu (*High Seas*) na *EEZ* ya nchi nyingine.

(iii) Kupungua kwa upotevu wa rasilimali za uvuvi na uharibifu wa mazingira ya bahari kutokana na kuimarika kwa udhibiti wa uvuvi haramu na usimamizi wa matumizi endelevu ya rasilimali za uvuvi.

(iv) Kuimarika kwa mfumo wa ukusanyaji wa taarifa za uvuvi na mavuno ya samaki utakaounganisha taarifa za maji ya ndani, ya kitaifa na eneo la ukanda wa uchumi wa Bahari Kuu na kupelekea kuongezeka kwa uwekezaji kwenye Sekta ya Uvuvi.

(v) Kuimarika kwa viwango vya utekelezaji wa taratibu za miongozo ya kikanda pamoja na kupungua kwa makosa yatokanayo na ukiukwaji wa sheria nchini.

(vi) Kufutwa kwa Sheria ya Kusimamia Uvuvi wa Bahari Kuu Sura 388 na kuwepo kwa Sheria Mpya ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu ya 2020 [*The Deep Sea Fisheries Management and Development Bill, 2020*].

(vii) Sheria inayopendekezwa kutumika kwenye Ukanda wa Uchumi wa Bahari Kuu (*Exclusive Economic Zone*) na sheria inayopendekezwa kutumika pande zote za Muungano.

Mheshimiwa Spika, mpangilio wa Muswada. Muswada huu umegawanyika katika sehemu kuu kumi na

nne. Sehemu ya Kwanza ya Muswada huu inahusu masharti ya utangulizi ikijumuisha jina, sheria, utaratibu na kuanisha tarehe ya kuanza kutumika kwa sheria inayopendekezwa kutungwa, tafsiri na baadhi ya maneno na misamiati mbalimbali iliyotumika katika sheria inayopendekezwa na mipaka ya matumizi ya sheria inayopendekezwa kutungwa.

Mheshimiwa Spika, Sehemu ya Pili ya Muswada inaweka masharti ya kuanzisha Mamlaka ya Kusimamia Uvuvi wa Bahari Kuu. Sehemu hii inabainisha majukumu ya mamlaka kuendana na mahitaji ya kisera na hatua za ufuatiliaji na udhibiti wa rasilimali wa uvuvi katika Ukanda Maalum wa Uchumi wa Bahari Kuu.

Mheshimiwa Spika, Sehemu ya Tatu ya Muswada huu inaainisha vyombo vikuu vya mamlaka na majukumu yake, muundo na usimamizi wa mamlaka, uteuzi wa Mkurugenzi Mkuu na Naibu Mkurugenzi Mkuu, muda wa kuwa ofisini kwa Mkurugenzi Mkuu, muda wa kuwa madarakani, majukumu na mamlaka ya Mkurugenzi Mkuu, masharti yanayohusiana na watumishi wa mamlaka, mipaka ya uwajibikaji wa maafisa, utaratibu wa kukasimu madaraka kwa baadhi ya kazi za mamlaka na utaratibu wa kutangaza mgongano wa kimaslahi pale inapohitajika kufanyika hivyo.

Mheshimiwa Spika, Sehemu ya Nne ya Muswada huu inaainisha taratibu kuhusu uhifadhi, usimamizi na uendelezaji wa rasilimali za uvuvi kwa matumizi endelevu, utekelezaji wa miongozo ya Kimataifa na Kikanda, kuzingatia tafiti za kisayansi na wajibu wa wenye meli kutekeleza miongozo hiyo. Aidha, sehemu hii inaweka masharti kuhusu uanzishwaji wa mipango ya usimamizi wa rasilimali za uvuvi (*fisheries management plans*) na maeneo ya hifadhi katika EEZ ya Tanzania.

Mheshimiwa Spika, Sehemu ya Tano ya Muswada huu inaainisha masharti ya ujumla yanayohusiana na utoaji wa leseni za uvuvi, masharti ya meli zinazipeperusha Bendera ya Tanzania na utaratibu wa meli za kigeni zenye leseni au vibali vinavyotolewa chini ya sheria inayopendekezwa. Sehemu hii

pia inaweka masharti ya zuiro kwa meli za uvuvi kutojihusisha na makosa yanayovuka mipaka ya nchi na kuweka zuiro la kufanya uhaulishaji kwa shughuli yoyote katika ukanda wa EEZ. Masharti mengine katika sehemu hiyo yanayohusu utaratibu wa namna ya kuomba usajili wa meli za kigeni hapa nchini.

Aidha, sehemu hiyo inaainisha masharti yanayopaswa kufuatwa kwa meli za uvuvi za wazawa zinazojishughulisha na uvuvi katika maeneo ya Bahari Kuu. Mwisho, Sehemu ya Tano inatoa fursa kwa wazawa kupatiwa vichocheo (*incentives*) ili kuwawezesha kuwekeza katika uvuvi wa EEZ. Pia sehemu hii inabainisha uwezo wa kisheria wa Waziri anayesimamia uvuvi kuingia makubaliano na nchi nyingine au Jumuiya ya Kiuchumi za Kikanda na Kimataifa kuhusu uhifadhi, usimamizi na uendelezaji wa rasilimali za uvuvi kwa mashirikiano na nchi nyingine.

Sehemu ya Sita ya Muswada inapendekeza kuanzishwa kwa mfumo wa usajili wa taarifa. Mfumo huu unakuwa na taarifa na takwimu za samaki kulingana na kigezo cha Kikanda na Kimataifa. Aidha, inaelekeza utaratibu wa masharti ya upatikanaji wa taarifa na usiri wa taarifa kupitia mfumo wa ufuatiliaji, teknolojia inayotumika na masharti mengine ya kiufundi (*Vessels Monitoring System (VMS)* na *Automatic Identification System (AIS)*). Sehemu ya Saba ya Muswada huu inaainisha masharti yanayohusu viwango vya samaki, masharti ya kuingiza samaki nchini na kusafirisha samaki nje ya nchi.

Mheshimiwa Spika, Sehemu ya Nane ya Muswada inaweka masharti ya wajibu wa kufanya ufuatiliaji, usimamizi na udhibiti katika EEZ na maeneo mengine ya kutumia meli, ndege za doria na vyombo vingine vya mawasiliano. Aidha, sehemu hii inaelezea udhibiti wa uvuvi haramu kupitia bandari (*Port State Measures (PSM)*) na ufuatiliaji wa meli ya uvuvi zinazofanya au kushukiwa kufanya uvuvi haramu nchini na kukimbia nchi nyingine na Sehemu ya Tisa ya Muswada inaweka masharti yanayohusu kukamata, kuuza, kutaifisha, kuachiwa kwa dhamana, vifaa au samaki waliokamatwa

kutokana na makosa yaliyofanywa na meli ya uvuvi pamoja na taratibu zake na Sehemu ya Kumi ya Muswada huu inaweka utaratibu wa kushughulikia makosa yanayofanyika nje ya EEZ ya Tanzania. Pia Muswada unabainisha mamlaka ya Mahakama Kuu ya Tanzania Bara na Zanzibar kusikiliza makosa mbalimbali yaliyotajwa katika sheria inayopendekezwa. Aidha, inaelekeza uwajibikaji wa umiliki au nahodha wa meli za uvuvi kwa makosa yaliyofanywa na baharia hadi pale itakapothibitika vinginevyo.

Mheshimiwa Spika, Sehemu ya Kumi na Moja ya Muswada huu inaelezea masharti kuhusu ushahidi wa taarifa za doria za ndege au meli na taarifa za meli kupitia mifumo ya ufuatiliaji (*Vessel Monitoring System and Automatic Identification System*). Sehemu ya Kumi na Mbili ya Muswada inaweka masharti kuhusu vyanzo vya fedha za mamlaka, mgao wa fedha kwa Serikali ya Jamhuri ya Muungano wa Tanzania, Serikali ya Mapinduzi Zanzibar na Mamlaka. Aidha, inaelekeza utaratibu wa kuwasilishwa kwa taarifa ya hesabu za Mamlaka Bungeni na Baraza la Wawakilishi, uwezo wa kukopa kisheria na kuanzishwa kwa Bodi ya Wazabuni ya Mamlaka.

Mheshimiwa Spika, Sehemu ya Kumi na Tatu ya Muswada inabainisha makosa mbalimbali na adhabu zake ambazo zimeainishwa katika Jedwali la Pili la Muswada wa Sheria inayopendekezwa. Aidha, inatoa adhabu ya jumla (*general penalty*) kwa makosa yasiyoainishwa katika Jedwali la Pili na uwezo wa Mkurugenzi Mkuu wa Mamlaka kufifilisha makosa.

Sehemu ya Kumi na Nne na ya mwisho inaweka masharti ya jumla ikiwemo uhusiano wa sheria inayopendekezwa na sheria nyingine, utaratibu wa utoaji wa taarifa kwa maandishi, uwezo wa kuingia mikataba na taasisi za Tanzania Bara na Zanzibar na mamlaka ya Waziri kutunga kanuni mbalimbali za utekelezaji wa masharti ya sheria inayopendekezwa. Sehemu hii pia inaainisha masharti ya kufutwa kwa Sheria ya Mamlaka ya Kusimamia Uvuvi wa Bahari Kuu, Sura 388.

Hitimisho; kwa ujumla mapendekezo ya sheria hii ni mwendelezo wa jitihada na hatua za Serikali ya Awamu ya Tano inayoongozwa na Mheshimiwa Dkt. John Pombe Joseph Magufuli, Rais wa Jamhuri ya Muungano wa Tanzania katika kuweka mazingira bora ya uwekezaji na usimamizi katika uvuvi wa Bahari Kuu. Aidha, mbali ya kutungwa kwa sheria hii mpya, Tanzania imeridhia Mkataba wa Kimataifa wa *FAO* wa kuzuia uvuvi haramu kupitia bandari za nchi wanachama (*Agreement on Port State Measures to Prevent Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA)*) tarehe 14 Novemba, 2019. Serikali ya Jamhuri ya Muungano wa Tanzania na Serikali ya Mapinduzi ya Zanzibar zinatekeleza mikakati mbalimbali ikiwemo kufufua mashirika ya uvuvi (*TAFICO* na *ZAFICO*) ambapo ununuzi wa meli kwa ajili ya uvuvi wa Bahari Kuu uko katika hatua mbalimbali. Pia ujenzi wa bandari ya uvuvi upo katika hatua za mwisho za upembuzi yakinifu. (*Makofi*)

Vilevile ni furaha yangu kuwa katika Kikao hiki cha Bunge, Bunge lako Tukufu litaridhia Mkataba wa Kimataifa Kuhusu Viwango vya Mafunzo, Utoaji wa Vyeti na Usimamizi wa Wafanyakazi wa Meli za Uvuvi. Mkataba huu utarahisisha usimamizi na utoaji wa vyeti kwa mabaharia wenye sifa stahiki kwa meli za uvuvi na kuwezesha wataalam wanaomaliza mafunzo katika vyo vya uvuvi hapa nchini kupata ajira nje ya nchi.

Mheshimiwa Spika, baada ya maelezo hayo, naomba kuwasilisha ili Waheshimiwa Wabunge muujadili Muswada wa Sheria ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu wa mwaka 2020 na hatimaye kukubali kuupitisha ili kuimarisha usimamizi, uhibititi na uhifadhi wa rasilimali za uvuvi katika Ukanda Maalum wa Uchumi wa Bahari Kuu (*EEZ*). Vilevile, sheria hii itachochea uwekezaji na kulifanya Taifa letu kunufaika na rasilimali zilizopo katika Ukanda wa Uchumi wa Bahari Kuu na hatimaye kuongeza mchango katika Pato la Taifa na mapato ya Serikali kwa pande zote mbili za Muungano.

Mheshimiwa Spika, naomba kutoa hoja. (*Makofi*)

THE UNITED REPUBLIC OF TANZANIA

No. 3

13th January, 2020

SPECIAL BILL SUPPLEMENT

To the Special Gazette of the United Republic of Tanzania No. 2 Vol. 101 Date 13th January, 2020
Printed by the Government Printer, Dodoma by Order of Government

THE DEEP SEA FISHERIES MANAGEMENT AND DEVELOPMENT ACT,
2020

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NOTICE
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This Bill to be submitted to the National Assembly is published for general information to the general public together with a statement of its objects and reasons.

Dodoma,
9th January, 2020

JOHN W. H. KIJAZI,
Secretary to the Cabinet

A BILL

for

An Act to make provisions for recognition of the existence of the Deep Sea Fishing Authority, provide for administration of the Authority, management and development of fisheries conservation and related activities in all areas which the United Republic exercises jurisdiction; for the exercise of effective control of fishing and related activities of nationals of the United Republic in areas beyond national jurisdiction; for the repeal of the Deep Sea Fishing Authority Act, Cap. 388 and to provide for related matters.

ENACTED by Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

Short title and commencement

1. This Act may be cited as the Deep Sea Fisheries Management and Development Act, 2020 and shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.

Application

2.-(1) This Act shall apply to Mainland Tanzania as well as Tanzania Zanzibar.
(2) This Act shall be construed as being in addition to and

Deep Sea Fisheries Management and Development Act

Cap. 238 not in derogation of the Territorial Sea and Exclusive Economic Zone Act for fishing purposes in the Exclusive Economic Zone and other areas which the United Republic exercises jurisdiction rights or sovereign rights, and shall for all fishing intents and purposes complement that Act.

(3) This Act shall have extraterritorial application according to its provisions and tenor.

Interpretation

3. In this Act, unless the context otherwise requires-
“aircraft” includes any craft capable of self-sustained movement through the atmosphere, helicopters and unmanned or remotely operated airborne devices;

“associated electronic equipment” means any device or system which is used to locate, track or otherwise monitor a fish aggregating device;

“Authorized Fishing Vessel” which is also known by its acronym as “AFV”, in relation to an international conservation and management measure, means a fishing vessel on the record of fishing vessels of an applicable regional fisheries management organization that is:

- (a) larger than twenty four meters in length overall; or
- (b) in case of fishing vessels less than twenty four meters in length overall, those operating in waters outside the Exclusive Economic Zone of the flag state, and hold a valid and applicable authorization to fish in the area of competence of such regional fisheries management organization;

“authorized officer” means officers of the Authority, fisheries officers of the Government, ministries responsible for fisheries, members of police force, members of defense force, KMKM, officers of Customs and Revenue Department or any other person designated as such by the Minister;

“Authority” means the Authority established under section 5;

“Automatic Identification System (AIS)” means a system required pursuant to Chapter V, Regulation 19 of the International Convention for the Safety of Life at Sea as may be applicable to fishing vessels from time to time;

“bycatch” means part of a catch of a fishing unit taken incidentally in addition to the target species towards which fishing effort is directed;

“carcass” in relation to sharks means all parts of the shark except for the head and viscera;

“Court” means the High Court of Tanzania or the High Court of Zanzibar, as the case may be;

“data buoy” means floating devices, either drifting or anchored, that are deployed by governmental organizations, recognized scientific organizations or entities for the purpose of electronically collecting and measuring environmental data and excludes fishing activities;

“Director General” or “Deputy Director General” means the Director General or Deputy Director General of the Authority appointed under section 15 of this Act;

“Exclusive Economic Zone” shall have a meaning ascribed to it under the Territorial Sea and Exclusive Economic Zone Act;

“Executive Committee” means the Committee established under section 8;

“fish” means all forms of aquatic or amphibious marine life and includes finfish, shell fish, dugong, turtle, dolphins and whales and their spat, brood, fry, spawn, ova or young;

“Fish Aggregating Device” which is also known by its acronym as “FADS” means an object or group of objects of any size, whether drifting, anchored or deployed or not, that is natural, manufactured or a combination of both and includes buoys, floats, netting, webbing, plastics, metals, bamboo, logs and objects with electronic devices affixed floating or designed to float on or near the surface of the water with which fish may associate, and any natural floating object on which associated electronic equipment has been placed to facilitate its location;

“fisher” includes a person employed or engaged in any capacity or carrying out an activity on board any fishing vessel and persons working on board who are paid on the basis of a share of the catch;

“fishery” means-

(a) one or more stocks of fish, or parts thereof, which can be treated as a unit for the purposes of conservation and management, taking into account geographical, scientific, technical, customary, recreational, economic and other relevant characteristics; or

(b) any fishing for such stocks;

“fishery inspector” means any person appointed under section 16(1)(n);

“fishery observer” means any person appointed under section 16(1)(n);

- “fish stock” means a population of fish, including migratory species, which constitute coherent reproductive unit;
- “fishing” means searching for, attracting, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of fish, and includes the deployment, monitoring and retrieving of Fish Aggregating Devices;
- “fishing vessel” means any vessel used for, equipped to be used for or of a type that is normally used for fishing or related activities;
- “flag state” means the state under whose laws the vessel is registered, and whose flag a ship flies and is entitled to fly;
- “foreign fishing vessel” means any fishing vessel other than a Tanzanian fishing vessel;
- “gear” in relation to fishing, means any equipment, implement or other item that can be used in the act of fishing, and includes any net, rope, line, float, trap, hook, Fish Aggregating Device, winch, boat, craft or aircraft carried on board a vessel or aircraft or vehicle used in association with this Act;
- “instrumented buoy” means a buoy, associated with a drifting Fish Aggregating Device, with a clearly marked reference number allowing its identification and equipped with a satellite tracking system to monitor its position;
- “international agreement” means a treaty, convention or other form of agreement or arrangement legally binding upon the United Republic entered into with another state or other states;
- “KMKM” is an acronym of the words “Kikosi Maalum cha Kuzuia Magendo”;
- “International Conservation and Management Measure” which is also known by its acronym as “ICMM” means any measure to conserve and manage fish or fisheries that are adopted and applied consistently with the relevant rules of international law, including those reflected in the 1982 United Nations Convention on the Law of the Sea and the 1995 United Nations Fish Stocks Agreement, by any regional fisheries management organization, treaty, agreement or arrangement applicable to the United Republic;
- “landing” in relation to fish, means bringing any fish or fish product to a port or other landing site and offloading it from the vessel, and “landed fish” may refer to the number

- or weight of such fish;
- “licensing officer” means a person appointed under section 16 (1)(n);
- “Minister” means the Minister responsible for fisheries in Mainland Tanzania;
- “Ministers” means the Minister responsible for fisheries in Mainland Tanzania and the Minister responsible for fisheries in Tanzania Zanzibar;
- “Mobile Transceiver Unit” which is also known by its acronym as “MTU” means a device approved by the Director General, which is installed on board a fishing vessel and designed to automatically transmit, whether independently or in conjunction with another device or devices, information or data concerning position, fishing, catch and such other activities as may be required, and allows detection and identification of the fishing vessel at all times;
- “national”, when referring to a national of the United Republic, includes persons as well as vessels registered in accordance with the laws relating to maritime transport and other applicable laws of the United Republic;
- “national fishing logbook” or “fishing logbook” means any permanently bound logbook issued by the flag state of a vessel and required for any purpose relating to fishing or related activities, with irremovable pages, each of which is consecutively numbered and printed with an applicable serial number;
- "operator" means any person who is in charge of, responsible for the operations of, directs or controls a vessel, including the owner, charterer, master and the beneficiary of the economic or financial benefit of the vessel's operations;
- “organized criminal group” shall have a meaning as ascribed to it under the 2003 United Nations Convention against Transnational Organized Crime and includes a group of three or more persons that were not randomly formed and has existed over a period of time and that acts in concert with the aim of committing a crime punishable by at least four years' incarceration in order to obtain, directly or indirectly, a financial or other material benefit;
- “public notice” includes the posting of relevant requirements of an applicable international conservation and management measure upon a publicly available website associated with the Authority;
- "Regional Fisheries Management Organization" which is also

known by its acronym as “RFMO” means an inter-governmental fisheries organization or arrangement, as appropriate, that has the competence to establish international conservation and management measures;

“related activities”, in relation to fishing or “fishing related activities”, includes any operation in support of, or in preparation for fishing including the landing, packaging, processing, transshipping or transporting of fish that have not been previously landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea;

“relevant RFMO” means an RFMO in which the United Republic is a member or is otherwise legally bound by ICMMs adopted in accordance with its procedures;

“Tanzanian Fishing Vessel” means a fishing vessel registered in accordance with this Act and other applicable laws of Tanzania and which holds a valid and applicable registration issued by Tanzania Maritime Authorities and flies the Tanzanian flag and does not have a registration issued by any other state;

“targeted species” means main fish species which a fishing vessel is licensed to harvest;

“Technical Advisory Committee” means the Technical Advisory Committee established under section 11;

“transnational crime” includes-

- (a) offences committed in more than one state and offences which take place in one state but are planned or controlled in another;
- (b) crimes in one state committed by groups that operate in more than one state; and
- (c) crimes committed in one state that impact on other states;

“trans-shipment” means the transfer of fish or fish products to or from any vessel, and includes the transfer of fish or fish products from a vessel to a land-based facility exclusively for purposes of promptly on loading to another vessel, without being subject to importation into the country where the land-based facility is located;

“use of port” means use for landing, trans-shipping, packaging or processing of fish or for other port services including, re-fueling, resupplying, maintenance and dry docking;

“vessel” means any boat, ship, hovercraft or other water going craft, and includes fishing vessels;

“vessel monitoring operations centre” means a centre established

pursuant to this Act; and

“Vessel Monitoring System which is also known by its acronym as “VMS” means a satellite-based reporting system to monitor position and activities of fishing vessels for the purpose of effective management of fisheries.

Scope of Act

4. The scope of this Act shall include-

- (a) all fishing and related activities and any other activity or matter, and all persons, vessels and vehicles falling within the scope of this Act or any applicable international conservation and management measure;
- (b) all persons and all vessels in and in relation to areas beyond national jurisdiction-
 - (i) following hot pursuit initiated in waters under the jurisdiction of the United Republic and conducted in accordance with international law; or
 - (ii) as required pursuant to this Act or international conservation and management measures or permitted by international law or any international agreement; and
- (c) all Tanzanian fishing vessels and persons on Tanzanian fishing vessels or dealing with or having any relevant relationship to them or persons associated with them, in and in relation to any areas within or beyond national jurisdiction in so far as this is not in conflict with the jurisdiction of another state.

PART II

CONTINUATION OF THE DEEP SEA FISHING AUTHORITY

Continuation of
the Authority

5.-(1) There shall continue to exist an Authority to be known as the Deep Sea Fishing Authority.

(2) The Authority shall be a body corporate and shall-

- (a) have perpetual succession and a common seal;
- (b) in its corporate name, be capable of suing and being sued;
- (c) be capable of acquiring, holding and disposing of movable and immovable property;
- (d) have exclusive authority for the exploration, exploitation, conservation and management of fisheries in the Exclusive Economic Zone in accordance with the law relating to Territorial Sea and Exclusive Economic Zone;
- (e) exercise such other powers and perform such functions which are necessary for the proper performance of its

functions or which may be performed under this Act.

(3) The headquarters of the Authority shall be in Tanzania Zanzibar, and for purposes of the smooth execution of its functions, the Authority may establish branches in any part of the United Republic within or outside Tanzania Zanzibar.

Functions of
Authority

- 6.** The functions of the Authority shall be to-
- (a) formulate, implement and monitor the implementation of national policy and strategies concerning the conservation, management, development and sustainable use of fishery resources in the Exclusive Economic Zone;
 - (b) develop, manage and control all activities relating to fisheries, including fishing and related activities, in relation to the Exclusive Economic Zone and all other areas, persons and activities within the application and scope of this Act, including:
 - (i) formulating appropriate standards on management, development and protection of the fishery resources that occur in the Exclusive Economic Zone;
 - (ii) developing guidelines for the preparation of fisheries specific management plans and developing plans for fishery resources that occur in the Exclusive Economic Zone;
 - (iii) concluding agreements for fisheries access by non-citizens and non-nationals, including foreign fishing vessels;
 - (iv) in collaboration, as may be appropriate, with Mainland Tanzania and Tanzania Zanzibar, managing fishing by citizens of the United Republic in or from vessels registered in the United Republic;
 - (v) regulating and administering the issuance of licences, authorizations and other required permissions for activities within the scope of this Act;
 - (vi) collecting and analysing data relating to fishery resources and activities in the Exclusive Economic Zone and other areas in which the United Republic exercises jurisdiction or rights or has responsibilities pursuant to any international conservation and management measure; and

- (vii) coordinating or undertaking monitoring, control, surveillance and enforcement of all activities within the scope of this Act;
- (c) identify and promote any necessary means toward generating income and social benefits;
- (d) formulate and coordinate programmes for scientific, economic, social or other research in relation to the fisheries;
- (e) negotiate and enter into any contract, agreement or cooperation with any national and regional fisheries management institution or organization, international organization or other institution in relation to any matter within the scope of this Act;
- (f) safeguard the marine environment of the Exclusive Economic Zone; and
- (g) do or undertake any other act or thing required or permitted to be done in furtherance of the objectives, purposes and provisions of this Act.

PART III

ADMINISTRATION OF THE AUTHORITY

Organs of the Authority

7. The Authority shall consist of the following organs:

- (a) the Executive Committee;
- (b) the Technical Advisory Committee; and
- (c) the Management.

Executive Committee

8.-(1) The Executive Committee shall consist of the following members:

- (a) Permanent Secretary of the Ministry responsible for fisheries in Mainland Tanzania;
- (b) Principal Secretary of the Ministry responsible for fisheries in Tanzania Zanzibar;
- (c) Permanent Secretary of the Ministry responsible for defense;
- (d) Permanent Secretary of the Vice President's office responsible for Union matters;
- (e) Principal Secretary of the Second Vice President's Office;
- (f) Principal Secretary responsible for "KMKM";
- (g) Permanent Secretary of the Ministry responsible for finance in Mainland Tanzania;

(h) Principal Secretary of the Ministry responsible for finance in Tanzania Zanzibar; and

(i) the Director General who shall be the Secretary of the Executive Committee.

(2) The Deputy Director General and directors of fisheries from both sides of the Union shall be members of the Secretariat.

(3) For the purposes of smooth, transparent and effective discharge of the functions of the Authority, the Chairmanship of the Executive Committee shall alternate after one meeting between the Principal Secretary of the Ministry responsible for fisheries in Mainland Tanzania and the Permanent Secretary responsible for fisheries in Tanzania Zanzibar.

Functions of
Executive
Committee

9. The Executive Committee shall have the following functions:

(a) appoint officers of the rank of director or manager as the case may be, in the management of the Authority, on the criteria, terms and conditions determined by the Committee;

(b) establish committees, sub-committees, working groups or other subsidiary body of the Authority as may be considered necessary;

(c) receive and review an annual report;

(d) approve and monitor the budget, work programmes and projects of the Authority;

(e) approve and monitor implementation of any policy concerning any or all matters under this Act;

(f) consider and as appropriate, take action on performance reports relating to the Authority;

(g) approve criteria for the issuance of licences and authorizations; and

(h) perform any other functions as may be directed or approved by the Ministers for better implementation of this Act.

Meeting and
procedure of
Executive
Committee

10.-(1) The Executive Committee shall ordinarily meet at least twice a year, and may hold an extraordinary meeting if a Chairman, considering the effective discharge of the functions of the Authority, so determines.

(2) The Executive Committee shall meet at such times and places as may be specified by notice in writing, to members of the impending meeting.

(3) The quorum at any meeting of the Executive

Committee shall be at least half of the members from each side of the Union:

Provided that in all meetings the Permanent Secretaries responsible for fisheries for both side the Union shall be present.

(4) The Executive Committee shall adopt financial and staff regulations for the Authority.

(5) The Executive Committee shall regulate its own procedures.

(6) The Executive Committee shall report to the Ministers.

(7) Where the Executive Committee fails, for any reason, to reach a decision on any matter within its jurisdiction, the Chairman shall refer that matter to the Minister who shall consult with the Minister responsible for fisheries in Tanzania Zanzibar, and their decision shall be binding upon both sides of the Union.

Technical
Advisory
Committee

11.-(1) The Technical Advisory Committee shall consist of the following members:

(a) the Director responsible for Fisheries of Mainland Tanzania;

(b) the Director responsible for Fisheries of Tanzania Zanzibar;

(c) two law officers from the office of the Attorney General one from each side of the Union;

(d) two fisheries economists one from each side of the Union;

(e) two marine scientific researchers from research institutions, one from each side of the Union; and

(f) two other members having knowledge and experience in the fishing industry one from each side of the Union.

(2) The Director General shall be the Secretary to the Technical Advisory Committee.

Functions of
Technical
Advisory
Committee

12. The functions of the Technical Advisory Committee shall be to:

(a) consider technical aspects of fisheries, including scientific, biological, social, economic and cultural, and provide advice in accordance with the objectives of this Act;

(b) make proposals for fisheries policies to be formulated by the Executive Committee;

(c) evaluate proposed fisheries projects and monitor ongoing projects of the Authority and report to the Executive Committee for consideration or approval;

- (d) evaluate and advise on the type of fishing vessels, fishing gears and sustainable fishing methods to be permitted in the management of fisheries under this Act;
- (e) evaluate performance reports on the administration and management of the Authority and report to the Executive Committee;
- (f) consider the budget proposed by the Director General and submit it to the Executive Committee for its consideration and approval; and
- (g) perform any other functions as may be directed by the Executive Committee for better implementation of this Act.

Meeting and
procedure of
Technical
Advisory
Committee

13.-(1) The Technical Advisory Committee shall ordinarily meet twice yearly and may hold an extraordinary meeting if the Chairman, considering the effective discharge of the functions of the Authority, so determines.

(2) The Technical Advisory Committee shall meet at such times and places as may be specified in the notice in writing, notifying members of the impending meeting.

(3) The Technical Advisory Committee shall regulate its own procedure.

(4) The Chairmanship of the Technical Advisory Committee shall alternate after one meeting between the Director responsible for fisheries of Mainland Tanzania and Tanzania Zanzibar.

Management of
Authority

14.-(1) There shall be a Management of the Authority which shall perform institutional management and administrative functions, and be headed by the Director General.

(2) The Management of the Authority shall consist of the following members:

- (a) the Director General;
- (b) the Deputy Director General;
- (c) Directors of the Departments; and
- (d) other officers as may be required subject to the need of the organization structure of the authority.

(3) The Director General shall be the chief executive officer of the Authority.

(4) The Deputy Director General shall be the chief assistant to the Director General and shall assist him in day to day activities of the Authority.

Deep Sea Fisheries Management and Development Act

Appointment of
Director General
and Deputy
Director General

15.-(1) There shall be the Director General and Deputy Director General of the Authority who shall be appointed by the President of the United Republic after consultation with the President of Tanzania Zanzibar.

(2) The Director General and Deputy Director General shall hold office for a term of three years and shall be eligible for reappointment after rotation.

(3) For the purpose of ensuring equal representation of both sides of the Union, the Director General and Deputy Director General shall, at any given time, be appointed one from Mainland Tanzania and the other from Tanzania Zanzibar, and subsequent appointments for each position shall alternate between the two sides of the Union.

(4) A person qualifies to be appointed as a Director General or Deputy Director General if that person has a first degree related to fisheries from a recognized university, and experience in that field for at least seven years of which five years shall be in managerial level.

Functions and
powers of
Director General

16.-(1) The functions and powers of the Director General shall be to:

- (a) supervise, manage and control the affairs of the Authority;
- (b) coordinate and facilitate the preparation of policy, plans and strategies concerning fisheries conservation, management, development and sustainable use of fishery resources;
- (c) prepare an annual report, including the budget and work programme of the Authority;
- (d) manage and coordinate as may be appropriate, through cooperating with other agencies of government, other governments, non-governmental organizations, regional bodies, regional fisheries management organizations and international organizations:
 - (i) the conservation, management, development and sustainable use of fishery resources;
 - (ii) the monitoring, control and surveillance of activities;
 - (iii) relevant quality control activities; and
 - (iv) any other activity that falls within the scope of this Act;
- (e) give effect to the responsibilities under paragraph (d)

- by recommending for consideration and implementation such measures as may be necessary to implement conservation and management measures in accordance with the objectives of this Act and any international agreement;
- (f) give directives to the members of management and other staff of the Authority;
 - (g) monitor and advise on international developments in fishery matters and ensure the fulfillment of obligations of the United Republic under international agreements;
 - (h) make decisions relating to the issuance, refusal, suspension and revocation of licences, authorizations and other forms of permission required under this Act;
 - (i) establish and maintain an information system concerning activities within the scope of this Act, including:
 - (i) all information required under any international agreement, including applicable regional fisheries management organizations;
 - (ii) all relevant information on the application and grant of licences, authorizations or other forms of permission required under this Act;
 - (iii) all information on activities of vessels, including their operators, operating under licence, authorization or other permission given under this Act relating to catches, by catches, discards, trans-shipments and other related activities;
 - (iv) activities carried out in violation of this Act, including details of any relevant legal or administrative action; and
 - (v) any other information that may, from time to time be required by the Director General or the Executive Committee.
 - (j) promote and facilitate:
 - (i) fisheries research, training and education;
 - (ii) the development of Fisheries Management Plans;
 - (iii) the sustainable development of the fisheries and associated industry, taking into account the objectives of this Act;
 - (k) liaise with the Technical Advisory Committee;
 - (l) make recommendations on any matter under the Director General's authority and take into account the

advice and recommendations of any committees established under this Act;

- (m) appoint the staff of the Secretariat, other than those appointed by the Executive Committee pursuant to section 9 of this Act, in accordance with the staff regulations of the Authority and other procedures and requirements that may be established;
- (n) appoint in writing among officers of the Authority to be licensing officers, fisheries inspectors, fisheries observers or authorized officers to carry out duties as prescribed in the Regulations;
- (o) represent the United Republic in meetings relating to bilateral, regional or international agreements, arrangements or organizations that relate to matters under the scope of this Act, or nominate such persons within the Authority as may be qualified to serve in such representative capacity; and
- (p) perform such functions or exercise such powers as may be prescribed or necessary to carry out the objectives and provisions of this Act.

(2) For the purpose of subsection (1)(i)(iii), the term “discard” means the portion of the total catch which is thrown away or slipped at sea, because it is of little or no economic interest to the fisher, or management regulations which may restrict landings *inter alia* the minimum size or quota.

(3) The Director General may, either generally or as otherwise provided by instrument of delegation, delegate to any officer any power or duty conferred or imposed to the Director General by this Act, other than powers stipulated under subsection (1)(h), (l), (m) and (n).

Staff and
officers of
Authority

17.-(1) There shall be employed by the Authority such number of employees in such categories and titles as may be necessary for the efficient discharge of the functions of the Authority and on such terms and conditions as may be determined by the Authority.

(2) Employment of staff for the Authority shall, other than the Director General and Deputy Director General, be permanent employment governed by employment and labour laws for the time being applicable to the United Republic.

(3) The Director General may, in consultation with the Executive Committee, employ persons for specific task on temporary basis.

Limitation of liability

18. A person authorized to perform the functions of the Authority shall not be personally liable for any loss or damage suffered to any person by reason of anything done or not done in good faith.

Power to delegate functions of Authority

19.-(1) The Authority may, in consultation with the Executive Committee, delegate some of its functions to any authorised person to act on its behalf.

(2) The functions under subsection (1) may be exercised subject to such conditions, qualifications, limitations or exceptions as the Authority may direct.

Conflict of interest

20.-(1) Where a person discharges responsibilities or performs functions or duties that fall within the scope of this Act, such person shall, if has an interest of a financial or fiduciary nature or otherwise that conflicts with such functions or duties, be required to promptly disclose in writing the nature of such interest.

(2) Where a disclosure is made pursuant to subsection (1), the Minister or the Director General, as the case may be, shall appoint another officer to perform such functions in respect of that matter.

(3) For the purposes of this section, a person has an interest in a matter if he:

- (a) may derive a financial or in-kind benefit from the matter;
- (b) is the spouse, child or parent of a person who may derive a financial benefit from the matter;
- (c) may have a financial interest in a person to whom the matter relates;
- (d) may have a fiduciary relationship with a person to whom the matter relates;
- (e) is a partner, director, officer, board member or trustee of a person who may have a financial interest in a person to whom the matter relates; or
- (f) may be interested in the matter because this Act so provides.

(4) The Authority shall not engage in any activity which would result in a conflict of interest with its functions and objectives.

(5) A person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine as set out in the Second Schedule or to a term of imprisonment not exceeding five

years or to both.

PART IV

FISHERIES CONSERVATION, MANAGEMENT AND DEVELOPMENT

Conservation
and management
measures

21.-(1) The Authority shall, in giving effect to its responsibilities pursuant to this Act, develop, implement, monitor and enforce conservation and management measures necessary to ensure the long-term sustainable use of fishery resources.

(2) Subject to subsection (1), the conservation and management measures shall be prescribed in the Regulations.

(3) Without prejudice to the jurisdiction and sovereign rights of the United Republic over resources in the Exclusive Economic Zone, conservation and management measures shall implement applicable international conservation and management measures, action plans and as may be appropriate, scientific recommendations adopted by any relevant regional fisheries management organization.

(4) Conservation and management measures shall be developed, where necessary, taking into account consultations with stakeholders.

(5) A person who contravenes any conservation and management measure taken pursuant to this Act commits an offence and shall, on conviction, be liable to a fine as set out in the Second Schedule or any other penalty that may be provided under this Act.

Fisheries
research in
Exclusive
Economic Zone

22.-(1) The Director General shall, in collaboration with relevant research institutions and other stakeholders or as may be advised by the Technical Advisory Committee, arrange for research to be carried out concerning fisheries in the Exclusive Economic Zone.

(2) Research conducted under subsection (1) may include-

- (a) fish stock assessment;
- (b) studies on fish migratory patterns;
- (c) fishing season;
- (d) fish biology;
- (e) biodiversity;
- (f) environment;
- (g) ecology;
- (h) socio-economic factors;
- (i) Monitoring Control and Surveillance; or
- (j) any other research relating to fisheries.

(3) Where a research under this section involves an operator of a fishing vessel holding a licence or authorization issued under this Act, the Director General may enter into an agreement with such operator to participate in such research or tagging programme, and such agreement shall include requirements for the operator to-

- (a) retain the tags onboard; and
- (b) report to the Director General together with data on vessel name, catch position, date of capture, length and weight of individual tagged fish and name of person reporting the capture.

Implementation
of regional
conservation and
management
measures

23.-(1) The requirements of any applicable ICMM in the United Republic shall, without prejudice to the jurisdiction and sovereignty of the United Republic and upon such public notice of the applicable ICMM requirements, apply to:

- (a) any owner, operator or master of any Tanzanian fishing vessel that holds a valid licence or authorization issued by the Authority and is entered on the Record of Authorized Vessels of a relevant RFMO and authorized to fish for the species and in the area of competence under the mandate of such RFMO;
- (b) any owner, operator or master of any other fishing vessel that falls under this Act and the applicable ICMM; or
- (c) any Tanzanian citizen.

(2) It shall be a condition of every licence, authorization or other permission issued pursuant to this Act that each of the owner, operator and master of a relevant fishing vessel shall comply with the requirements of any ICMM from the date of public notice unless the Director General notifies an extension for a reasonable period of time to allow arrangements for compliance to be made.

(3) The Director General shall notify holders of licences and authorizations of the relevant obligations of each applicable ICMM upon its date of public notice to this Act.

(4) A person who contravenes this section commits an offence and shall, on conviction, be liable to a fine set out in the Second Schedule to this Act.

Fisheries
Management
Plans

24.-(1) The Executive Committee may designate priority fishery or fisheries for the purpose of developing Fisheries Management Plans and in doing so shall take into account recommendations of the Technical Advisory Committee, applicable

regional fishery bodies and international conservation and management measures adopted by applicable regional fisheries management organizations.

(2) The Director General may, in consultation with the stakeholders, prepare or cause to be prepared Fisheries Management Plans for any fishery or fisheries under this Act.

(3) Subject to subsection (2), the Director General shall prepare or cause to be prepared Fisheries Management Plans for any fishery designated as a priority by the Executive Committee in accordance with subsection (1).

(4) A Fisheries Management Plan under sub section (2) shall be approved by the Ministers.

(5) A Fisheries Management Plan shall:

(a) identify the fishery and its characteristics, including the:

(i) current status of the fishery and resource, including area, species and fishing;

(ii) possible adverse effects of fishing on the resource and environment;

(iii) regional and international context, if applicable;

(b) specify the management objectives for the fishery;

(c) identify the process for development and implementation of the Fisheries Management Plan;

(d) specify management measures to be applied to the fishery;

(e) specify plans for monitoring and review of the fishery and the Fisheries Management Plan; and

(f) where appropriate, make provision in relation to any other matter necessary for effective conservation and sustainable use of the fishery resources.

(6) When approval has been given for a Fisheries Management Plan pursuant to subsection (4), the Minister shall cause:

(a) the Plan to be published in the *Gazette*; and

(b) copies of the Plan to be made available on the Authority website and any other place as the Minister considers appropriate.

(7) The Minister may make Regulations prescribing for the management measures, fines and penalties, as well as the licensing and enforcement powers and other requirements in Fisheries Management Plan.

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Marking and protection of set fishing gears

25. The operator of any fishing vessel in the Exclusive Economic Zone or of any Tanzanian fishing vessel within the area of competence of a relevant RFMO shall ensure that fishing gear set in the sea is clearly marked in a manner prescribed in the Regulations.

Control of fishing efforts

26. The Minister may make regulations prescribing for control of fishing efforts including Fish Aggregating Devices; fish on data buoys, fishing methods and gears, the use of aircraft and artificial light.

Prohibition to tamper with, use or destroy property of another in the Exclusive Economic Zone

27.-(1) A person shall not, within the Exclusive Economic Zone-

- (a) remove any fish from any fishing gear unless such person is the owner or is acting with the authority of the owner;
- (b) tamper with, destroy, damage or impair the functioning of any fishing gear which belongs to another person;
- (c) tamper with, destroy, damage, remove or take any part of a fish aggregating device, artificial reef, mooring buoy, float, trap or other devices which have been authorized and deployed in accordance with this Act and belongs to another person; or
- (d) engage in fishing for fish aggregated by, or within half a nautical mile from a fish aggregating device that belongs to another person, unless such other person has expressly been given permission to do so.

(2) Nothing in this section shall limit powers of an authorized officer or prevent the disposal of unauthorized gear or equipment in accordance with this Act.

(3) Any person who contravenes this section commits an offence and shall, on conviction be liable to a fine not exceeding the maximum amount set out in the Second Schedule to this Act.

(4) For the purposes of this section, “property” includes things and rights that can be owned or that have a monetary value, and includes fishing vessels, gear and any fish caught, enmeshed, encircled or controlled by a person.

Prohibition to use, possess on a vessel, import, purchase or sell prohibited gear

28.-(1) A person shall not-

- (a) use for fishing any fishing gear which does not conform to requirements of this Act and no operator of a vessel shall, where it is prohibited, permit such fishing gear on board any vessel in the Exclusive

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Economic Zone; or

(b) import, buy or sell a driftnet or any other fishing gear prohibited under this Act.

(2) A person who contravenes this section commits an offence and shall, on conviction, be liable to a fine not exceeding the maximum amount set out in the Second Schedule to this Act, and in addition, the prohibited gear shall be seized by the court.

Prohibition of interference with inspected fish and fish products

29.-(1) A person shall not, except with the written permission of the Director General:

(a) remove, alter or interfere with a trade description, seal, stamp or other mark applied to a container or a container system unit containing any fish or fish product that has been inspected by an authorized officer;

(b) add to, remove from or otherwise change the composition of any consignment of fish that has been certified as inspected by an authorized officer; or

(c) unseal or leave unsealed any boxes that have been inspected by an authorized officer.

(2) A person who contravenes this section commits an offence and shall, on conviction, be liable to a fine not exceeding the maximum amount set out in the Second Schedule to this Act, and in addition, any fish or fish products shall be seized by the court.

Prohibition of possession, trade or export of fish or fish products

30.-(1) A person shall not buy, sell, possess, export or otherwise trade fish or fish products taken or obtained in contravention of this Act.

(2) A person who contravenes this section commits an offence and shall, on conviction, be liable to a fine not exceeding the maximum amount described in the Second Schedule to this Act, and in addition, all fish or fish products shall be seized by the court.

Prohibition of trade of fish and fish products taken or obtained in contravention of laws of another State

31.-(1) A person shall not, in any area under the jurisdiction of the United Republic, on their own account or in any other capacity-

(a) cause or permit a person acting on their behalf to take, import, export, land, transship, transport, trade, sell, receive, acquire or buy any fish or fish product that was caught in contravention of the laws of another state; or

(b) use or permit a vessel to be used to engage in fishing or related activities for a purpose referred to in paragraph (a).

(2) This section applies to all persons, vessels, fishing, related activities and other activities governed by this Act.

(3) In this section, “illegal fish or fish product” means fish or fish product taken, possessed, transported or sold in violation of any law or regulation of another state or of any international conservation and management measure.

(4) Any person who contravenes this section commits an offence and shall, on conviction, be liable to a fine not exceeding the maximum amount set out in the Second Schedule to this Act.

(5) Where an international agreement with another State provides for a fine, penalty or other determination or any portion of it to be remitted to that State on conviction or other process, such remittance shall be made after all costs and expenses incurred by the United Republic have been deducted.

Declaration of
and prohibitions
respecting
protected,
threatened or
endangered
species

32.-(1) The Minister may, on the advice of the Director General and in consultation with the Minister responsible for fisheries in Tanzania Zanzibar and the Ministers responsible for environment in Mainland Tanzania and Tanzania Zanzibar, by order published in the *Gazette*, declare any fish as protected, threatened or endangered:

(a) that are designated as protected or endangered under an international agreement; or

(b) that the Director General recommends to be declared as protected, threatened or endangered, based on the best available scientific evidence.

(2) A person shall not take, land, sell, deal in, transport, receive, buy, possess, import or export any fish or fish product declared as protected or endangered in accordance with this section.

(3) A person who contravenes subsection (2) commits an offence and shall, on conviction, be liable to a fine not exceeding the maximum amount set out in the Second Schedule to this Act, and in addition the fish or fish products shall be seized by the court.

Designation of
zones or areas

33.-(1) The Minister may, upon the recommendation of the Executive Committee and in consultation with the Minister responsible for fisheries in Tanzania Zanzibar, and by order published in the *Gazette*, declare any zone or area within the

Exclusive Economic Zone for:

- (a) purpose that is consistent with the objectives of this Act;
- (b) the conservation, management or protection of fishery resources;
- (c) the development of the fishing industry in the United Republic; or
- (d) any other purposes that are consistent with the objectives of this Act.

(2) The Director General shall, as appropriate, ensure the development and implementation of conservation and management measures for any zone or area established pursuant to subsection (1), and effectively monitor the activities and attainment of purposes for which they were established.

(3) A person shall not engage, permit or allow any other person to engage in any activity that:

- (a) is prohibited under an order made pursuant to subsection (1);
- (b) results in destruction or adverse impacts on the fishery resource in the zone or area declared pursuant to subsection (1); or
- (c) causes the objective of establishing such area to be unattainable.

(4) A person who contravenes subsection (3) commits an offence and shall, on conviction, be liable to a fine not exceeding the maximum amount set out in the Second Schedule to this Act:

Provided that in the event of contravention of subsection (3)(b), the offender shall be liable to full compensation for any destruction or adverse impacts and restoration of the zone or area to its original state.

Marine
environmental
quality

34.-(1) A person shall not introduce into the Exclusive Economic Zone, directly, indirectly, deliberately or accidentally, any deleterious substance, including substances which may have toxic, hazardous or other harmful properties or effects in relation to fish or marine environment.

(2) The operator of any fishing vessel shall:

- (a) take back to port for disposal any unused bait and waste generated on a fishing vessel by fish processing or other human activities; and
- (b) carry out bunkering operations in compliance with subsection (1).

(3) A person shall not, without a written authorization of

the Director General, leave in or in a position to enter the Exclusive Economic Zone any fishing gear or any other non-biodegradable object used for fishing after the termination of fishing activity, except in an emergency when the incident is promptly reported to the Director General.

(4) The Director General may cause the fishing gear or any other non-biodegradable object referred to in subsection (3) to be removed by any other person authorized for that purpose, and any cost incurred in connection with such removal may be recovered from the person or persons responsible for leaving the gear or object.

(5) A person who contravenes subsections (1), (2) or (3), commits an offence and shall, on conviction, be liable to a fine not exceeding the maximum amount set out in the Second Schedule to this Act, and be liable for full compensation in respect of any loss or damage as well as the full cost of restoring the affected habitat to its previous state.

PART V

REQUIREMENTS FOR FISHING VESSELS AND FISHERIES ACCESS

(a) General Requirements for Fishing Vessels

Licences,
authorization or
other permission
required

35.-(1) A person shall not, being an operator of a fishing vessel, engage in any fishing activities unless such person has a valid and applicable licence, authorization or other permission issued in accordance with this Act.

(2) Subject to subsection (1), the terms and conditions of licence, authorization and other permission shall be prescribed in the Regulations.

Terms and
conditions for
compliance by
holders of
licenses,
authorizations or
other
permissions

36.-(1) The holder of a licence, authorization or other permission issued under this Act shall:

- (a) comply with the terms and conditions of the licence, authorization or other permission;
- (b) comply with this Act, and any other written law, applicable Access Agreement and any applicable international conservation and management measure;
- (c) comply with all relevant provisions of the laws of the United Republic relating to navigational standards, seaworthiness and safety of vessels at sea; and
- (d) not engage in any activities under the scope of this Act, except in accordance with the licence or authorization issued under this Act.

(2) A person who contravenes this section commits an offence and shall, on conviction, be liable to a fine not exceeding the maximum amount set out in the Second Schedule to this Act, and in addition, the person's licence may be suspended or cancelled.

Gear stowage

37.-(1) The operator of a:

- (a) fishing vessel in any place or at any time in the Exclusive Economic Zone if it is not licensed or authorized for fishing or related activities, or where this Act or any written law prohibits fishing or related activities; or
- (b) Tanzanian fishing vessel when navigating in areas beyond the Exclusive Economic Zone where it has not been authorized for fishing or related activities pursuant to this Act,

shall ensure that all gear on board is at all times stowed or secured in such a manner that it is not readily available for fishing.

(2) An operator who contravenes this section commits an offence and shall, on conviction, be liable to a fine set out in the Second Schedule to this Act.

Prohibitions on use of fishing vessels for transnational organized crime

38.-(1) A person, being an operator of any fishing vessel in the Exclusive Economic Zone, or of a fishing vessel registered in the United Republic that is within or beyond areas under national jurisdiction of the United Republic shall not-

- (a) use the fishing vessel; or
- (b) cause or allow the fishing vessel to be used, whether or not there was knowledge or intention of such use, for any purpose related to transnational organized crime.

(2) A person, being a member of, or associated with a transnational criminal group shall not be permitted to engage in any activity under this Act, and any licence, authorization or other permission issued without knowledge of such association shall be immediately cancelled upon reasonable proof of such membership or association.

(3) A person who contravenes this section commits an offence and shall, on conviction, be liable to a fine not exceeding the maximum amount as set out in the Second Schedule to this Act, or to a term of imprisonment not exceeding ten years, or to both, and such person shall not be issued with a licence, authorization or other permission for any activity within the scope of this Act for a minimum period of ten years from the time the contravention was

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established.

Trans-shipment
at sea prohibited

39.-(1) A person shall not engage in trans-shipment activities at sea:

- (a) in the Exclusive Economic Zone; or
- (b) in respect of any national of the United Republic including any Tanzanian fishing vessel, in areas beyond national jurisdiction,

except in accordance with a written permission under section 29 of this Act.

(2) A person who contravenes this section commits an offence and shall, on conviction, be liable to a fine not exceeding the maximum amount set out in the Second Schedule to this Act.

Clearance for
registration of
fishing vessels in
United Republic

40.-(1) A person who intends to register a fishing vessel within the United Republic under the law relating to maritime transport shall, prior to an application for registration, request a clearance letter from the Director General.

(2) A clearance letter for registration under subsection (1) shall be issued by the Director General in a manner prescribed in the regulations.

(b) National Fishing Vessels

Requirements
for nationals
fishing vessels in
areas beyond
national
jurisdiction

41.-(1) All nationals of the United Republic and the operators of any Tanzanian fishing vessel operating or engaging in any fishing or related activities in areas beyond national jurisdiction shall:

- (a) comply with applicable international conservation and management measures;
- (b) not undermine the effectiveness of international conservation and management measures in an area to which such measures apply; and
- (c) when in waters under the national jurisdiction of another state, comply with the legislation of such state.

(2) Where any Tanzanian fishing vessel is used in contravention of subsection (1), the operator of such vessel commits an offence, and shall, on conviction, be liable to a fine not exceeding the maximum amount set out in the Second Schedule to this Act.

Requirements
for conditions of

42.-(1)The operator of any:

- (a) Tanzanian fishing vessel, of twenty four meters in

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personnel on board in vessels in areas beyond national jurisdiction and licensed vessels in United Republic Exclusive Economic Zone

length overall or above, or of less than twenty four meters in length overall that remains at sea for three days or more, or navigates beyond the Exclusive Economic Zone, at all times, while within the Exclusive Economic Zone or beyond the national jurisdiction of the United Republic; and

- (b) foreign fishing vessel carrying a valid and applicable licence, authorization or other permission granted for any activity within the scope of this Act, while in the Exclusive Economic Zone or any other place under the jurisdiction of the United Republic,

shall comply with all requirements of the International Labour Organization Work in Fishing Convention, No. 188 of 2007 and other related International Conventions, and in particular shall implement such requirements that may be prescribed or required by the Director General.

(2) A person who contravenes this section commits an offence and shall, on conviction, be liable to a fine not exceeding the maximum amount set out in the Second Schedule to this Act.

Fishing beyond Exclusive Economic Zone of United Republic

43.-(1) A person who intends to fish or undertake fishing related activities beyond the United Republic Exclusive Economic Zone shall, before commencing intended fishing activities, be required to apply for a certificate of authorization to fish from the Director General.

(2) The Director General shall, upon receipt of application under subsection (1), issue a certificate of authorization to fish in a manner prescribed in the regulations.

(3) A person who is granted Certificate of Authorization to Fish under this Act and who undertakes fishing or fishing related activities beyond Exclusive Economic Zone of the United Republic shall be bound by conditions prescribed in the regulations.

Requirements for Tanzanian vessels to provide cooperation in other states' ports

44.-(1) The operator of each Tanzanian fishing vessel shall:

- (a) cooperate fully with inspections carried out in the ports of other states in accordance with their laws and procedures; and
- (b) engage in any use of port, including landing, transshipping, packaging or processing fish or using other port services, in a port state identified by a relevant regional fisheries management organization in accordance with, or in a manner consistent with,

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applicable international or regional instruments relating to port state measures.

(2) Any operator of a Tanzanian fishing vessel who contravenes this section commits an offence and shall, on conviction, be liable to a fine set out in the Second Schedule to this Act, and the authorization of the fishing vessel may be cancelled.

Provisions for incentives to citizens intending to undertake fishing activities

45.-(1) The Authority may, on application by citizens or entities owned by citizens and after consultation with the relevant ministry responsible for investments, recommend to the Government for provision of incentives to for matters regulated under this Act for the purpose of promote access to the Exclusive Economic Zone fisheries.

(2) The Minister may make regulations prescribing for procedures and manner for application of incentives under this section.

(c) Foreign Fishing Vessels and Fisheries Access

Foreign fishing vessels to comply with legislation of United Republic

46.-(1) Unless otherwise provided in this Act, no foreign fishing vessel shall be used for fishing or related activities in the Exclusive Economic Zone except under and in accordance with an applicable fisheries access agreement, licence or other permission for activities within the scope of this Act.

(2) The owner or the operator of a foreign fishing vessel who contravenes sub section (1), commits an offence and shall, upon conviction be liable to a fine not exceeding the maximum amount set out in the Second Schedule to this Act.

Fisheries access by foreign fishing vessels

47.-(1) The foreign fishing vessels may be used in the Exclusive Economic Zone for fishing or related activities subject to a written agreement made in accordance with this Act, any applicable Fisheries Management Plan, international agreement, fisheries management agreement and national policy or strategy, and subject to stated terms and conditions.

(2) The Minister may, in consultation with the Minister responsible for fisheries in Tanzania Zanzibar and after consultation with Executive Committee, enter into an agreement referred to in subsection (1) with states or regional economic integration organizations by way of an international agreement, joint venture or other written agreement or arrangement.

(3) The Director General may enter into an agreement referred to in subsection (1) by way of written agreement with:

- (a) a fishing association or similar body;
- (b) a publicly incorporated company; or
- (c) such other persons or bodies as may be agreed by the Executive Committee.

(4) The Minister may make regulations prescribing procedure and requirements for fisheries access by foreign fishing vessels.

Fisheries
Management
Agreement

48. The Minister may, upon the recommendation of the Director General, enter into a Fisheries Management Agreement, other than an Access Agreement, with other states for purpose of cooperation or coordination of fisheries management measures.

Requirements
for joint venture
and charter
agreements and
vessel licensing
for foreign
fishing vessels

49.-(1) No agreement governing joint ventures or the chartering of any foreign fishing vessel for fishing or fishing related activities within or beyond the Exclusive Economic Zone, whether or not it involves changing the registration of the vessel, shall be valid unless it is approved by the Ministers on the advice of the Director General.

(2) A joint venture or charter agreement may be approved if the following requirements are fully met:

- (a) a charter agreement vests operational control of the foreign fishing vessel to a Tanzanian citizen, resident or registered company;
- (b) the joint venture or charter agreement provides clearly identifiable benefits with no adverse effects to the United Republic, its fisheries or its marine environment, including:
 - (i) development of the Tanzanian fishing industry;
 - (ii) training of Tanzanian citizens;
 - (iii) foreign exchange earnings for the United Republic;
 - (iv) investment in the United Republic;
 - (v) landing and domestic distribution activities;
 - (vi) development of export activities; and
 - (vii) establishment of a company under the Companies Act of Mainland Tanzania or the Companies Act of Tanzania Zanzibar with specified ownership, control and equity by Tanzanian citizens;

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- (c) the joint venture, charter agreement, right or vessel approved under this Act shall:
 - (i) be registered in Mainland Tanzania or Tanzania Zanzibar;
 - (ii) pay taxes and satisfy other financial obligations fully and promptly;
 - (iii) comply with all applicable laws in the United Republic;
- (d) a legally binding undertaking is submitted that all financial obligations of the foreign fishing vessel will be met promptly and effectively, including payment of all fees and any applicable fine, penalty or other determination which may result from the vessel's activities; and
- (e) in respect of a charter agreement, that the flag state is responsible for exercising full and effective control over the vessel when it is in areas beyond the national jurisdiction of the United Republic.

(3) Unless a company is otherwise established under a joint venture or charter agreement, where the operator of the foreign fishing vessel is a company incorporated outside the United Republic and doing business within the United Republic, it shall establish a place of business within the United Republic that includes the requirements for significant benefit to the United Republic as provided for under subsection (2)(b) and shall comply with the requirements of the Companies Act of Mainland Tanzania and Tanzania Zanzibar.

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(4) Any vessel fishing under an approved charter agreement shall be subject to all requirements of this Act in respect of foreign fishing vessels, including licensing and compliance agreements.

Agents

50.-(1) The operator of each foreign fishing vessel that applies for a licence under this Act shall designate a corporate person as an agent authorized to accept on behalf of such vessel service of process and any notices required to be served on the vessel and to provide such information as may be required under this Act with respect to the vessel and its activities, operator, master and crew members.

(2) A corporate person may be designated as agent only if it has been established pursuant to the laws applicable in the United Republic, and has provided full and correct information to the Director General as prescribed in the regulations.

PART VI
INFORMATION, DATA AND STATISTICS

Establishment of information system and register

51.-(1) There shall be established and maintained an information system and a register in order to meet national, regional and international requirements relating to information and data, and for purposes of supporting the objectives of this Act.

(2) The information system shall contain such information, data and statistics as may be prescribed in the regulations.

(3) The Director General shall appoint a registrar and assistant registrar of fishing licences and authorizations from amongst licensing officers who shall keep and maintain the register.

Public access to information

52. A person may, upon payment of such fee as may be prescribed by the Director General, access any non-confidential information from the register.

Confidential information

53.-(1) Any person carrying out duties or responsibilities under this Act shall not, unless authorized under this Act or in accordance with data confidentiality policy and procedures of a relevant regional fisheries management organization, reveal confidential information acquired by virtue of their duties and responsibilities to any person not having such duties and responsibilities.

(2) The Minister may make regulations prescribing the manner of revealing confidential information.

(3) For the purposes of this Act, “confidential information” means information that the Director General declares to be confidential.

Confidentiality of information in relation to Vessel Monitoring Operations Centre

54.-(1) Information received and recorded by the equipment in the vessel monitoring operations centre shall be treated as confidential and may only be revealed:

- (a) to a person who is gathering information in order to decide whether criminal proceedings may be instituted against any person;
- (b) to a prosecutor or legal representative who requires such information for the purpose of prosecuting or defending criminal proceedings;
- (c) to a person who is empowered to ensure compliance of the United Republic with obligations under

international law;

(d) to a relevant regional fisheries management organization, in accordance with its policy on confidentiality;

(e) when the revealing of such information is necessary in order to conduct search or rescue operations in relation to any vessel; and

(f) where the operator of the relevant fishing vessel gives permission for the revealing of the information.

(2) A person who obtains information for a purpose referred to in subsection (1) shall use the information for such purpose shall not be revealed to any other person.

(3) A person who reveals or uses the information contrary to this section commits an offence and shall, on conviction, be liable to a fine set out in the Second Schedule to this Act.

Technical requirements for Vessel Monitoring System

55.-(1) The Director General shall approve the technology to be used in relation to the Vessel Monitoring System required pursuant to this Act.

(2) The Director General may, in writing, prescribe or determine, technical requirements for mobile transceiver units.

(3) Any operator who fails to comply with the technical requirements designated by the Director General pursuant to subsection (2) in respect of the registered mobile transceiver unit commits an offence and shall, on conviction, be liable to a fine set out in the Second Schedule to this Act.

(4) The Director General may suspend or cancel the certificate of registration where he is satisfied on reasonable grounds that part or all of the technical requirements designated pursuant to this Act are not being fulfilled.

Ownership of information

56. Ownership of any information required be reported, notified or otherwise given to the Authority and all information generated by mobile transceiver units or similar device that is part of a vessel monitoring system or Automatic Identification System under this Act shall be vested in the Authority.

Information sharing

57. The Director General may prepare fisheries and vessel statistics and share the same with the Food and Agricultural Organization of the United Nations, regional or international organizations which the United Republic is a party.

Information to be submitted to

58. The Director General shall ensure that such

relevant RFMOs and others information in relation to foreign fishing vessels and Tanzanian fishing vessels that hold a valid and applicable licence or authorization is submitted in electronic format, to a relevant regional fisheries management organisation as may be required by an applicable international conservation and management measure.

PART VII

QUALITY CONTROL, IMPORT AND EXPORT

Quality control for export of fish and fish products **59.**-(1) The Minister may, upon recommendation of the Director General and on adoption of any applicable international conservation and management measure or international agreement, make regulations imposing or prescribing conditions, specifications or any requirement on any matter of quality of fish or fish products to be exported, including processing establishments.

(2) The Minister shall, in consultation with the Minister responsible for fisheries in Tanzania Zanzibar, designate a competent authority quality control of fish or fish products to be exported.

(3) A person who fails to comply with any condition, specification or requirement prescribed in the regulations made under subsection (1), commits an offence and shall, on conviction, be liable to a fine set out in the Second Schedule to this Act.

Documentation required for import, export or re-export **60.**-(1)The Director General shall ensure implementation of statistical documentation requirements of a relevant regional fisheries management organization for import, export or re-export of such species in accordance with such requirements as may be prescribed and by requiring:

- (a) submission of statistical documents by any person who imports, causes to import or intends to import any species of fish into the United Republic, including such statistical documents that may be adopted by a relevant regional fisheries management organization or prescribed under this Act;
- (b) validation by a government official or other authorized persons or institution of the flag state of the vessel that harvested tuna or tuna like species, if the vessel is operating under a charter arrangement, by a government official or other authorized persons of the exporting state;
- (c) validation of a re-export certificate by the Director of Fisheries for Mainland Tanzania.

(2) The operator of any fishing vessel or any person who imports or causes to be imported an illegitimate shipment as may be prescribed in the regulations or any person who exports, causes to be exported or intends to export or re-export fish from the United Republic contrary to any requirements made under this Act commits an offence and shall, on conviction, be liable to a fine set out in the Second Schedule to this Act.

PART VIII

MONITORING, CONTROL AND SURVEILLANCE

Monitoring,
control and
surveillance

61.-(1) The Authority shall ensure compliance with, and enforce the provisions of this Act, applicable international conservation and management measures and relevant international obligations of the United Republic through effective monitoring, control and surveillance.

(2) Monitoring, control and surveillance shall be carried out by fishery inspectors, authorized officers, observers and such other officers as the Director General may determine.

(3) The persons under subsection (2) shall have powers, authorities and responsibilities as provided for in this Act and any other relevant law.

(4) The Authority shall, in discharging its duties, be equipped with such vehicles, aircrafts, patrol boats, communications equipment and any other equipment necessary for efficient and effective implementation of the provisions of this Act.

Port State
Measures
application and
implementation

62.-(1) The Port State Measures application and implementation shall apply to:

(a) foreign fishing vessels and fishing vessels not entitled to fly the flag of the United Republic that are seeking entry to a port or are in a port of the United Republic, except for:

- (i) fishing vessels of a neighbouring state that are engaged in artisanal fishing for subsistence, provided that there is cooperation between the United Republic and such neighbouring state to ensure that such fishing vessels do not engage in illegal, unreported and unregulated “IUU” fishing; and
- (ii) container vessels that are not carrying fish or, if carrying fish, are fish that have been previously landed, provided that there are no

clear grounds for suspecting that such vessels have engaged in fishing related activities in support of IUU fishing;

- (b) persons, vessels, vehicles, aircraft, export facilities or places engaged in or otherwise connected with any activity falling within the scope of this Act;
- (c) all fishing and fishing related activities in support of such fishing-
 - (i) in areas over which the United Republic exercises jurisdiction or sovereign rights;
 - (ii) in areas beyond national jurisdiction-
 - (aa) by nationals of the United Republic, including fishing vessels, persons and all persons on board such vessels or dealing with them or having any relevant relationship to them, to the extent that it does not conflict with the jurisdiction of another state;
 - (bb) as required pursuant to this Act, international agreement, relevant regional fisheries management organization or applicable international conservation and management measures; and
 - (cc) otherwise in relation to illegal, unreported and unregulated “IUU” fishing and fishing related activities in support of such fishing consistent with international law.

(2) For the purposes of this section, the provisions of the First Schedule to this Act shall have effect to the illegal, unreported and unregulated “IUU” fishing.

Designation of ports

63.-(1)The Ministers shall, in consultation with the Ministers responsible for maritime authorities-

- (a) designate and publicise the port or ports to which foreign fishing vessels may request entry; and
- (b) provide a list of each port designated pursuant to paragraph (a) to any international organization and to any relevant regional fisheries management organization in accordance to an applicable conservation and management measure.

(2) The Minister may, by regulations, prescribe the manner and procedure for port entry, inspection and use of ports by fishing vessel.

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Hot pursuit
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64.-(1) A fishery inspector or authorised officer shall, in accordance with the Territorial Sea and Exclusive Economic Zone Act or any other relevant law, have power to pursue a vessel beyond waters of the United Republic based on evidence from:

- (a) vessel monitoring system;
- (b) geographical positioning system;
- (c) air photographing;
- (d) satellite system; or
- (e) any other accepted international technological communication system.

(2) A fishery inspector or authorised officer shall, in the exercise of the right of hot pursuit take into consideration relevant bilateral, regional or international instrument to which the United Republic is a party.

(3) A fishery inspector or any authorized officer shall, after exercising powers under subsection (1), inform the Director General who through the Ministry responsible for foreign affairs shall further inform the embassy of the flag state.

(4) An operator of any fishing vessel who fails to comply with the order to stop or with any powers exercised by a fisheries inspector or authorized officer, commits an offence and shall, on conviction, be liable to a fine set out in the Second Schedule to this Act, and the licence or authorization of the fishing vessel may be cancelled and fish or fish products on board be forfeited.

PART IX

ARREST, SEIZURE, DISPOSAL, RELEASE AND FORFEITURE
OF SEIZED ITEMS

Arrest or
detention and
release of
foreign fishing
vessels and crew
or members

65.-(1) In cases of arrest or detention of foreign fishing vessels for a contravention of this Act, the Director-General shall promptly notify the flag state, through appropriate channels, on action taken and penalties subsequently imposed.

(2) Any foreign fishing vessels and its crew arrested for the contravention of any provisions of this Act relating to any act of fishing or fishing activity shall be promptly released upon the posting of a reasonable bond or other security in the manner provided for under this Act.

Seizure of
vessels, aircraft,
etc

66.-(1) The Director General or an authorized officer may seize:

- (a) any vessel or other conveyance, fishing gear,

implement, appliance, material, container, goods, equipment or thing which the Director General or an authorized officer believes on reasonable grounds is being, has been or is intended to be used in the commission of an offence under this Act;

- (b) any fish or fish product, including any other fish with which such fish are intermixed, and the authorized officer believes on reasonable grounds are being or have been taken, killed, transported, bought or sold or have been found in the possession of any person in contravention of this Act;
- (c) any article, record or thing that the Director General or an authorized officer believes on reasonable grounds may provide evidence of an offence under this Act or contravention of an applicable international conservation and management measure;
- (d) any passport and seaman's record book:
 - (i) of the master and crew of a vessel directed to return to and remain in port pursuant to this Act until the vessel is permitted to depart;
 - (ii) of any person arrested, until that person is brought before a court; or
 - (iii) pursuant to any order of the court; and
- (e) any other item which the authorized officer has reasonable grounds to believe:
 - (i) has been or is being used or intended to be used to commit an offence under this Act;
 - (ii) has been forfeited under this Act; or
 - (iii) has been unlawfully removed from custody under this Act.

(2) An authorized officer shall deliver anything seized under subsection (1) into the custody of the Director General who shall ensure its safety under such procedures as may be prescribed.

(3) A written notice of the seizure and grounds for such seizure shall be given to the person from whom any article or thing was seized or to any other person whom the authorized officer believes is the owner or person otherwise entitled to possession of the article or thing seized.

(4) For purposes of this section, a vessel's equipment, gear, furniture, appurtenances, stores and cargo shall be deemed to form part of the vessel.

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Disposal of
perishable seized
goods

67.-(1) Any perishable item, including fish and fish products, that has been seized or confiscated under this Act is subject to disposition by the Director General who may, after consultation with the Director of Public Prosecutions:

- (a) sell or authorize its sale;
- (b) otherwise dispose of the item at such time and place as the Director General determines; or
- (c) destroy the item.

(2) The Director General shall notify the owner or apparent owner of any perishable item seized at a reasonable time before selling the item in accordance with subsection (1), and such owner or his nominee may be present at the sale.

(3) Where the Director General cannot ascertain the true ownership of an item at the time of seizure, he shall make reasonable enquiries to ascertain the true owner, and if he has not ascertained the true owner within a reasonable time, taking into account the perishable nature of the item seized, he may sell, dispose of or destroy the item in accordance with subsection (1).

(4) A purchaser for valuable consideration of any item sold under this section shall derive good and unencumbered title in respect of that item.

(5) All items seized pursuant to this Act, and the proceeds from the sale of such items, shall be held in trust by the Director General until-

- (a) the Director of Public Prosecutions decides not to lay any information or charge in respect of any alleged offence which relates to the seizure of the item;
- (b) the Court-
 - (i) has completed its proceedings in respect of a charge or information laid for an offence which relates to the seizure of the item; and
 - (ii) has issued an order in relation to the proceeds of sale of the item.

(6) The decision whether or not to lay any information or charge in respect of an alleged offence in relation to any item seized under this Act shall be made as soon as reasonably practicable after the item is seized, taken possession of or detained.

(7) The Director General, fishery inspector or an authorized officer lawfully exercising any power under this Act shall not be liable for any spoilage or deterioration in the quality of any fish or other item seized, taken possession of, or detained.

Release of
seized items
upon bond or
other security

68.-(1) A person from whom any item was seized pursuant to this Act or the owner or person entitled to possession of such item may, within sixty days after the seizure, apply to the Court for the release of the item.

(2) Upon receipt of an application under subsection (1) relating to the seizure of a foreign fishing vessel, the Court shall order:

(a) that the owner or operator of the vessel pay into court a bond, surety or other security having regard to:

(i) the fair market value of the vessel and any items, including fish and fish products on board;

(ii) the maximum fine that applies for the offences or alleged offences that led to the seizure of the foreign fishing vessel; and

(iii) the costs likely to be recovered by the prosecution if a conviction is entered; and

(b) that the vessel to be released upon receipt of the bond, surety or other security, subject to such conditions as the court may determine, unless the vessel is reasonably required as evidence in court proceedings or for any further investigation of offences under this Act.

(3) Upon receipt of an application under subsection (1) that does not relate to the seizure of a foreign fishing vessel, the Court may order-

(a) that the owner or operator of the item pay into the court a bond, surety or other security having regard to-

(i) the fair market value of the item and, in the case of a vessel, any other items including fish and fish products on board the vessel;

(ii) the maximum fine or fines that apply for the offences or alleged offences that led to the seizure of the item;

(iii) the costs likely to be recovered by the prosecution if a conviction is entered; and

(b) the item to be released upon receipt of the bond, surety or other security and subject to such conditions as the court deems fit.

(4) In the event of an appeal from an order of forfeiture, the Court may, pending the final disposition of the appeal and of any retrial or rehearing on remand-

(a) continue any bond, surety or other security deposited in accordance with subsection (2) or (3); or

(b) require an additional bond, surety or other security to

be deposited with it.

(5) Exoneration of any bond, surety or other security deposited in accordance with subsection (2) or (3) is conditional upon-

- (a) the return of the released item to the court without any impairment of its value; or
- (b) final disposition of, or discontinuation of proceedings under this Act and payment of any fines, penalties and other determination imposed by the Court.

(6) An item seized under this Act or a bond, surety or other security paid under subsection (2) or (3) shall be held until any proceedings under this Act have been disposed of or discontinued and any fines, penalties and other determinations imposed have been paid.

(7) Where a bond, surety or other security has been paid under subsection (2) or (3) and the item has been released-

- (a) the sum paid in respect of the value of the vessel or property shall be forfeited from the bond, surety or other security;
- (b) any fine or penalty ordered upon the conviction of any person who committed an offence which led to the seizure of the item shall be paid from the bond, surety or other security; and
- (c) any order for costs against a person accused of committing an offence against this Act which led to the seizure of the item shall be applied against the bond, surety or other security.

Release of
seized items by
Director General
or court

69.-(1) Subject to subsection (2), the Director General shall immediately release an item seized under section 66 of this Act, or immediately release the proceeds from the sale of such item, to the person entitled to the item, where-

- (a) the Director of Public Prosecutions decides not to lay an information or charge;
- (b) the persons charged with the offences that led to the forfeiture of the item have all been acquitted; or
- (c) all court proceedings relating to offences which led to the forfeiture of the item have been finally disposed of without any order for forfeiture have being made in accordance with this Act.

(2) The Court may direct:

- (a) that the release of any item seized or proceeds from the sale of the item under subsection (1), be contingent on

payment of all fines, penalties, orders for costs and other determinations imposed in respect of any offence; and

- (b) that failing the payment referred to in paragraph (a), within the time allowed, the item seized be sold and the balance of the proceeds of sale be returned to the owner, his nominee or the apparent owner in accordance with this Act, after deducting all fines, penalties, orders, costs and other determinations imposed and the costs for the sale.

(3) Notwithstanding anything in this section, where an authorized officer returns to the water at the time of seizure any fish seized pursuant to this Act that he believes to be alive, the authorized officer shall have no criminal liability or civil liability to the person from whom the fish was seized, in the event of a decision being made not to lay an information or charge in respect of the fish or of the person being acquitted of the charge.

Failure to
comply with
conditions of
bond or other
security

70. Where a person to whom an item is released under section 69 fails to comply with the conditions of the bond or other security posted for release of that item:

- (a) the Director General may direct the item to be re-seized at any time; or
(b) the bond or security shall be automatically forfeited.

Forfeiture

71.-(1) Where a court convicts a person of an offence against this Act, it may order the forfeiture of any of the following:

- (a) any fish, fish product, vessel, including its gear, furniture, accessories, stores, cargo and aircraft gear, equipment, explosive or noxious substance or other item taken, used or otherwise involved in the commission of the offence, or otherwise as may be provided in this Act;
(b) where a vessel was used in the commission of the offence, any fish on board the vessel at the time of the offence;
(c) where an export storage facility was used in the commission of the offence, any fish or fish product in the facility at the time of the offence; or
(d) where any fish has been sold under section 67, the proceeds of the sale of the fish.
(2) Notwithstanding section 67, where any fish or fish

product which is subject to a ban imposed under this Act is seized and confiscated pursuant to this Act, it shall be forfeited and become the property of the Government.

(3) Any person who is aggrieved by a decision made pursuant to subsection (2) may apply to the Court for relief.

Disposal of
forfeited items

72. Any item or security forfeited under this Act shall be the property of the Government.

PART X

JURISDICTION, PROCEDURE AND LIABILITIES

Jurisdiction and
standing

73.-(1) Any act or omission committed in areas beyond national jurisdiction of the United Republic to which this Act applies which constitutes a contravention of this Act shall be dealt with and judicial proceedings taken as if such act or omission had taken place in the United Republic within the jurisdiction of the High Court of Tanzania or the High Court of Zanzibar.

(2) Where an authorized person appointed under this Act is exercising any powers or performing duties conferred on such authorized person by this Act in areas beyond the Exclusive Economic Zone in connection with any act or omission of any person in contravention of this Act, that act or omission shall be deemed to have been committed within the jurisdiction of the High Court provided for under subsection (1).

Liability for loss
or damage

74. A person who commits an offence under this Act may, on conviction or a determination under summary proceedings, be liable to the United Republic for-

- (a) any loss or damage caused by the offence;
- (b) any costs incurred in detecting, apprehending, investigating or prosecuting the offence; and
- (c) any costs incurred in detaining or seizing any property, fish, article or thing in respect of that offence,

and the amount of compensation for such loss, damage or costs may be awarded by the court or determined in summary proceedings as restitution in addition to, and recovered in the same manner as, a fine or determination.

Liability of
operators

75. In any proceedings under this Act, the act or omission of a crew member of a fishing vessel or a person working in association with a fishing vessel is deemed to be that of the operator of the vessel, unless otherwise expressly provided.

PART XI
EVIDENCE

Presumptions

76.-(1) All fish found on board in any fishing vessel which has been used in the commission of an offence under this Act shall be presumed to have been caught during the commission of that offence, unless the contrary is proved.

(2) Where in any legal proceedings under this Act-

(a) the place in which an event is alleged to have taken place is in issue, the place stated in the relevant entry in the logbook or other official record of any enforcement vessel or aircraft as being the place in which the event took place is presumed to be the place in which the event took place; and

(b) the production of a written copy or extract of the entry certified by an authorized officer as a true copy of the accurate extract shall be *prima facie* evidence of an entry in a logbook or other official record of an enforcement vessel or aircraft.

(3) Where in any legal proceedings relating to an offence under this Act:

(a) an authorized officer or observer gives evidence of reasonable grounds to believe any fish to which the charge relates were taken in a specified area of the Exclusive Economic Zone; and

(b) the court considers that, having regard to that evidence the grounds are reasonable,

the fish shall be presumed to have been so taken, unless the contrary is proved.

(4) Where in any legal proceedings for an offence under this Act-

(a) an authorized officer gives evidence of reasonable grounds to believe that any fish to which the charge relates were taken by the use of driftnets; and

(b) the court considers that, having regard to the evidence, the grounds are reasonable,

the fish shall be presumed to have been so taken, unless the contrary is proved.

(5) Where any information is given in respect of any fishing or related activity of a fishing vessel, it is presumed to have been given by the operator, including the master, owner or charterer of the vessel concerned, unless it is proved that it was not given or authorized to be given by any of them.

(6) Any entry in writing or other mark in or on a log, chart or other document required to be maintained under this Act or used to record the activities of a fishing vessel is deemed to be that of the operator, including the master, owner and charterer of the vessel.

(7) Any position fixing instrument on board a vessel or aircraft used for the enforcement of this Act is presumed to be accurate.

Interfering with
evidence

77.-(1) A person shall not interfere with evidence which may be related to an offence under this Act.

(2) Without prejudice to the generality of subsection (1), a person shall not-

(a) being on board any fishing vessel being pursued, about to be boarded, being boarded or notified that it will be boarded by an authorized officer, whether within or beyond the Exclusive Economic Zone, throw overboard or destroy any fish, fish product, equipment, document, explosive, noxious substance or other thing with intent to avoid its seizure or the detection of any offence against this Act;

(b) remove from custody any fishing vessel, fish, fish product, equipment or other item held in custody under this Act, or act or omit to act so that a vessel, fish, fish product, equipment or other item held in custody under this Act may be removed from custody, whether or not such person knew that the vessel, fish, fish product, equipment or other item was being held in custody;

(c) destroy, damage, render inoperative or otherwise interfere with any premises or facilities licensed under this Act; or

(d) where a mobile transceiver unit is required under this Act, whether within or beyond the Exclusive Economic Zone, destroy, damage, render inoperative or otherwise interfere with any part of such mobile transceiver unit aboard a vessel, or feed or input into a mobile transceiver unit or an applicable vessel monitoring system information or data which is not officially required or is meaningless.

(3) A person who contravenes any provision of this section commits an offence and shall, on conviction, be liable to a fine set out in the Second Schedule to this Act.

PART XII
FINANCIAL PROVISIONS

Funds of
Authority

78. The funds and resources of the Authority shall consist of:

- (a) any sums which Authority may be appropriated by Parliament and the House of Representatives for the purposes of the Authority;
- (b) such sums of monies as may be payable to the Authority by way of borrowings, donations, gifts, grants, loans or bequests; and
- (c) such sums of monies as may be payable to or vested in the Authority as a result or in the course of discharging its functions under this Act.

Distribution of
funds

79.-(1) Any sum of monies vested in the Authority as a result or in the cause of discharging its functions under this Act, shall be distributed in the following manner:

- (a) fifty percent shall be retained by the Authority for the purposes of running operational costs of the Authority;
- (b) thirty percent shall be provided to the Government of the United Republic of Tanzania; and
- (c) twenty percent shall be provided to the Revolutionary Government of Zanzibar.

(2) The funds of the Authority shall be used as budgeted for.

(3) Without prejudice to subsection (2), the Authority may reserve some of its funds to meet future contingent liabilities as the Executive Committee may consider fit.

Annual budget
and estimates

80.-(1) At least three months before the commencement of any financial year, the Director General shall prepare or cause to be prepared for the approval of the Executive Committee annual estimates of the revenue and expenditure of the Authority for the ensuing financial year.

(2) The Executive Committee shall consider and approve, subject to any modifications and amendments which it may consider appropriate, the estimates prepared in accordance with subsection (1).

(3) The annual budget estimates shall contain provisions for all the estimated expenditure during the ensuing financial year and in particular:

- (a) for the payment of salaries allowances and other

charges in respect of the staff, Executive Committee or any Committee of the Authority;

- (b) for the payment of construction, improvement, maintenance and replacement of any building or other immovable property of the Authority;
- (c) for the proper maintenance and replacement of furniture and equipment of the Authority;
- (d) for reserve funds to meet future contingent liabilities as the Executive Committee may think fit;
- (e) for the carrying out of surveillance, monitoring and control of fishing activities; and
- (f) for training of officers and staff and for scientific research.

(3) No expenditure shall be incurred for the purpose of the Authority except in accordance with the provisions of the annual budget estimates or any supplementary estimates approved by the Executive Committee.

(4) A copy of annual budget, supplementary budget and audit report of account approved by the Executive Committee shall be submitted to the Minister one month after commencement of financial year.

(5) A copy of the report under subsection (4) shall be submitted to the Minister responsible for fisheries in the Revolutionary Government of Zanzibar.

(6) The financial year of the Authority shall be the period of one year ending on the 30th June.

Investment of funds of Authority

81. The Executive Committee shall, with the approval of the Ministers after consultation with the Minister responsible for finance in Mainland Tanzania and Minister responsible for finance in Tanzania Zanzibar, have power to invest funds of Authority.

Remuneration of members of Committees

82. The Executive Committee may, with the approval of the Ministers and from time to time, prescribe emoluments and other allowances payable to members of Committees.

Account and audit

83.-(1) The Authority shall cause to be provided and kept proper books of accounts and records with respect to the receipt and expenditure of monies by, and other financial transactions of the Authority and assets and liabilities of the Authority, and shall cause to be made out of every financial year a balance sheet showing the details of the income and expenditure of the Authority and all its assets and liabilities.

(2) Within three months after the close of each financial year, the accounts, including the balance sheet of the Authority in respect of that financial year, shall be submitted to and audited by the Controller and Auditor General.

(3) As soon as the accounts of the Authority have been audited, and in any case not later than six months after the closure of each financial year, the Executive Committee shall submit to the Ministers a copy of the audited statement of accounts, together with a copy of the report made by the Controller and Auditor General on the statements of the accounts.

Laying of report
before National
Assembly

84. The Ministers shall, as soon as practicable and after receiving statements of accounts, lay them before the National Assembly and the House of Representatives, as the case may be and such a report shall contain-

- (a) a copy of the audited accounts of the Authority;
- (b) a copy of audit report, if any; and
- (c) a copy of the Director General's report on the activities of the Authority in the preceding financial year.

Director
General's report

85.-(1) The Director General shall, at the end of each financial year, prepare a report on the activities of the Authority during that financial year.

(2) The report referred to under subsection (1) shall contain-

- (a) activities conducted by the Authority;
- (b) activities conducted jointly with other organizations; and
- (c) financial position of the Authority.

Borrowing by
Authority

86.-(1) The Director General may, where circumstances require the Authority to borrow funds, prepare and submit to the Executive Committee for approval, a financial plan showing the amount of monies to be borrowed, how monies will be used and how the Authority will benefit from the loan.

(2) Upon approval by the Executive Committee and the Minister responsible for finance in Mainland Tanzania, the Authority may borrow funds from any financial institution.

Procurement and
disposal of
assets
Cap. 411

87. A Tender Board of the Authority shall be established by the Executive Committee in accordance with the Public Procurement Act to address the procurement of goods and services including consultancies, works and disposal of public assets.

PART XIII
OFFENCES AND PENALTIES

Offences and penalties

88.-(1) Unless otherwise provided in this Act, the maximum fines shall be as set out in the Second Schedule to this Act.

(2) The maximum fine referred to under subsection (1) may be paid in Tanzanian shillings equivalent to the United States dollars set out in the Second Schedule.

General penalties

89.-(1) For an offence for which no other fine or penalty is specifically provided, the Court may subject a person guilty of any offence under this Act to the following:

(a) a fine of up to ten thousand United States dollars or twice the economic benefit that the person obtained through the violation, whichever is greater;

(b) for intentional violations or violations resulting from gross negligence, a fine of up to one hundred thousand United States dollars or three times the economic benefit that the person obtained through the violation, whichever is greater.

(2) For violations resulting in damage to fish or the marine environment in general, an additional fine equal to twice the value of the reduction in market value caused by the violation, twice the total cost of restoration of the fisheries resources or twice the total cost of restoration of the environment, whichever is greater.

Deprivation of monetary benefits

90. Where a person is convicted of an offence under this Act, and the court is satisfied that as a result of committing the offence the person acquired monetary benefits or monetary benefits accrued to the person, the court may, notwithstanding the maximum amount of any fine that may otherwise be imposed under this Act, order the person to pay an additional fine in an amount equal to the court's finding of the amount of those monetary benefits.

Court may order additional penalties and compensation

91. In addition to any fine provided for under this Act, the court may order:

(a) compensation to be paid to the owner of any property damaged or destroyed as a direct result of the offence; and

(b) compensation for the cost of clearing any pollution of the Exclusive Economic Zone that may have been

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caused as a direct result of the offence or removing any objects that continue to cause such pollution.

Increased maximum fine for body corporate

92. Where a body corporate is convicted of an offence under this Act, the court may impose a fine of up to three times of the maximum fine specified for the offence.

Continuing offences and repeat offenders

93.-(1) Each day of a continuing offence shall be considered a separate offence.

(2) Subject to subsection (1) and without prejudice to any other penalty which may be imposed under this Act, a fine imposed shall be twice times the fine imposed for the previous offence.

Banning order

94.-(1) In addition to any other fine or penalty provided under this Act, the court or the Director General in consultation with the Director of Public Prosecutions may order an owner or operator to be banned from fishing in the Exclusive Economic Zone for a period up to five years if that person has committed:

- (a) an offence involving unlicensed fishing; or
- (b) multiple offences against this Act,

and shall order owner or operator to be banned from fishing in the Exclusive Economic Zone if that owner or operator has been found by a court to have committed any offence or offences against this Act on three separate occasions.

(2) The operator or master who contravenes any provision of this Act, commits an offence and shall, on conviction, be liable to the maximum fine set out in the Second Schedule to this Act.

Compounding of offences

95.-(1) Notwithstanding the provisions of this Act relating to penalties, where a person admits in writing that he has committed an offence under this Act or any other sector legislation, the Director General or a person authorised by him in writing may, at any time prior to the commencement of the proceedings by a court of competent jurisdiction, compound such offence and order such person to pay a sum of money not exceeding two thirds of the amount of the fine to which such person would otherwise have been liable to pay if he had been convicted of such offence.

(2) Where the person fails to comply with the compounding order issued under this section within the prescribed period, the Director General or a person authorised by him may, in addition to the sum ordered, require the person to pay an interest at the rate prescribed in the regulations.

(3) Where the person fails to comply with subsection (2), the Director General may enforce the compounding order and interest accrued thereof in the same manner as a decree of a court.

(4) The Director General shall submit quarterly reports of all compounded offences under this section to the Director of Public Prosecutions.

(5) The forms and manner of compounding of offences shall be as prescribed in the regulations made under this Act.

PART XIV
GENERAL PROVISIONS

Relationship
with other laws
of United
Republic

96. In the event of a conflict or inconsistency between this Act and any other written law enforced relating to deep sea fishing in the United Republic, this Act shall take precedence.

Notifications

97.-(1) Any notification required under this Act shall be in writing.

(2) Except as otherwise specified in this Act, if under this Act any notice or other document is to be given, served on or furnished to any person, that notice or other document may be:

- (a) given to the person personally;
- (b) given personally to any other person authorized to act on behalf of the person;
- (c) in the case of a notice or document to be given or served in the course of or for the purpose of any proceedings for an offence under this Act, given to such person as the court may direct;
- (d) except in the case of a notice or document referred to in paragraph (c), submitted by post to the person or any other person authorized to act on that person's behalf, at the person's usual or last known place of business or abode;
- (e) except in the case of a notice or document referred to in paragraph (c), submitted by electronic transmission to the person, or any other person authorized to act on the person's behalf, at the person's usual or last known address, and for the purpose of this paragraph:
 - (i) "electronic transmission" means any transmission of information sent electronically and includes any transmission sent by facsimile, electronic mail or electronic data

transfer; and

- (ii) “address” includes a facsimile number or an electronic mail address.

(3) Where an operator of a foreign fishing vessel is a defendant in a prosecution for an offence against this Act, and notwithstanding any other law, service on the defendant of any summons or other documents may also be effected:

- (a) by being delivered personally to the agent of the vessel on behalf of the defendant or being brought to the notice of the agent if that agent refuses to accept it on behalf of the defendant;
- (b) by being submitted to the agent of the vessel, by registered letter to that agent on behalf of the defendant at the agent’s last known or usual place of residence or that agent’s place of business; or
- (c) where no agent has been nominated in respect of any foreign vessel, by being delivered or submitted under paragraph (a) or (b) to the master of the vessel.

(4) Any notice or document so submitted by post or electronic transmission is deemed to have been given, served or received seven working days after the date on which it was posted or submitted, unless the person to whom it was posted or submitted proves that, otherwise than through that person’s fault, the notice or document was not received.

Authority may enter into agreements with Mainland Tanzania and Tanzania Zanzibar

98.-(1) The Director General may, upon the recommendation of the Executive Committee, enter into an agreement with fisheries and other relevant authorities in Mainland Tanzania and Tanzania Zanzibar to further the purposes of this Act, including an agreement with respect to one or more of the following:

- (a) facilitating cooperation between the parties to the agreement, including facilitating joint action in areas of common interest, reducing overlap between their respective programs and otherwise harmonizing those programs;
 - (b) facilitating enhanced communication between the parties, including the exchange of scientific, economic, social and other information;
 - (c) facilitating public consultation or the entry into arrangements with third-party stakeholders; and
 - (d) such other area that may be agreed by the parties.
- (2) An agreement may establish:

- (a) the roles, powers and functions of the parties;
- (b) programs and projects;
- (c) principles and objectives of the parties' respective programs and projects;
- (d) standards, guidelines and codes of practice to be followed by the parties in the administration of their respective programs and projects;
- (e) processes for policy development, operational planning and communication between the parties, including the exchange of scientific and other information;
- (f) the administrative structures that will be used to carry out the agreement's objectives;
- (g) the power of the parties to create committees and public panels and to conduct public consultations;
- (h) the circumstances and manner in which each party is to provide information on and cooperate in the administration and enforcement of its legislation that is relevant to the other parties; and
- (i) such other area that may be agreed by the parties.

Affiliation

99. The Authority may, in performing its functions under this Act, establish and maintain a system of collaboration, affiliation, consultation and cooperation with Defence and Security Organs, Treasury, Customs, Marine Research Institutions, the Commission for Science and Technology and any other person or body of persons established by or under any relevant law and having functions related to those of the Authority.

Appeals

100.-(1) A person who is aggrieved by any decision or order issued under this Act may appeal to the Minister.

(2) Subject to subsection (1), procedures for appeals shall be prescribed in the regulations.

Regulations.

101.-(1)The Minister may, in consultation with the Minister responsible with fisheries in Tanzania Zanzibar, make regulations prescribing :

- (a) management of the Authority;
- (b) managing, regulating or controlling fishing and related activities;
- (c) implementing any provisions of, or giving effect to, any international agreement, including international conservation and management measures;

- (d) requirements, processes and other relevant matters for access agreements, licences, authorizations and other forms of permission within the scope of this Act;
- (e) fees, charges, levies, resource rent, or royalties payable in respect of any matter under this Act;
- (f) monitoring, control and surveillance of fishing and related activities, including rules for procedures for the conduct of boarding and inspection of fishing vessels within and beyond the Exclusive Economic Zone;
- (g) regulating or prohibiting activities which may have an adverse impact on fishery resources or the marine environment;
- (h) regulating, controlling and managing research, statistical data, surveys, education and training regarding fish, fisheries activities and the marine environment;
- (i) entering into agreements with Mainland Tanzania and Tanzania Zanzibar for cooperation and coordination in matters relating to this Act;
- (j) forms, schedules and other documentation required under this Act;
- (k) conditions of use and marking of vessels, gear, equipment and other items permitted in accordance with this Act;
- (l) disposition of bycatch, possession, processing, and disposal of fish or fish products;
- (m) the account, record, document or information that any person or class of persons may be required to keep or provide for the purposes of this Act, including:
 - (i) the manner and form in which such account, record, document or information is to be kept, furnished or communicated;
 - (ii) the time for or within which such account, record, document or information is to be kept, furnished or communicated;
 - (iii) the person by or to whom such account, record, document or information is to be kept, furnished or communicated; and
 - (iv) the places where such account, record, document or information is to be kept, furnished or communicated;
- (n) for the making of orders for any purpose under this Act;
or

- (o) any other matter under the scope of this Act which is required or otherwise consistent with the objective and needed to be prescribed.
- (2) The Minister may, in consultation with the relevant authority in respect of each of the following matters, make regulations:
 - (a) regulating the construction and import of fishing vessels and prescribing construction standards for fishing vessels;
 - (b) defining required prerequisites for the registration of fishing vessels in the United Republic;
 - (c) prescribing safety standards and requirements for fishing vessels;
 - (d) prescribing conditions for working on fishing vessels taking into account agreed international standards; and
 - (e) prescribing manning and competency requirements for national fishing vessels.

Repeal and
savings
Cap. 388

102.-(1) The Deep Sea Fishing Authority Act, is hereby repealed.

- (2) Notwithstanding the repeal under subsection (1):
 - (a) regulations or orders made under the repealed Act prior to the commencement of this Act shall remain effective and in force unless they are amended, revoked or replaced by regulations made under this Act;
 - (b) all licences, permits, authorizations and other instruments or documents granted or issued under the repealed Act, shall, so long as they on the date of commencement of this Act continue in full force and effect until they expire, cease to have effect or are replaced;
 - (c) the current employees of the Authority shall continue to execute their duties until their employments or appointments expire or are terminated.

—————
FIRST SCHEDULE
—————

ILLEGAL, UNREPORTED AND UNREGULATED FISHING
—————

(Made under section 62(2))
—————

“Illegal, Unreported and Unregulated Fishing” shall have the same meaning that appears in the 2001 FAO International Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing, as shown below.

- 1. Illegal fishing refers to activities:**
 - 1.1 conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations;
 - 1.2 conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law; or
 - 1.3 in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization.
- 2. Unreported fishing refers to fishing activities:**
 - 2.1 which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or
 - 2.2 undertaken in the area of competence of a relevant regional fisheries management organization which have not been reported or have been misreported, in contravention of the reporting procedures of that organization.
- 3. Unregulated fishing refers to fishing activities:**
 - 3.1 in the area of application of a relevant regional fisheries management organization that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or
 - 3.2 in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law.

Deep Sea Fisheries Management and Development Act

SECOND SCHEDULE

(Made under section 88)

OFFENCES AND FINES

| Section, subsection including any part thereof | Contents of the Section Contravened | Maximum fine US Dollars |
|---|--|------------------------------------|
| 20(5) | Conflict of Interest | 1 million |
| 21 (5) | Conservation and management measures | 200 000 |
| 23 (4) | Implementation of Regional conservation and management measures | 200 000 |
| 27 (3) | Prohibition to tamper with or destroy property of another in the EEZ | 500 000 |
| 28 (2) | Prohibition to use, possess on a vessel, import, purchase, sell prohibited gear | 750 000 |
| 29 (2) | Prohibition of interference with inspected fish and fish products | 500 000 |
| 30 (2) | Prohibition of possession, trade or export in fish, fish products taken or obtained in contravention of Act | 500 000 |
| 31 (4) | Prohibition of trade in fish and fish products taken or obtained in contravention of the laws of another State | 750 000 |
| 32 (3) | Declaration of and prohibitions respecting protected, threatened or endangered species | 250 000 |
| 33(4) | Designation of zones or areas | 750 000 |
| 34 (5) | Marine environmental quality | 1 million |
| 36 (2) | Terms and conditions for compliance by holders of licences, authorizations, other permissions | 750 000 |
| 37 (2) | Gear stowage | 750 000 |
| 38 (3) | Prohibitions on the use of fishing vessels for purposes related to transnational organized crime and on individuals in or associated with a transnational criminal group to engage in any activity under the scope of this Act | 2 million |
| 39 (2) | Transshipment at sea prohibited | 750 000 |
| 41 (2), | Requirements for nationals and vessels of the United Republic in areas beyond national jurisdiction | 1 million |
| 42 (2) | Requirements for conditions of personnel on board United Republic vessels in areas beyond national jurisdiction and licensed vessels in EEZ | 2 million |
| 44(2) | Requirement for vessel operator of Tanzanian vessel to provide cooperation in other state's ports | 1 million |
| 46 (2) | Foreign fishing vessels to comply with legislation of the United Republic | 1 million |
| 54 (3) | Confidentiality of information in relation to Vessel Monitoring Operations Centre | 250 000 |
| 55(3) | Technical requirements for Vessel Monitoring System | 250 000 |
| 59(3) | Quality control of fish or fish products | 250,000 |

Deep Sea Fisheries Management and Development Act

| Section, subsection including any part thereof | Contents of the Section Contravened | Maximum fine US Dollars |
|---|--|---|
| 60(2) | Requirement to keep documents for export or import of fish | 1 million |
| 64 (4) | Hot pursuit | 1 million |
| 77 (3) | Interfering with evidence | 750 000 |
| 94(2) | Banning Order | 750 000 |

OBJECTS AND REASONS

This Bill intends to propose the enactment of the Deep Sea Fisheries Management and Development Act, 2020 and to provide for the requirements of development, management, control and conservation of fishery resources in the Exclusive Economic Zone (EEZ). The enactment of this Act will strengthen the implementation of regional and international agreements on conservation and monitoring control of fisheries resources. Consequent to the enactments of the proposed new law the proposed Bill proposes repeal of the Deep Sea Fishing Authority Act, Cap. 388

The Bill is divided into Fourteen Parts.

Part I provides Preliminary Provisions which include short title and commencement of the proposed Act, application, interpretation of various terms that will be used in the Act and scope of the proposed Act.

Part II of the Bill provides for the continuation of the existence of the Deep Sea Fishing Authority and its functions are customized to be in line with the policy requirements on monitoring, control, surveillance, conservation and management measures of fishery resources in the Exclusive Economic Zone (EEZ).

Part III provides for organs of the Authority their functions, management of the Authority, appointment of the Director General and Deputy Director General and their respective tenure of office. The Part further provides for functions and powers of

Director General, and other staff of the Authority, limitation of liability for authorized persons, power to delegate functions of the Authority and matter relating conflict of interest.

Part IV propose provisions for the conservation, management and development and sustainable use of fisheries resources it also provided for, implementation of international and regional management and conservation measures based on scientific research and sets out obligations of the fishing vessels to implement such measures. The Part further provides for the establishment of the fisheries management plan, conservation areas and marine environmental quality standards in the Exclusive Economic Zone.

Part V provides for general requirements for fishing vessels, which includes license, terms and conditions which must be complied by the holder of a licence, prohibitions on the use of fishing vessels for transnational organized crime, prohibition of trans-shipment at Exclusive Economic Zone and procedures for clearance for registration of fishing vessels in the United Republic.

This Part further provides for specific requirements for nationals fishing vessels in areas beyond national jurisdiction, and the requirements for Tanzanian vessels to provide cooperation other states' ports and the provisions for incentives to citizens intends to undertake fishing activities.

Furthermore, it provides for requirements for foreign fishing vessels to comply with legislation of United Republic of Tanzania, the fisheries access by foreign fishing vessels, the procedures or entering into Fisheries Management Agreement by the Minister. It provided for powers of the Minister to enter into agreement with other state or regional economic integration

organizations on fisheries access and fisheries management measures. The Part also provides for the recognition of the joint venture and charter agreements; and licensing of foreign fishing vessels intending to use Tanzanian flag.

Part VI contains provisions relating to the establishment of the information system and register which shall contain information, data and fisheries statistics. The Part further makes provision for access to information that is kept by the Authority.

Part VII provides for quality control of import and export of fish and fish products.

Part VIII provides for obligation of United Republic to conduct monitoring, control and surveillance by using patrol aircraft, boats and other communication equipment. The Part further contains provisions on port state measures and hot pursuit.

Part IX contains provisions for arrest, seizure, disposal, release or forfeiture of the seized goods or fish associated with the offence and procedures for enforcement of such sanctions.

Part X of the Bill proposed extraterritorial application of this Act for the offence committed beyond EEZ of Tanzania, jurisdiction and standing of the High Court of Tanzania and High Court of Zanzibar for offences conducted in areas beyond national jurisdiction of the United Republic.

Part XI provides for provisions relating to evidence of the aerial or sea patrol report, VMS and automatic identification system (AIS) reporting, evidence of fishery observer or inspector and logbook report.

Part XII provides for matters to financial provisions, sources of funds of the Authority, distribution of the funds,

submission of annual budget and estimates to the Executive Committee for approval, and other financial related matters.

Part XIII proposes for various offences and the fines which are specified in the Second Schedule to the Act. The Part further provides for powers of compensation, the compounding of offence where a person admits in writing commission of offence under this.

Part XIV makes proposal for general provisions including relationship of this Act with other laws, powers of the Authority to enter into agreement with other institutions from Mainland Tanzania and Tanzania Zanzibar and provisions relating to collaborations with other institutions whose functions relate with Authority. The Part provides the repeal of the Deep Sea Fishing Authority Act, Cap. 388.

MADHUMUNI NA SABABU

Muswada huu unapendekeza kutungwa kwa Sheria ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu ya Mwaka 2020 pamoja na kuweka masharti bora ya usimamizi, udhibiti na uhifadhi wa rasilimali za uvuvi katika Ukanda Maalum wa Uchumi wa Bahari (EEZ). Kutungwa kwa Sheria hii kutaimarisha utekelezaji wa matakwa ya Sheria na Mikataba ya Kikanda na Kimataifa katika kudhibiti na kuhifadhi rasilimali za uvuvi. Aidha, Muswada unaopendekezwa unakusudia kuifuta Sheria ya Mamlaka ya Kusimamia Uvuvi wa Bahari Kuu, Sura ya 388.

Muswada huu umegawanyika katika Sehemu Kumi na Nne

Sehemu ya Kwanza ya Muswada inahusu Masharti ya Utangulizi, yakijumuisha jina fupi la Sheria, utaratibu wa kuainisha tarehe ya kuanza kutumika kwa Sheria inayopendekezwa kutungwa, tafsiri ya baadhi ya maneno na misamiati mbalimbali iliyotumika katika Sheria inayopendekezwa na mipaka ya matumizi ya Sheria inayopendekezwa kutungwa.

Sehemu ya Pili ya Muswada inaweka masharti ya kutambua kuwepo na kuendelea kuwepo kwa Mamlaka ya Kusimamia Uvuvi wa Bahari Kuu iliyoanzishwa chini ya Sheria inayopendekezwa kufutwa. Sehemu hii pia inabainisha majukumu ya Mamlaka kuendana na mahitaji ya kisera na hatua za ufuatiliaji na udhibiti wa rasilimali za uvuvi katika Ukanda Maalum wa Uchumi wa Bahari.

Sehemu ya Tatu ya Muswada inaainisha vyombo vikuu vya Mamlaka na Majukumu yake, Muundo na usimamizi wa Mamlaka, uteuzi wa Mkurugenzi Mkuu na Naibu Mkurugenzi Mkuu, muda wa kuwa ofisini kwa Mkurugenzi Mkuu, muda wa kuwa madarakani, majukumu na mamlaka ya Mkurugenzi Mkuu, masharti yanayohusiana na watumishi wa Mamlaka, Mipaka ya uwajibikaji kwa maafisa, utaratibu wa kukasimu madaraka kwa baadhi ya kazi za Mamlaka na utaratibu wa kutangaza mgongano wa kimaslahi pale itakapohitajika kufanywa hivyo.

Sehemu ya Nne ya Muswada inaainisha taratibu kuhusu uhifadhi, usimamizi na uendelezaji wa rasilimali za uvuvi kwa matumizi endelevu, utekelezaji wa miongozo ya kimataifa na kikanda, kuzingatia tafiti za kisayansi na wajibu wa wenye meli kutekeleza miongozo hiyo. Aidha, Sehemu hii inaweka masharti kuhusu uanzishwaji wa mipango ya usimamizi wa rasilimali za uvuvi (fisheries management plans) na maeneo ya hifadhi katika EEZ ya Tanzania.

Sehemu ya Tano ya Muswada inaainisha masharti ya ujumla yanayohusiana na utoaji wa leseni za uvuvi, masharti ya meli zenye kupeperusha bendera ya Tanzania, na utaratibu wa meli za kigeni zenye leseni au vibali vinavyotolewa chini ya sheria inayopendekezwa. Sehemu hii pia, inaweka masharti ya zuio kwa meli za uvuvi kutojihusisha na makosa yanayovuka mipaka ya nchi na kuweka zuio la kufanya uhaulishaji wa shughuli yeyote katika ukanda wa EEZ. Masharti mengine katika sehemu hii yanahusu utaratibu wa namna ya kuomba usajili wa meli za kigeni hapa nchini.

Aidha, Sehemu hii inaainisha masharti yanayopaswa kufuatwa na meli za uvuvi za wazawa zinapojishulisha na shughuli za uvuvi katika maeneo ya Bahari Kuu. Mwisho, sehemu hii inatoa fursa kwa wazawa kupatiwa

vichocheo(incentives) ili kuwawezesha kuwekeza katika uvuvi wa EEZ. Pia, sehemu hii inabainisha uwezo wa kisheria wa Waziri anayesimamia uvuvi kuingia makubaliano na nchi nyingine au jumuiya za kiuchumi za kikanda na kimataifa kuhusu uhifadhi, usimamizi na uendelezaji wa rasilimali a uvuvi kwa mashirikiano na nchi nyingine.

Sehemu ya Sita ya Muswada inahusu inapendekeza kuanzishwa kwa mfumo wa usajili wa taarifa . Mfumo huu utakuwa na taarifa na takwimu za samaki kulingana na vigezo vya kitaifa, kikanda na kimataifa. Aidha, inaelekeza utaratibu na masharti ya upatikanaji wa taarifa na usiri wa taarifa kupitia mfumo wa ufuatiliaji, teknolojia inayotumika na masharti mengine ya kiufundi ya VMS na AIS.

Sehemu ya Saba ya Muswada inaainisha masharti yanayohusu viwango vya samaki, masharti ya kuingiza samaki nchini au kusafirisha samaki nje ya nchi.

Sehemu ya Nane ya Muswada inaweka masharti na wajibu wa kufanya ufuatiliaji, usimamizi na udhibiti katika EEZ na maeneo mengine kwa kutumia meli, ndege za doria na vyombo vingine vya mawasiliano. Aidha, sehemu hii inaelezea udhibiti wa uvuvi haramu kupitia bandari “Port State Measures (PSM) na ufuatiliaji wa meli za uvuvi zinazofanya au kushukiwa kufanya uvuvi haramu nchini na kukimbilia nchi nyingine.

Sehemu ya Tisa ya Muswada inaweka masharti yanayohusu kukamata, kukamata, kuuza, kutaifisha au kuachia kwa dhamana vifaa au samaki waliokamatwa kutokana na makosa yaliyofanywa na meli ya uvuvi , pamoja na taratibu zake.

Sehemu ya Kumi ya Muswada inaweka utaratibu wa kushulikia makosa yanayofanyika nje ya EEZ ya Tanzania.Pia, Muswada unabainisha malaka ya Mahakama Kuu za Tanzania Bara na Zanzibar kusikiliza makosa mbalimbali yaliyotjwa

katika sheria inayopendekezwa. Aidha, inaelezea uwajibikaji wa mmiliki aunahodha wa meli za uvuvi kwa makosa yaliyofanywa na na baharia (crew) hadi pale itakapothibitishwa vinginevyo.

Sehemu ya Kumi na Moja ya Muswada inelezea masharti kuhusu ushahidi wa taarifa za doria za ndege au meli na taarifa za meli kupitia mifumo ya ufuatiliaji- *Vessel Monitoring System* na *Automatic Identification System*.

Sehemu ya Kumi na Mbili ya Muswada inaweka masharti kuhusu vyanzo vya fedha za Mamlaka, mgao wa fedha kwa Serikali ya Jamhuri ya Muungano wa Tanzania, Serikali ya Mapinduzi ya Zanzibar na Mamlaka. Aidha, inaeleza utaratibu wa kuwasilishwa kwa taarifa ya hesabu za Mamlaka Bungeni na Baraza la Wawakilishi, uwezo wa kukopa kisheria na kuanzishwa kwa bodi ya wazabuni ya Mamlaka.

Sehemu ya Kumi na Tatu ya Muswada inabainisha makosa mbalimbali na adhabu zake ambazo zimebainishwa katika Jedwali la Pili la Muswada wa sheria inayopendekezwa. Aidha, inatoa adhabu ya jumla (general penalty) kwa makosa yasiyoainishwa katika Jedwali la Pili na uwezo wa Mkurugenzi Mkuu wa Mamlaka kufilisha makosa.

Sehemu ya Kumi na Nne inaweka masharti ya jumla ikiwemo uhusiano wa sheria inayopendekezwa na sheria nyingine, utaratibu wa utoaji wa taarifa kwa maandishi, uwezo wa kuingia mikataba na taasisi za Tanzania Bara na Zanzibar na Mamlaka ya Waziri kutunga Kanuni mbalimbali za utekelezaji wa masharti ya sheria inayopendekezwa. Sehemu hii pia inaainisha masharti ya kufutwa kwa Sheria ya Mamlaka ya Kusimamia Uvuvi wa Bahari Kuu, Sura ya 388.

Dodoma,
7 Januari, 2020

LUHAGA JOELSON MPINA,
Waziri wa Mifungo na Uvuvi

**SCHEDULE OF AMENDMENT TO BE MOVED BY THE HON. LUHAGA JOELSON
MPINA, THE OF LIVESTOCK AND FISHERIES AT THE SECOND READING OF A
BILL ENTITLED “THE DEEP SEA FISHERIES MANAGEMENT AND
DEVELOPMENT ACT, 2020”**

(Made under S.O. 86(10)(b))

A Bill entitled “The Deep Sea Fisheries Management and Development Act, 2020” is amended as follows:

- A:** In Clause 4, by inserting a comma immediately after the words “vessels in” appearing in paragraph (b);
- B:** By deleting the word “CONTINUATION” appearing in the heading of Part II and substituting for it the word “ESTABLISHMENT”;
- C:** In Clause 5, by-
- (a) deleting the word “Continuation of the” appearing in the marginal note and substituting for it the word “Establishment of”;
 - (b) deleting the words “ shall continue to exist” appearing in subclause (1) and substituting for it the words “is hereby established”;
- D:** In Clause 6, by-
- (a) inserting the word “related” between the words “and” and “activities” appearing in paragraph (b)(vi);
 - (b) inserting immediately after paragraph (b) the following:
“ (c) determine fees, charges, resource rent or royalties;”; and
 - (c) renaming paragraphs (c) to (g) as paragraphs (d) to (h) respectively;
- E:** In Clause 8, by-
- (a) deleting the word “KMKM” appearing in subclause (1)(f) and substituting for it the words “special departments in Tanzania Zanzibar;”
 - (b) deleting subclause (3) and substituting for it the following-
“ (3) For the purposes of the smooth, transparent and effective discharge of the functions of the Authority, the Chairmanship of the Executive Committee shall alternate after one meeting between the Permanent Secretary of the Ministry responsible for fisheries in Mainland Tanzania and the Principal Secretary of the Ministry responsible for fisheries in Tanzania Zanzibar.”;
- F:** Clause 10-
- (a) in subclause (3), by deleting the word “side” appearing in the proviso and substituting for it the words “sides of”; and
 - (b) in subclause (5), by deleting the word “procedures” and substituting for it the word “proceedings”;

- G:** In Clause 26, by inserting the words “in consultation with the Executive Committee and the Minister responsible for fisheries in Tanzania Zanzibar” between the words “may” and “make”;
- H:** In Clause 30(2), by deleting the word “an” appearing between the words “shall,” and “conviction” and substituting for it the word “upon”;
- I:** In Clause 36(1)-
 (a) deleting a semi colon and the word “and” appearing at the end of paragraph (c) and substituting for them a “full stop” and
 (b) by deleting paragraph (d);
- J:** In Clause 45, by-
 (a) deleting subclause (1) and substituting for it the following:
 “(1) For the purpose of promoting access to and fisheries in the Exclusive Economic Zone, the Authority may-
 (a) on application by citizens or entities owned by citizens of the United Republic;
 (b) after consultation with the Ministers responsible for fisheries in Mainland Tanzania and Tanzania Zanzibar; and
 (c) subject to the list of incentives issued pursuant to subsection (2) and the regulations prescribed pursuant to subsection (3),
 recommend to the relevant institutions responsible for investment incentives in Mainland Tanzania and Tanzania Zanzibar for provision of incentives for matters regulated under this Act.”
 (b) adding immediately after subclause (1) the following-
 “(2) The Minister may, after consultation with the Minister responsible for fisheries in Tanzania Zanzibar and by notice in the *Gazette*, prescribe a list of incentives to be granted under subsection (1).”
 (c) renumbering subclause (2) as subclause (3); and
 (d) inserting the phrase “after consultation with the Minister responsible for fisheries in Tanzania Zanzibar” between the words “may” and “make” appearing in subclause (3) as renumbered;
- K:** In Clause 53, by inserting the phrase “referred to under section 54 and includes information” between the words “information” and “that” appearing in subclause (3);
- L:** In Clause 54, by deleting the words “such purpose” appearing in subclause (2) and substituting for them the words “the purpose as requested and such information”;
- M:** In Clause 55, by inserting the words “of a vessel” between the words “registration” and “where” appearing in subclause (4);
- N:** In Clause 56, by inserting the word “to” between the words “required” and “be reported”;
- O:** In Clause 59, by-

- (a) deleting the phrase “upon recommendation of the Director General” appearing in subclause (1) and substituting for it the phrase “in consultation with the Executive Committee and the Minister responsible for fisheries in Tanzania Zanzibar”;
 - (b) inserting the word “for” between the words “authority” and “quality” appearing in subclause (2);
- P:** In Clause 60(1), by-
- (a) deleting the words “tuna or tuna like species” appearing in paragraph (b) and substituting for them the words “targeted species”;
 - (b) adding the word “and” at the end of paragraph (b); and
 - (c) adding the word “or Tanzania Zanzibar as the case may be” at the end of paragraph (c);
- Q:** In Clause 61, by deleting the word “shall” appearing in subclause (4) and substituting for it the word “may”;
- R:** In Clause 62(1), by-
- (a) adding the word “and” at the end of paragraph (b); and
 - (b) adding the word “or” at the end of paragraph (c)(i);
- S:** In Clause 65, by inserting the word “related” between the words “fishing” and “activity” appearing in subclause (2);
- T:** In Clause 66(1), by-
- (a) adding the words “has been” immediately after the word “believe” appearing in paragraph (e); and
 - (b) deleting the words “has been” appearing at the beginning of item (i), (ii) and (iii) of paragraph (e);
- U:** In Clause 67(5), by adding the word “or” at the end of paragraph (a);
- V:** In Clause 68(3), by adding the word “and” at the end of paragraph (a)(ii);
- W:** In Clause 71(2), by deleting the phrase “and become the property of the Government” appearing at the end of that Clause;
- X:** In Clause 72 by adding the words “or confiscated” immediately after the word “forfeited”;
- Y:** In Clause 94, by inserting the word “of” between the words “period” and “up” appearing in subclause (1);
- Z:** In Clause 96 by adding the phrase “Without prejudice to section 2(2),” at the beginning of that Clause;
- AA:** In Clause 100, by inserting the words “by the Authority” between the words “issued” and “under” appearing in subclause (1); and

BB: In Clause 101-

(a) in subclause (1), by-

- (i) deleting the word “with” appearing in the open phrase between the words “responsible” and “fisheries” and substituting for it the word “for”;
- (ii) deleting paragraph (e); and
- (iii) renaming paragraphs (f) to (o) as paragraphs (e) to (n) respectively;

(b) in subclause (2), by-

(i) inserting a new paragraph (a) as follows:

“(a) prescribing fees, charges, levies, resource rent or royalties payable in respect of any matter under this Act;” and

(ii) renaming paragraphs (a) to (e) as paragraphs (b) to (f) respectively.

Dodoma,
....., 2020

LJM
MLF

**FURTHER SCHEDULE OF AMENDMENT TO BE MOVED BY
HON. LUHAGA JOELSON MPINA, THE MINISTER OF LIVESTOCK AND
FISHERIES AT THE SECOND READING OF A BILL ENTITLED “THE DEEP
SEA FISEHERIES MANAGEMENT AND DEVELOPMENT ACT, 2020”**

Made under S.O. 86(6)

The Bill entitled the Deep Sea Fisheries management and Development Act, 2020” is further amended as follows:

A: In Clause 5, by deleting the words “within or outside Tanzania Zanzibar” appearing at the end of of subclause (3).

Dodoma,
....., 2020

LJM
MLF

WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO:

Mheshimiwa Spika, naafiki.

SPIKA: Ahsante sana, hoja imetolewa na imeungwa mkono. Nakushukuru sana Waziri wa Mifugo na Uvuvi, Mheshimiwa Luhaga Mpina kwa kuiweka hoja yako Mezani vizuri kabisa na kwa ufasaha mkubwa.

Sasa nimuite Mwenyekiti wa Kamati ya Kilimo, kwa niaba yake Mheshimiwa Dkt. Kabati, tafadhali.

MHE. RITTA E. KABATI - K.n.y. MWENYEKITI WA KAMATI YA KUDUMU YA BUNGE YA KILIMO, MIFUGO NA MAJI:

Mheshimiwa Spika, ahsante. Maoni na ushauri ya Kamati ya Kudumu ya Kilimo, Mifugo na Maji kuhusu Muswada wa Sheria ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu wa Mwaka 2020 [*The Deep Sea Fisheries Management and Development Bill, 2020*].

Mheshimiwa Spika, utangulizi. Kwa mujibu wa Kanuni ya 86(5) ya Kanuni za Kudumu za Bunge, Toleo la Januari, 2016, naomba kuwasilisha Maoni ya Kamati ya Kudumu ya Bunge ya Kilimo, Mifugo na Maji Kuhusu Muswada wa Sheria ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu wa Mwaka 2020 (*The Deep Sea Fisheries Management and Development Bill, 2020*).

Mheshimiwa Spika, Muswada wa Sheria ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu wa Mwaka 2020 unalenga kupendekeza kutungwa kwa Sheria mpya ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu ya mwaka 2020 pamoja na kuweka masharti bora ya usimamizi, uhibitaji na uhifadhi wa rasilimali za uvuvi katika Ukanda Maalum wa Uchumi wa Bahari (*EEZ*). Kutungwa kwa sheria hii kutaimarisha utekelezaji wa matakwa ya Sheria na Mikataba ya Kikanda na Kimataifa (ambayo Tanzania imeridhia) katika kudhibitaji na kuhifadhi rasilimali za uvuvi. Aidha, Muswada unaopendekezwa unakusudia kuifuta Sheria ya Mamlaka ya Kusimamia Uvuvi wa Bahari Kuu, Sura ya 388.

Mheshimiwa Spika, lengo la kufuta Sheria iliyopo ya Mamlaka ya Kusimamia Uvuvi wa Bahari Kuu, Sura ya 388 ni kutokana na ukweli kwamba sheria hii ilijikita zaidi katika uanzishwaji wa Mamlaka ya Kusimamia Uvuvi wa Bahari Kuu (*The Deep Sea Fishing Authority – DSFA*), ambayo masharti ya sheria hii yamejielekeza zaidi katika muundo wa *DSFA* kuliko usimamizi na uendelezaji wa rasilimali za uvuvi katika bahari kuu. Kutokana na muundo wake sheria hii imeshindwa kushughulikia masuala muhimu kama:-

- (i) Kusimamia meli za uvuvi zinazopeperusha bendera ya Tanzania nje ya mipaka ya bahari ya Tanzania;
- (ii) Uhifadhi na usimamizi wa rasilimali za uvuvi (*conservation and management measures*);
- (iii) Udhhibiti wa uvuvi haramu (*Illegal, Unreported and Unregulated Fishing - IUU*);
- (iv) Udhhibiti wa bandari (*port state measures*);
- (v) Uwezo wa Mawaziri kuingia mikataba ya uvuvi (*Bilateral Fishing Agreements*);
- (vi) Ukusanyaji na ubadilishanaji wa taarifa za uvuvi na mavuno ya samaki na uhifadhi wa mazingira ya *EEZ* na vivutio (*incentives*) kwa wavuvi na wawekezaji wa Tanzania.

Mheshimiwa Spika, Kamati inatoa pongezi kwa Serikali kwa hatua ya kuleta Muswada huu mbele ya Bunge lako Tukufu ili uweze kujadiliwa na hatimaye kutungwa kwa sheria itakayoimarisha Usimamizi na Kuendeleza Uvuvi wa Bahari Kuu kwa maslahi mapana kwa Taifa.

Mheshimiwa Spika, kutungwa kwa Sheria hii ni utekelezaji wa mapendekezo ya Kamati ulioiunda kuchunguza sababu zinazopelekea Uvuvi wa Bahari Kuu kutochangia kikamilifu kwenye pato la Tafa. Moja ya mapendekezo ya Kamati yako ilikuwa kufanya maboresho ya Sheria na Kanuni zinazohusu Uvuvi wa Bahari Kuu. Kamati

inakupongeza, kwani hatua hii imeliwezesha Bunge kutekeleza wajibu wake kwa mujibu wa Katiba.

Mheshimiwa Spika, baada ya Kamati kupokea Muswada wa Sheria inayokusudiwa kutungwa, Kamati ilitoa mwaliko kwa wadau mbalimbali kupitia vyombo vya habari na barua pepe. Wajibu huu ulitekelezwa kwa mujibu wa Kanuni ya 84(2) ya Kanuni za Kudumu za Bunge, Toleo la Januari, 2016. Mwaliko uliotolewa ulikusudia kuwapa wadau fursa ya kutoa maoni yao kuhusu mapendekezo ya marekebisho ya sheria inayokusudiwa kutungwa na hatimaye kuisaidia Kamati kufanya uchambuzi wa kina wa Muswada tajwa.

Mheshimiwa Spika, Kanuni inaitaka Kamati kualika wadau kufika mbele ya Kamati ili kutoa maoni. Hata hivyo, kutokana na mlipuko wa ugonjwa wa Homa ya Mapafu unaosababishwa na virusi vya *Corona (COVID -19)*, Kamati ililazimika kupokea maoni ya wadau kwa njia ya barua pepe ili kuepusha mikusanyiko, ambapo Kamati iliyapitia na kuyachambua na hivyo kuweza kupata fursa ya kuwa na uelewa mpana wa maudhui ya Muswada husika. Wadau waliotuma maoni ni pamoja na Vyama vya Wavuvi na watu binafsi.

Mheshimiwa Spika, uchambuzi wa Muswada na Mapendekezo ya Kamati. Kabla ya kuanza kuchambua Muswada tajwa, tarehe 28 Aprili, 2020 Kamati ilipokea Maelezo ya Waziri wa Mifugo na Uvuvi (kwa njia ya Bunge mtandao). Katika maelezo yake, Waziri alieleza Kamati kuwa Madhumuni na sababu za sheria inayokusudiwa kutungwa ambayo muktadha wake unapatikana katika sehemu ya Muswada ijulikanayo kama madhumuni na sababu (*objectives and reasons*) yanalenga kuwezesha yafuatayo kutokea:-

(i) Kuongezeka kwa mapato yatokanayo na rasilimali za uvuvi wa Bahari Kuu;

(ii) Kuimarika kwa mahusiano ya kikanda na kimataifa kutokana na kupungua matukio ya uvuvi haramu na kuimarika udhibiti na ufuatiliaji wa Meli za Uvuvi zinazopeperusha bendera ya Tanzania zinapovua nje ya mipaka ya nchi katika Bahari Kuu (*High Seas*) na Uchumi wa Bahari Kuu (*Exclusive Economic Zone – EEZ*) za nchi nyingine;

(iii) Kupungua kwa upotevu wa rasilimali za uvuvi na uharibifu wa mazingira ya bahari kutokana na kuimarika kwa udhibiti wa uvuvi haramu na usimamizi wa matumizi endelevu ya rasilimali za uvuvi;

(iv) Kuimarika kwa mfumo wa ukusanyaji wa taarifa za uvuvi na mavuno ya samaki utakaounganisha taarifa za maji ya ndani, maji ya kitaifa na eneo la Ukanda wa Uchumi wa Bahari na kupelekea kuongezeka kwa uwekezaji kwenye sekta ya uvuvi;

(v) Kuimarika kwa viwango vya utekelezaji wa taratibu na miongozo ya kikanda pamoja na kupungua kwa makosa yatokanayo na ukiukwaji wa sheria nchini;

(vi) Kufutwa kwa Sheria ya Kusimamia Uvuvi wa Bahari Kuu, Sura ya 388 na kuwepo kwa Sheria Mpya ya Mamlaka ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu, 2020 (*The Deep Sea Fisheries Management and Development Act, 2020*);

(vii) Sheria inayopendekezwa kutumika kwenye Ukanda wa Uchumi wa Bahari Kuu (*Exclusive Economic Zone*); na

(viii) Sheria inayopendekezwa kutumika pande zote za Muungano.

Mheshimiwa Spika, Kamati inaunga mkono madhumuni na sababu (*objectives and reasons*) za Serikali kuhusu Muswada huu kwani unalenga kuwa na usimamizi bora, ufanisi na kuimarisha usimamizi na uendelezaji wa Uvuvi wa Bahari Kuu, hivyo, kuongeza tija na kuimarisha uchumi kwa ujumla; na kutungwa kwa sheria hii kutawezesha sheria

kutumika pande zote za Muungano kwa kuwa sheria inayofutwa haikuwahi kuridhiwa na upande wa Zanzibar na kuifanya sheria hiyo kutotumika kwa zaidi ya miaka kumi na mbili.

Mheshimiwa Spika, wakati Kamati ikichambua Muswada huu, ilipata nafasi ya kutathimini uzoefu wa nchi zingine ambazo zimetunga sheria kwa ajili ya kusimamia masuala ya Uvuvi katika Bahari Kuu, ikiwemo Afrika Kusini, Maldives na India. Sheria hizo zinatofautiana kulingana na mazingira, desturi na matakwa ya nchi husika. Aidha, uzoefu unaonesha kuwa kuna tija ya kutosha katika nchi zenye sheria za namna hii kwa ajili ya kusimamia rasilimali za uvuvi wa Bahari Kuu na hivyo kuufanya mfumo au utaratibu huu kutumika katika nchi nyingi.

Mheshimiwa Spika, pamoja na kutathimini uzoefu wa nchi zingine, Wajumbe walipata fursa ya kushiriki semina na mada mbalimbali kwa lengo la kuwajengea uwezo zaidi. Mada hizo ziliandaliwa na Idara ya Kamati za Bunge, Idara ya Mshauri wa Bunge Mambo ya Sheria pamoja na Wataalamu waliobobea kutoka katika Taasisi zenye uzoefu wa masuala ya uvuvi. Semina hizo ziliratibiwa kupitia Mradi wa Kuwajengea Wabunge Uwezo Awamu ya Pili (*Legislative Support Project - LSP II*) unaofadhiliwa na UNDP. Kwa namna ya kipekee, Kamati inatoa shukrani kwa Ofisi ya Bunge kupitia Mradi wa *LSP II* kwa kuwawezesha Wabunge kuongeza ujuzi na uelewa kuhusu muktadha wa Muswada unaokusudiwa kutungwa. Mada zilizowasilishwa ni pamoja na dhana kuu kuhusu Muswada wa Sheria ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu wa Mwaka 2020 (*The Deep Sea Fisheries Management and Development Act, 2020*); madhumuni na mazingira ya utekelezaji Muswada wa Sheria ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu wa Mwaka 2020; na uchambuzi wa Muswada wa Sheria ya Uvuvi wa Bahari Kuu wa mwaka 2020.

Mheshimiwa Spika, maoni na mapendekezo. Uchambuzi wa Kamati ulibaini kuwa Muswada huu una sehemu kumi na nne (14) na vifungu mia moja na mbili (102)

pamoja na majedwali mawili (2) na kwa ukamilifu wake unasomeka kuwa Muswada wa Sheria ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu wa Mwaka 2020 (*The Deep Sea Fisheries Management and Development Bill, 2020*). Katika sehemu na ibara hizo, Kamati ina maoni na mapendekezo yafuatayo:-

(i) Kuweka masharti ya Udhibiti wa Samaki Aina ya Papa. Ibara ya 3 ya Muswada inapendekeza tafsiri ya neno mzoga (*carcass*) kuwa ni mzoga wa samaki aina ya papa lakini Muswada wote hauna masharti mengine kuhusiana na samaki hao. Samaki aina ya papa wamekuwa wakivuliwa sana duniani na kukatwa mapezi (kwa ajili ya supu na tiba za asili hususani kwa soko la China) na sehemu yote ya mwili iliyobaki hutupwa baharini.

Mheshimiwa Spika, kwa mujibu wa Kanuni za Uvuvi wa Bahari Kuu zinazotumika hivi sasa zinabainisha kuwa, mtu yeyote atakayekutwa na mapezi ya papa bila kuwa na miili yake atakuwa ametenda kosa kisheria. Kanuni hizo zinafafanua zaidi kuwa iwapo mtuhumiwa atakutwa na hatia adhabu yake ni faini isiyopungua shilingi bilioni moja au kifungo cha miaka ishirini au adhabu zote kwa pamoja.

Mheshimiwa Spika, utaratibu huu wa mtu anayekutwa na mapezi ya samaki aina ya papa kuwa ni kosa la jinai unatumika katika nchi nyingi duniani kwa sababu mbalimbali. Miongoni mwa sababu hizo ni utunzaji wa mazingira ya baharini, kulinda baadhi ya aina za papa (*shark species*) ambao wanatajwa kuwa hatarini kutoweka. Aidha, watetezi wa haki za viumbe hao wanaeleza kuwa ni ukatili kumkata papa mapezi na kumtupa baharini akiwa hana uwezo wa kuogelea. Kwa misingi hiyo, Kamati inapendekeza kuwa, ni vema masharti ya kuwalinda samaki aina ya papa yakazingatiwa katika Muswada huu.

Mheshimiwa Spika, kuweka ukomo wa chini wa adhabu. Sheria inayokusudiwa kutungwa imeainisha adhabu za faini mbalimbali ambapo baadhi ya ibara zinaweka ukomo wa juu wa adhabu bila kubainisha ukomo wa chini.

Ibara hizo ni 27(3), 28(2), 29(2), 30(2), 31(4), 32(3) na 33(4). Ibara zingine ni 34(5), 36(2), 38(3), 39(2), 41(2), 42(2) na 46(2). Mathalani, ibara ya 38(3) na 42(2) zinabainisha adhabu kubwa ya faini kuwa ni dola za Marekani 2,000,000 ambazo ni sawa na takribani Sh.4,600,000,000. Kamati imebaini kuwa, tafsiri ya viwango hivi inaweza kuwa adhabu inayoelezwa inaweza kutolewa hata kuanzia Sh.100 jambo linaloweza kuwa ni mojawapo wa mwanya wa rushwa. Hivyo, Kamati inapendekeza kuwa ni vema kuzingatia uzito wa kila kosa na kubainisha kiwango cha chini na kiwango cha juu kwa kila faini inayopendekezwa au kubainisha kiwango mahsusi cha adhabu kama ilivyo katika ibara za 20(5), 21(5), 23(4), 37(2), 44(2), 54(3), 55(3) na 59(3).

Mheshimiwa Spika, kupanua wigo wa masharti ya ubora wa samaki kujumuisha samaki wanaochakatwa kwa ajili ya matumizi ya ndani ya nchi. Ibara ya 59 inapendekeza kumpa Waziri mamlaka ya kuandaa kanuni zinazohusiana na ubora pamoja na utaratibu wa uchakataji wa samaki wanaosafirishwa nje ya nchi. Ibara hii haijazungumzia ubora wa samaki wanaochakatwa kwa ajili ya matumizi ya soko la ndani. Hivyo, Kamati inapendekeza kuwa ni vema ibara hiyo ikaboreshwa ili viwango vya ubora vitakavyoainishwa viwe sawa kwa soko la ndani na lile la nje ya nchi ili kuondoa dhana kwamba vitu vyenye ubora ndio huuzwa nje ya nchi na visivyo na ubora ndio vinafaa kwa matumizi ya ndani.

Mheshimiwa Spika, faini ziainishwe katika shilingi ya Kitanzania badala ya Dola ya Marekani. Ibara ya 88 ikisomwa pamoja na Jedwali la Pili la Muswada inapendekezwa kuwa, adhabu za faini kwa makosa mbalimbali ya jinai kulipwa katika dola za Marekani licha ya kutambua matumizi ya shilingi. Ni kweli kwamba kwa nadharia ya adhabu za faini nchini imekuwa ikikumbwa na changamoto ya mfumuko wa bei hali inayopelekea Muswada huu kupendekeza adhabu za faini kuwa katika dola za Marekani. Hata hivyo, ni dhahiri kwamba utungaji wa sheria inayoweka adhabu ya faini katika fedha za nchi nyingine badala ya shilingi inaweza kuwa na tafsiri hasi hasa kwa kuzingatia hadhi ya Jamhuri ya Muungano kama nchi huru (*sovereignty of the United*

Republic). Hii ni kwa mujibu wa Ibara ya 1 ya Katiba ya Jamhuri ya Muungano wa Tanzania, 1977 ikisomwa pamoja na kifungu cha 25 cha Sheria ya Benki Kuu, Na. 4 ya mwaka 2006 ambacho kinabainisha kuwa fedha itakayotumika Tanzania ni shilingi.

Mheshimiwa Spika, kwa msingi huo, ili kukabiliana na athari za mfumuko wa bei, Kamati inapendekeza katika Muswada huu, kubadilisha adhabu za faini kutoka katika dola za Marekani na kuweka mfumo wa alama za adhabu (*penalty units*). Mfumo wa alama za adhabu unawezesha adhabu za faini kuendana na wakati na kutoa fursa ya kuboreshwa kulingana na hali ya mfumuko wa bei nchini.

Mheshimiwa Spika, utaratibu huu siyo mgeni hapa nchini kwa kuwa umetumika pia katika Sheria ya Usimamizi wa Kodi, Na. 10 ya mwaka 2015 (*The Tax Administration Act*) ambayo inatumia mfumo wa alama za sarafu (*currency points*) ambapo mantiki ni hiyohiyo kama mfumo wa alama za adhabu. Mifano mingine inapatikana katika nchi ya Zambia ambayo ina sheria mahsusi kuhusu mfumo wa alama katika ada na adhabu (*The Fees and Fines Act, Cap. 45*) na Nchi ya Ghana inatumia sheria inayojulikana kama *The Fines (Penalty Units) Act, 2000 (Act 572)*.

Mheshimiwa Spika, kuondoa uwezekano wa Waziri kuwa Mamlaka ya Rufaa dhidi ya Mahakama. Ibara ya 100 ya Muswada inapendekeza kuwa mtu yeyote ambaye hataridhika na uamuzi au amri iliyotolewa chini ya sheria hii anaweza kukata rufaa kwa Waziri mwenye dhamana ya uvuvi. Sheria hii imeweka masharti ambapo kwa namna moja au nyingine Mahakama inaweza kutoa uamuzi au amri kuhusiana na masuala mbalimbali. Kamati ina maoni kuwa, uandishi wa ibara ya 100 haujitoshelezi kwa kuwa uamuzi au amri nyingine zinaweza kutolewa na Mahakama hivyo ni vema kubainisha ni uamuzi au amri za mamlaka ipi zinazoweza kukatiwa rufaa kwa Waziri, vinginevyo mapendekezo hayo yanaweza kuwa kinyume na ibara ya 4 ikisomwa pamoja na ibara ya 107A ya Katiba ya Jamhuri ya Muungano, 1977. Kamati inapendekeza kuwa, maboresho

yanaweza kufanyika kwa kumpa Waziri mamlaka ya rufaa kwa maamuzi ya kiutawala yanayofanywa na *DSFA* pekee, ili rufaa za kimahakama zifuate utaratibu wa kawaida wa sheria. Aidha, masharti ya rufaa kwa ujumla yanapaswa kuboreshwa kwa kubainisha muda mahsusi ambao mtu anaweza kukata rufaa tangu uamuzi au amri itolewa pamoja na muda wa kutoa majibu ya rufaa husika.

Mheshimiwa Spika, kuipa *DSFA* mamlaka ya kupanga ada mbalimbali. Ibara ya 101 ya Muswada inaainisha mambo ambayo Waziri anaweza kuyatungia kanuni ikiwemo masuala ya ada na tozo mbalimbali kama inavyoainishwa na fasili ya (1)(e). Hata hivyo, katika utaratibu wa utungaji wa sheria, suala lolote linalohusu fedha linapaswa kuwepo kwenye masharti ya msingi yanayopitishwa na Bunge kabla ya kuyaweka kwenye kifungu cha kukasimu madaraka ya kutunga sheria ndogo kwa mamlaka nyingine jambo ambalo halijazingatiwa kwenye Muswada huu. Hivyo, Kamati inapendekeza kuwa ni vema ibara ya 6 ya Muswada inayohusu majukumu ya *DSFA* ikaboreshwa kwa kuipa mamlaka hiyo jukumu la kupendekeza kwa Waziri kuhusu masuala yote yanayohusu ada na tozo mbalimbali. Maboresho hayo yazingatiwe pia katika ibara ya 101 ambapo Waziri anapotunga kanuni kuhusiana na ada itakuwa ni vema kuzingatia mapendekezo ya *DSFA*.

Mheshimiwa Spika, maboresho ya kiuandishi. Uchambuzi wa Kamati pia umeweza kubaini mapungufu ya kiuandishi katika ibara mbalimbali za Muswada. Hivyo, Kamati inapendekeza maboresho ya kiuandishi katika ibara za 4, 6(b)(vi), 30 (2), 36(1)(a) - (d), 45(1), 51(1), 53(3), 54(2), 55(4), 56, 59(2), 60(1)(b), 61(4), 62(1)(b) & (c)(i), 65(2), 66(1)(e), 67(5)(a), 68(3)(a)(ii), 71(2), 94(1), 96 na 101(1)(o). Marekebisho ya kiuchapaji na kiuandishi katika kila ibara yameainishwa katika Jedwali la Mapendekezo ya Marekebisho yaliyowasilishwa na Kamati na kukubaliwa na Serikali.

Mheshimiwa Spika, hitimisho. Kwa kuzingatia uchambuzi wa Kamati, madhumuni na sababu za kutungwa kwa sheria hii, Kamati imeridhika kuwa ni wakati muafaka

kwa nchi yetu kuwa na Sheria mpya ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu ambayo itaweka masharti bora ya usimamizi, uhibititi na uhifadhi wa rasilimali za uvuvi katika Ukanda Maalum wa Uchumi wa Bahari (EEZ), hivyo kuongeza tija na kuimarisha uchumi wa Taifa kwa ujumla.

Mheshimiwa Spika, kwa niaba ya Wajumbe wa Kamati, napenda kumpongeza Waziri wa Mifugo na Uvuvi, Mheshimiwa Luhaga Mpina (Mb), Naibu Waziri wa Mifugo na Uvuvi Mheshimiwa Abdallah Ulega (Mb), wataalamu kutoka Wizara ya Mifugo na Uvuvi, Mwanasheria Mkuu wa Serikali pamoja na wataalamu wa Ofisi ya Mwanasheria Mkuu wa Serikali na wadau wote wanaoguswa na sheria inayokusudiwa kutungwa. Aidha, nachukua fursa hii pia kuwashukuru wadau wote waliowasilisha maoni yao, kwani michango yao ya kitaalam imeisaidia Kamati kuboresha Muswada huu. *(Makofi)*

Mheshimiwa Spika, vilevile nawashukuru Wajumbe wa Kamati ya Bunge ya Kilimo, Mifugo na Maji kwa kuchambua kikamilifu maoni yaliyowasilishwa na wadau na hivyo kuwawezesha kuchambua Muswada kwa kina na hatimaye kukamilisha taarifa hii.

Mheshimiwa Spika, kwa heshima na taadhima, naomba kuwatambua Wajumbe kama walivyoonyeshwa kwenye taarifa ya Kamati.

Mwisho lakini siyo kwa umuhimu, Kamati inamshukuru Katibu wa Bunge, Ndugu Stephen Kagaigai kwa kuiwezesha Kamati wakati wote ilipokuwa ikitekeleza majukumu yake.

Vilevile Kamati inaishukuru Sekretarieti ya Kamati ikiongozwa na Kaimu Mkurugenzi wa Idara ya Kamati, Ndugu Michael Chikokoto; Mkurugenzi Msaidizi, Ndugu Gerald Magili, pamoja na Makatibu wa Kamati Ndugu Mtui, Ndugu Rachel Nyega; Mshauri wa Bunge kwa Mambo ya Sheria, Ndugu Stephano Mbutu; na Watumishi wote wa Ofisi ya Bunge kwa kuratibu vyema shughuli za Kamati hadi kukamilisha taarifa hii.

Mheshimwa Spika, baada ya kusema hayo, naomba kuwasilisha na ninaunga mkono hoja. (*Makofi*)

MAONI NA USHAURI WA KAMATI YA KUDUMU YA BUNGE YA KILIMO, MIFUGO NA MAJI KUHUSU MUSWADA WA SHERIA YA KUSIMAMIA NA KUENDELEZA UVUVI WA BAHARI KUU WA MWAKA 2020 (*THE DEEP SEA FISHERIES MANAGEMENT AND DEVELOPMENT ACT, 2020*) - KAMA YALIVYOWASILISHWA MEZANI

1.0 UTANGULIZI

Mheshimiwa Spika, kwa mujibu wa Kanuni ya 86 (5) ya Kanuni za Kudumu za Bunge, Toleo la Januari, 2016, naomba kuwasilisha Maoni ya Kamati ya Kudumu ya Bunge ya Kilimo, Mifugo na Maji Kuhusu Muswada wa Sheria ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu wa Mwaka 2020 (*The Deep Sea Fisheries Management and Development Act, 2020*).

Mheshimiwa Spika, Muswada wa Sheria ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu wa Mwaka 2020 unalenga kupendekeza kutungwa kwa sheria mpya ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu ya mwaka 2020 pamoja na kuweka masharti bora ya usimamizi, udhibiti na uhifadhi wa rasilimali za uvuvi katika Ukanda Maalum wa Uchumi wa Bahari (EEZ). Kutungwa kwa Sheria hii kutaimarisha utekelezaji wa matakwa ya Sheria na Mikataba ya Kikanda na Kimataifa (ambayo Tanzania imeridhia) katika kudhibiti na kuhifadhi rasilimali za uvuvi. Aidha, muswada unaopendekezwa unakusudia kuifuta Sheria ya Mamlaka ya Kusimamia Uvuvi wa Bahari Kuu, Sura ya 388.

Mheshimiwa Spika, lengo la kufuta Sheria iliyopo ya Mamlaka ya Kusimamia Uvuvi wa Bahari Kuu, Sura ya 388 ni kutokana na ukweli kwamba Sheria hii ilijikita zaidi katika uanzishwaji wa Mamlaka ya Kusimamia Uvuvi wa Bahari Kuu (*The Deep Sea Fishing Authority – DSFA*), ambayo masharti ya sheria hii yamejielekeza zaidi katika muundo wa DSFA kuliko usimamizi na uendelezaji wa rasilimali za uvuvi katika bahari kuu.

Mheshimiwa Spika, kutokana na muundo wake sharia hii imeshindwa kushughulikia masuala muhimu kama;

i) kusimamia meli za uvuvi zinazopeperusha bendera ya Tanzania nje ya mipaka ya bahari ya Tanzania,

ii) uhifadhi na usimamizi wa rasilimali za uvuvi (*Conservation and Management Measures*),

iii) udhibiti wa uvuvi haramu (*Illegal Unreported and Unregulated Fishing - IUU*),

iv) udhibiti wa bandari (*Port State Measures*),

v) uwezo wa Mawaziri kuingia mikataba ya uvuvi (*Bilateral Fishing Agreements*),

vi) ukusanyaji na ubadilishanaji wa taarifa za uvuvi na mavuno ya samaki na uhifadhi wa mazingira ya EEZ, na vivutio (*Incentives*) kwa wavuvi na wawekezaji wa Tanzania.

Mheshimiwa Spika, Kamati inatoa pongezi kwa Serikali kwa hatua ya kuleta Muswada huu mbele ya Bunge lako Tukufu ili uweze kujadiliwa na hatimaye kutungwa kwa Sheria itakayoimarisha Usimamizi na Kuendeleza Uvuvi wa Bahari Kuu kwa maslahi mapana kwa Taifa.

Mheshimiwa Spika, kutungwa kwa Sheria hii ni utekelezaji wa mapendekezo ya Kamati ulioiunda kuchunguza sababu zinazopekea Uvuvi wa Bahari kuu kutochangia kikamilifu kwenye pato la Tafa.

Mheshimiwa Spika, moja ya mapendekezo ya Kamati yako ilikua kufanya maboresho ya Sheria na Kanuni zinazohusu Uvuvi wa Bahari Kuu. Kamati inakupongeza, kwani hatua hii imeliwezesha Bunge kutekeleza wajibu wake kwa mujibu wa Katiba.

Mheshimiwa Spika, baada ya Kamati kupokea Muswada wa Sheria inayokusudiwa kutungwa, Kamati ilitoa mwaliko kwa

wadau mbalimbali kupitia vyombo vya habari na barua pepe. Wajibu huu ulitekelezwa kwa mujibu wa Kanuni ya 84 (2) ya Kanuni za Kudumu za Bunge, Toleo la Januari, 2016. Mwaliko uliotolewa ulikusudia kuwapa wadau fursa ya kutoa maoni yao kuhusu mapendekezo ya marekebisho ya sheria inayokusudiwa kutungwa na hatimaye kuisaidia Kamati kufanya uchambuzi wa kina wa muswada tajwa.

Mheshimiwa Spika, Kanuni inaitaka Kamati kualika wadau kufika mbele ya Kamati ili kutoa maoni. Hata hivyo kutokana na Mlipuko wa ugonjwa wa Homa ya Mpafu unaosababishwa na virusi vya corona (COVID -19) Kamati ililazimika kupokea maoni ya wadau kwa njia ya barua pepe ili kuepusha mikusanyiko, ambapo Kamati iliyapitia na kuyachambua na hivyo kuweza kupata fursa ya kuwa na uelewa mpana wa maudhui ya muswada husika.

Mheshimiwa Spika, kufuatia mwaliko uliotolewa, wadau waliwasilisha maoni yao kwa njia ya barua pepe na kuweza kuipa Kamati fursa ya kuwa na uelewa mpana wa maudhui ya muswada husika. Wadau waliotuma maoni ni pamoja na Vyama vya Wavuvi na Watu binafsi.

2.0 UCHAMBUZI WA MUSWADA NA MAPENDEKEZO YA KAMATI

Mheshimiwa Spika, kabla ya kuanza kuchambua Muswada tajwa, tarehe 28 Aprili, 2020 Kamati ilipokea Maelezo ya Waziri wa Mifugo na Uvuvi (kwa njia ya Bunge mtandao). Katika maelezo yake, Waziri alieleza Kamati kuwa Madhumuni na sababu za Sheria inayokusudiwa kutungwa ambayo muktadha wake unapatikana katika sehemu ya Muswada ijulikanayo kama madhumuni na sababu (*objects and reasons*) yanalenga kuwezesha yafuatayo kutokea: -

i) Kuongezeka kwa mapato yatokanayo na rasilimali za uvuvi wa Bahari Kuu;

ii) Kuimarika kwa mahusiano ya kikanda na Kimataifa kutokana na kupungua matukio ya uvuvi haramu na kuimarika udhibiti na ufuatiliaji wa Meli za Uvuvi

zinazopeperusha bendera ya Tanzania zinapovua nje ya mipaka ya nchi katika Bahari Kuu (High Seas) na Uchumi wa Bahari Kuu (*Exclusive Economic Zone – EEZ*) za nchi nyingine;

iii) Kupungua kwa upotevu wa rasilimali za uvuvi na uharibifu wa mazingira ya bahari kutokana na kuimarika kwa udhibiti wa uvuvi haramu na usimamizi wa matumizi endelevu ya rasilimali za uvuvi;

iv) Kuimarika kwa mfumo wa ukusanyaji wa taarifa za uvuvi na mavuno ya samaki utakaounganisha taarifa za maji ya ndani, maji ya kitaifa na eneo la Ukanda wa Uchumi wa Bahari na kupelekea kuongezeka kwa uwekezaji kwenye Sekta ya Uvuvi;

v) Kuimarika kwa viwango vya utekelezaji wa taratibu na miongozo ya kikanda, pamoja na kupungua kwa makosa yatokanayo na ukiukwaji wa Sheria nchini;

vi) Kufutwa kwa Sheria ya Kusimamia Uvuvi wa Bahari Kuu Sura ya 388 na kuwepo kwa Sheria Mpya ya Mamlaka ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu, 2020 (The Deep Sea Fisheries Management and Development Act, 2020);

vii) Sheria inayopendekezwa kutumika kwenye Ukanda wa Uchumi wa Bahari Kuu (*Exclusive Economic Zone*); na

viii) Sheria inayopendekezwa kutumika pande zote za Muungano.

Mheshimiwa Spika, Kamati inaunga mkono madhumuni na sababu (*objects and reasons*) za Serikali kuhusu muswada huu kwani unalenga kuwa na :-

i) Usimamizi bora, ufanisi na kuimarisha usimamizi na uendelezaji wa Uvuvi wa Bahari Kuu, hivyo kuongeza tija na kuimarisha uchumi kwa ujumla.

ii) Vile vile kutungwa kwa Sheria hii kutawezesha Sheria kutumika pande zote za Muungano kwa kuwa Sheria inayofutwa haikuwahi kuridhiwa na upande wa Zanzbar na kuifanya Sheria hiyo kutotumika kwa zaidi ya miaka kumi na mbili.

Mheshimiwa Spika, wakati Kamati ikichambua Muswada huu, ilipata nafasi ya kutathimini uzoefu wa nchi zingine ambazo zimetunga sheria kwa ajili ya kusimamia masuala ya Uvuvi katika Bahari Kuu, ikiwemo Afrika Kusini, Maldives na India. Na kwamba Sheria hizo zinatofautiana kulingana na mazingira, desturi na matakwa ya nchi husika. Aidha uzoefu unaonesha kuwa kuna tija ya kutosha katika nchi zenye Sheria za namna hii kwa ajili ya kusimamia rasilimali za uvuvi wa Bahari Kuu, na hivyo kuufanya mfumo au utaratibu huu kutumika katika nchi nyingi.

Mheshimiwa Spika, pamoja na kutathmini uzoefu wa nchi zingine, Wajumbe walipata fursa ya kushiriki semina na mada mbalimbali kwa lengo la kuwajengea uwezo zaidi. Mada hizo ziliandaliwa na Idara ya Kamati za Bunge, Idara ya Mshauri wa Bunge Mambo ya Sheria pamoja na Wataalamu waliobobea kutoka katika Taasisi zenye uzoefu wa masuala ya uvuvi. Semina hizo ziliratibiwa kupitia Mradi wa Kuwajengea Wabunge Uwezo Awamu ya Pili (*Legislative Support Project -LSP II*) unaofadhiliwa na UNDP.

Mheshimiwa Spika, kwa namna ya kipekee Kamati inatoa shukrani kwa Ofisi ya Bunge kupitia Mradi wa *LSP II* kwa kuwawezesha Wabunge kuongeza ujuzi na uelewa kuhusu muktadha wa Muswada unaokusudiwa kutungwa. Mada zilizowasilishwa ni pamoja na;

i) Dhana Kuu kuhusu Muswada wa Sheria ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu wa Mwaka 2020 (The Deep Sea Fisheries Management and Development Act, 2020).

ii) Madhumuni na mazingira ya utekelezaji Muswada wa Sheria ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu wa Mwaka 2020

iii) Uchambuzi wa Muswada wa Sheria ya Uvuvi wa Bahari Kuu wa Mwaka 2020;

3.0 MAONI NA MAPENDEKEZO

Mheshimiwa Spika, uchambuzi wa Kamati ulibaini kuwa, Muswada huu una sehemu kumi na nne (14) na vifungu mia moja na mbili (102) pamoja na majedwali mawili (2) na kwa ukamilifu wake unasomeka kuwa Muswada wa Sheria ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu wa Mwaka 2020 (*The Deep Sea Fisheries Management and Development Act, 2020*). Katika sehemu na ibara hizo, Kamati ina maoni na mapendekezo yafuatayo: -

3.1 Kuweka Masharti ya Udhibiti wa Samaki Aina ya Papa

Mheshimiwa Spika, Ibara ya 3 ya muswada inapendekeza tafsiri ya neno mzoga (*carcass*) kuwa ni mzoga wa samaki aina ya papa lakini muswada wote hauna masharti mengine kuhusiana na samaki hao. Samaki aina ya papa wamekuwa wakivuliwa sana duniani na kukatwa mapezi [kwa ajili ya supu na tiba za asili hususani kwa soko la China] na sehemu yote ya mwili iliobaki hutupwa baharini.

Mheshimiwa Spika, Kwa mujibu wa Kanuni za Uvuvi wa Bahari Kuu zinazotumika hivi sasa zinabainisha kuwa, mtu yeyote atakayekutwa na mapezi ya papa bila kuwa na miili yake atakuwa ametenda kosa kisheria. Kanuni hizo zinafanua zaidi kuwa iwapo mtuhumiwa atakutwa na hatia adhabu yake ni faini isiyopungua shilingi bilioni moja au kifungo cha miaka ishirini au adhabu zote kwa pamoja.

Mheshimiwa Spika, Utaratibu huu wa mtu anayekutwa na mapezi ya samaki aina ya papa kuwa ni kosa la jinai unatumika katika nchi nyingi duniani kwa sababu mbalimbali. Miongoni mwa sababu hizo ni utunzaji wa mazingira ya baharini, kulinda baadhi ya aina za papa (*shark species*) ambao wanatajwa kuwa hatarini kutoweka. Aidha watetezi wa haki za viumbe hao wanaeleza kuwa ni ukatili kumkata papa mapezi na kumtupa baharini akiwa hana uwezo wa

kuogelea. Kwa misingi hiyo, Kamati inapendekeza kuwa, ni vema masharti ya kuwalinda samaki aina ya papa yakazingatiwa katika muswada huu.

3.2 Kuweka Ukomo wa Chini wa Adhabu

Mheshimiwa Spika, Sheria inayokusudiwa kutungwa imeainisha adhabu za faini mbalimbali ambapo baadhi ya ibara zinaweka ukomo wa juu wa adhabu bila kubainisha ukomo wa chini. Ibara hizo ni ibara ya 27(3), ibara ya 28(2), ibara ya 29(2), ibara ya 30(2), ibara ya 31(4), ibara ya 32(3) na ibara ya 33(4). Ibara zingine ni ibara ya 34(5), ibara ya 36(2), ibara ya 38(3), ibara ya 39(2), ibara ya 41(2), ibara ya 42(2) na ibara ya 46(2). Mathalani, ibara ya 38(3) na ibara ya 42(2) inabainisha adhabu kubwa ya faini kuwa ni dola za Marekani **2,000,000** ambazo ni sawa na takribani shilingi **4,600,000,000/=**. Kamati imebaini kuwa, tafsiri ya viwango hivi inaweza kuwa adhabu inayoelezwa inaweza kutolewa hata kuanzia shilingi 100/= jambo linaloweza kuwa ni mojawapo wa mwanya wa rushwa. Hivyo, Kamati inapendekeza kuwa, ni vema kuzingatia uzito wa kila kosa na kubainisha kiwango cha chini na kiwango cha juu kwa kila faini inayopendekezwa au kubainisha kiwango mahsusi cha adhabu kama ilivyo katika ibara za 20(5), 21(5), 23(4), 37(2), 44(2), 54(3), 55(3) na ibara ya 59(3).

3.3 Kupanua Wigo wa Masharti ya Ubora wa Samaki kujumuisha Samaki wanaochakatwa kwa ajili ya Matumizi ya Ndani ya Nchi

Mheshimiwa Spika, Ibara ya 59 inapendekeza kumpa Waziri mamlaka ya kuandaa kanuni zinazohusiana na ubora pamoja na utaratibu wa uchakataji wa samaki wanaosafirishwa nje ya nchi. Ibara hii haijazungumzia ubora wa samaki wanaochakatwa kwa ajili ya matumizi ya soko la ndani. Hivyo, Kamati inapendekeza kuwa ni vema ibara hiyo ikaboreshwa ili viwango vya ubora vitakavyoainishwa viwe sawa kwa soko la ndani na lile la nje ya nchi ili kuondos dhana kwamba vitu vyenye ubora ndio huuzwa nje ya nchi na visivyo na ubora ndio vinafaa kwa matumizi ya ndani.

3.4 Faini ziainishwe katika Shilingi ya Kitanzania badala ya Dola ya Marekani

Mheshimiwa Spika, Ibara ya 88 ikisomwa pamoja na jedwali la pili la muswada inapendekezwa kuwa, adhabu za faini kwa makosa mbalimbali ya jinai kulipwa katika dola za Marekani licha ya kutambua matumizi ya shilingi. Ni kweli kwamba kwa nadharia ya adhabu za faini nchini imekuwa ikikumbwa na changamoto ya mfumuko wa bei hali inayopelekea muswada huu kupendekeza adhabu za faini kuwa katika dola za Marekani.

Hata hivyo, ni dhahiri kwamba utungaji wa sheria inayoweka adhabu ya faini katika fedha za nchi nyingine badala ya shilingi inaweza kuwa na tafsiri hasa kwa kuzingatia hadhi ya Jamhuri ya Muungano kama nchi huru (*sovereignty of the United Republic*). Hii ni kwa mujibu wa Ibara ya 1 ya Katiba ya Jamhuri ya Muungano wa Tanzania, 1977 ikisomwa pamoja na kifungu cha 25 cha Sheria ya Benki Kuu, Na. 4 ya mwaka 2006 ambacho kinabainisha kuwa fedha itakayotumika Tanzania ni shilingi.

Kwa msingi huo, ili kukabiliana na athari za mfumuko wa bei, Kamati inapendekeza katika muswada huu, kubadilisha adhabu za faini kutoka katika dola za Marekani na kuweka mfumo wa alama za adhabu (*penalty units*). Mfumo wa alama za adhabu unawezesha adhabu za faini kuendana na wakati na kutoa fursa ya kuboreshwa kulingana na hali ya mfumuko wa bei nchini.

Mheshimiwa Spika, utaratibu huu siyo mgeni hapa nchini kwa kuwa umetumika pia katika Sheria ya Usimamizi wa Kodi, Na. 10 ya mwaka 2015 (*The Tax Administration Act*) ambayo inatumia mfumo wa alama za sarafu (*currency points*) ambapo mantiki ni hiyo hiyo kama mfumo wa alama za adhabu. Mifano mingine inapatikana katika nchi ya Zambia ambao ina sheria mahsusi kuhusu mfumo wa alama katika ada na adhabu (*The Fees and Fines Act, Cap. 45*) na Nchi ya Ghana inatumia sheria inayojulikana kama *The Fines (Penalty Units) Act, 2000 (Act 572)*.

3.5 Kuondoa Uwezekano wa Waziri kuwa Mamlaka ya Rufaa dhidi ya Mahakama

Mheshimiwa Spika, Ibara ya 100 ya muswada inapendekeza kuwa mtu yeyote ambaye hataridhika na uamuzi au amri iliyotolewa chini ya sheria hii anaweza kukata rufaa kwa Waziri mwenye dhamana ya uvuvi. Sheria hii imeweka masharti ambapo kwa namna moja au nyingine mahakama inaweza kutoa uamuzi au amri kuhusiana na masuala mbalimbali.

Mheshimiwa Spika, Kamati ina maoni kuwa, uandishi wa ibara ya 100 haujitoshelezi kwa kuwa uamuzi au amri nyingine zinaweza kutolewa na mahakama hivyo ni vema kubainisha ni uamuzi au amri za mamlaka ipi zinazoweza kukatiwa rufaa kwa Waziri, vinginevyo mapendekezo hayo yanaweza kuwa kinyume na ibara ya 4 ikisomwa pamoja na ibara ya 107A ya Katiba ya Jamhuri ya Muungano, 1977. Kamati inapendekeza kuwa, maboresho yanaweza kufanyika kwa kumpa Waziri mamlaka ya rufaa kwa maamuzi ya kiutawala yanayofanywa na DSFA pekee, ili rufaa za kimahakama zifuate utaratibu wa kawaida wa sheria.

Aidha, masharti ya rufaa kwa ujumla yanapaswa kuboreshwa kwa kubainisha muda mahsus ambao mtu anaweza kukata rufaa tangu uamuzi au amri itolewa pamoja na muda wa kutoa majibu ya rufaa husika.

3.6 Kuipa DSFA Mamlaka ya Kupanga Ada Mbalimbali

Mheshimiwa Spika, Ibara ya 101 ya muswada inaainisha mambo ambayo Waziri anaweza kuyatungia kanuni ikiwemo masuala ya ada na tozo mbalimbali kama inavyoainishwa na fasili ya (1)(e). Hata hivyo, katika utaratibu wa utungaji wa sheria, suala lolote linalohusu fedha linapaswa kuwepo kwenye masharti ya msingi yanayopitishwa na Bunge kabla ya kuyaweka kwenye kifungu cha kukasimu madaraka ya kutunga sheria ndogo kwa mamlaka nyingine jambo ambalo halijazingatiwa kwenye muswada huu.

Hivyo, Kamati inapendekeza kuwa ni vema ibara ya 6 ya muswada inayohusu majukumu ya DSFA ikaboreshwa kwa kuipa mamlaka hiyo jukumu la kupendekeza kwa Waziri

kuhusu masuala yote yanayohusu ada na tozo mbalimbali. Maboresho hayo yazingatiwe pia katika ibara ya 101 ambapo Waziri anapotunga kanuni kuhusiana na ada itakuwa ni vema kuzingatia mapendekezo ya DSFA.

3.7 Maboresho ya Kiuandishi

Mheshimiwa Spika, uchambuzi wa Kamati pia umeweza kubaini mapungufu ya kiuandishi na kiuandishi katika ibara mbalimbali za Muswada. Hivyo Kamati inapendekeza maboresho ya kiuandishi katika ibara zifuatazo; ibara ya 4, ibara ya 6(b)(vi), ibara ya 30 (2), ibara ya 36(1)(a) - (d), ibara ya 45(1), ibara ya 51(1), ibara ya 53(3), ibara ya 54(2), ibara ya 55(4), ibara ya 56, ibara ya 59(2), ibara ya 60(1)(b), ibara ya 61(4), ibara ya 62(1)(b) & (c) (i), ibara ya 65 (2), ibara ya 66(1)(e), ibara ya 67 (5)(a), ibara 68(3)(a)(ii), ibara ya 71(2), ibara ya 94(1), ibara ya 96 na ibara ya 101(1)(o).

Mheshimiwa Spika, Marekebisho ya kiuchapaji na kiuandishi katika kila ibara yameainishwa katika jedwali la mapendekezo ya marekebisho yaliyowasilishwa na Kamati na kukubaliwa na Serikali. Aidha ushauri wa maudhui mahsusi ya kila ibara, umeridhiwa na kuzingatiwa na Serikali katika jedwali la mapendekezo ya marekebisho.

4.0 HITIMISHO

Mheshimiwa Spika, Kwa kuzingatia uchambuzi wa Kamati, madhumuni na sababu za kutungwa kwa Sheria hii, Kamati imeridhika kuwa ni wakati muafaka kwa nchi yetu kuwa na sheria mpya ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu ambayo itaweka masharti bora ya usimamizi, udhibiti na uhifadhi wa rasilimali za uvuvi katika Ukanda Maalum wa Uchumi wa Bahari (EEZ), hivyo kuongeza tija na kuimarisha uchumi wa Taifa kwa ujumla.

Mheshimiwa Spika, kwa niaba ya Wajumbe wa Kamati napenda kumpongeza Waziri wa Mifugo na Uvuvi Mhe. Luhaga Mpina (Mb), Naibu Waziri wa Mifugo na Uvuvi Mhe. Abdalla Ulega (Mb), Wataalamu kutoka Wizara ya Mifugo

na Uvuvi, Mwanasheria Mkuu wa Serikali pamoja na wataalamu wa Ofisi ya Mwanasheria Mkuu wa Serikali na wadau wote wanaoguswa na sheria inayokusudiwa kutungwa.

Aidha, nachukua fursa hii pia kuwashukuru wadau wote waliowasilisha maoni yao, kwani michango yao ya kitaalam imeisaidia Kamati kuboresha Muswada huu.

Mheshimiwa Spika, vilevile nawashukuru Wajumbe wa Kamati ya Bunge ya Kilimo, Mifugo na Maji kwa kuchambua kikamilifu maoni yaliyowasilishwa na wadau na hivyo kuwawezesha kuchambua Muswada kwa kina na hatimaye kukamilisha taarifa hii.

Mheshimiwa Spika, kwa heshima na taadhima, naomba kuwatambua Wajumbe hao kwa kuwataja majina kama ifuatavyo: -

1. Mhe. Mahmoud Hassan Mgimwa Mb Mwenyekiti
2. Mhe. Dkt. Christine G. Ishengoma, Mb M/Mwenyekiti
3. Mhe. Dkt. Mary Michael Nagu, Mb Mjumbe
4. Mhe. Prof. Sospeter Mwijarubi Muhongo, Mb "
5. Mhe. Eng. Edwin A. Ngonyani, Mb "
6. Mhe. Jitu V.Soni, Mb "
7. Mhe. Khadija Hassan Aboud, Mb "
8. Mhe. Haroon Mulla Pirmohamed, Mb "
9. Mhe. Ritta Enespher Kabati, Mb "
10. Mhe. Mattar Ali Salum, Mb "
11. Mhe. Lucy Simon Magereli, "
12. Mhe. Justin Joseph Monko "
13. Mhe. Omar Abdallah Kigoda, Mb "
14. Mhe. Anna Richard Lupembe, Mb "
15. Mhe. Pascal Yohana Haonga "
16. Mhe. Salim Mbaraku Bawazir Mb "
17. Mhe. Deo Kasenyenda Sanga, Mb "
18. Mhe. Devatha Methew Minja, Mb "
19. Mhe. Haji Ameir Haji, Mb "
20. Mhe. Haji Khatib Kai, Mb "
21. Mhe. Sikudhani Yasini Chikambo, Mb "

- 22. Mhe. Juma Ali Juma, Mb “
- 23. Mhe. Emmanuel Papian John, Mb “
- 24. Mhe. Anthony Calist Komu “
- 25. Mhe. Kunti Yusuph Majala, Mb “
- 26. Mhe. Kangi Alphaxad Lugola Mb “

Mheshimiwa Spika, mwisho lakini sio kwa umuhimu, Kamati inamshukuru Katibu wa Bunge Ndg. Stephen Kagaigai kwa kuiwezesha Kamati wakati wote ilipokua ikitekeleza majukuu yake. Vilevile Kamati inaishukuru Sekretarieti ya Kamati ikiongozwa na Kaimu Mkurugenzi wa Idara ya Kamati Ndg. Michael Chikokoto, Mkurugenzi Msaidizi Ndg. Gerald Magili pamoja na Makatibu wa Kamati Ndg. Virgil Mtui, Ndg. Rachel Nyega, Mshauri wa Bunge Mambo ya Sheria Ndg. Stephano Mbutu na Watumishi wote wa Ofisi ya Bunge kwa kuratibu vyema shughuli za Kamati hadi kukamilika kwa taarifa hii.

Mheshimwa Spika, baada ya kusema hayo, naomba kuwasilisha na ninaunga mkono hoja.

Dk. Christine Gabriel Ishengoma(Mb)
MAKAMU MWENYEKITI
KAMATI YA KILIMO, MIFUGO NA MAJI

20 May, 2020

SPIKA: Ahsante sana Mheshimiwa Dkt. Ritta Kabati kwa kupitia maoni ya Kamati kuhusu Muswada huu ambayo yanajenga sana kwa kweli. Nawapongeza sana Kamati kwa kazi nzuri ambayo mmeifanya *so far*. Aah, sijui kwa nini sioni Maoni ya Upinzani, nafikiri hata wenzangu hamyaoni kwenye *tablet* na sina nakala hapa. Nilikuwa nawauliza watu wangu tangu mwanzo, yako wapi haya?

Nakuona Mheshimiwa *Chief Whip* wa Upinzani.
(*Makofi*)

MHE. ESTER A. BULAYA: Mheshimiwa Spika, ahsante. Sisi kwa mujibu wa kanuni tumefuata taratibu zote na tayari

yaliwasilishwa Ofisi ya Katibu tangu jana. Kwa upande wetu, msomaji wetu yupo tayari kwa ajili ya kusoma.

SPIKA: Mna hata *hard copy* ya ziada? Ndiyo unayoisoma au una nakala ya ziada? Ndiyo unayoisoma peke yake, huna zaida! Kwa sababu sina kitu hapa yaani, inanipa taabu. Najikuta naruhusu kitu ambacho hata sikielewi yaani ni kitu gani.

MHE. ESTER A. BULAYA: Mheshimiwa Spika, kama hutajali, tutafanya utaratibu, itakuwa *printed* tukuletee sasa hivi. Anaenda kuleta Mheshimiwa Mdee.

SPIKA: Tatizo ni muda sasa. (*Kicheko*)

MHE. ESTER A. BULAYA: Mheshimiwa Spika, itakuwa tatizo ni Ofisi ya Katibu, sisi tumefanya kila kitu.

MHE. ALLY SALEH ALLY: Mheshimiwa Spika, utaratibu.

SPIKA: Nani anaongea?

MHE. ALLY SALEH ALLY: Ally Saleh.

SPIKA: Mheshimiwa Ally Saleh toka Msekwa.

MHE. ALLY SALEH ALLY: Mheshimiwa Spika, *yah!* Najua unabanwa na muda, lakini kama alivyosema Mheshimiwa Mnadhibu, kuna Kifungu katika Kanuni yetu cha kusimamisha Bunge kwamba unaweza ukawapa muda kama dakika tano au kumi siyo nyingi wakaleta hiyo *document* ili hii isikwame. Tutumie kifungu kile.

SPIKA: Ahsante. Ushauri wako sitauchukua, maana hatuwezi kuahirisha Bunge kwa dakika tano au kumi. Nitakachofanya, nitaruhusu *as long as* huna ma-*controversy* ya ajabu ajabu; maana yake sijaona. Ningekuwa nimeona, *at list* ingenipa nafasi kujua. Maana yake wakati mwingine mnaacha Muswada mnaanza kuandika vitu ngingine.

Mheshimiwa Cecilia wewe Waziri wa nini?

MHE. CECILIA D. PARESSO: Mheshimiwa Spika, mimi ni Waziri Kivuli wa Afya lakini kwa sasa nasoma kwa niaba ya Mheshimiwa Dkt. Sware Semesi ambaye ni Waziri Kivuli wa Wizara husika.

SPIKA: Haya, hebu endelea. (*Makofi*)

MHE. CECILIA D. PARESSO – K.n.y. MSEMAJI MKUU WA KAMBI RASMI YA UPINZANI BUNGENI KWA WIZARA YA MIFUGO NA UVUVI: Mheshimiwa Spika, naomba kuwasilisha maoni ya Kambi Rasmi ya Upinzani Bungeni kuhusu Muswada wa Sheria ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu wa Mwaka 2020.

Mheshimiwa Spika, Kambi Rasmi ya Upinzani Bungeni inaendelea kusisitiza kuwa janga la *Corona* bado lipo, hivyo kila mwananchi aendelee kuchukua tahadhari kadri inavyoelekezwa na wataalam wa afya.

Mheshimiwa Spika, kuhusu maoni na mapendekezo ya Kambi Rasmi ya Upinzani Bungeni kuhusu Muswada. Muswada huu unapendekeza kutungwa kwa Sheria ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu ya Mwaka 2020 pamoja na kuweka masharti bora ya usimamizi, udhibiti na uhifadhi wa rasilimali za uvuvi katika Ukanda Maalum wa Uchumi wa Bahari. Kutungwa kwa sheria hii kutaimarisha utekelezaji wa matakwa ya Sheria na Mikataba ya Kikanda na Kimataifa katika kudhibiti na kuhifadhi rasilimali za uvuvi. Aidha, Muswada huu unakusudia kuifuta Sheria ya Mamlaka ya Kusimamia Uvuvi wa Bahari Kuu, Sura ya 388.

Mheshimiwa Spika, kwa ujumla maudhui ya Muswada yako vizuri. Hii ni kutokana na Muswada huu kuzingatia mambo muhimu ambayo Kambi Rasmi ya Upinzani Bungeni imekuwa ikiyapendekeza kwa kipindi chote toka mwaka 2005 hadi sasa. Kitendo cha kuzingatia ushauri huo, kinaifanya Kambi Rasmi ya Upinzani Bungeni iamini kwamba sasa eneo hili la uvuvi wa Bahari Kuu kama litasimamiwa vizuri linaweza

kufikia ndoto ya mageuzi makubwa ya kiuchumi katika eneo hilo kwa kuwa na mchango mkubwa wa fedha za kigeni na chanzo cha ajira kwa Watanzania wengi. (*Makofi*)

Mheshimiwa Spika, pamoja na nia njema ya Muswada huu na licha ya Muswada huu kuzingatia mambo mengi muhimu ambayo Kambi Rasmi ya Upinzani Bungeni imekuwa ikiishauri Serikali, yapo baadhi ya maeneo machache ambayo yanatakiwa kufanyiwa marekebisho ili kuifanya sheria inayopendekezwa kuwa bora zaidi. Maeneo hayo ni kama ifuatavyo:-

Mheshimiwa Spika, Kifungu cha 3 cha Muswada kinachohusiana na tafsiri ya maneno yanayotumika katika Muswada, kuna baadhi ya maneno yameshindwa kupatiwa tafsiri na badala yake inatolewa kwenye majukumu ya Mkurugenzi. Mfano ni maneno "*fishery inspector*" na "*fishery observer*," hawa ni watu wawili tofauti, lakini majukumu yao hayajaainishwa bayana ili kuwatofautisha jambo ambalo linaweza kuleta mkanganyiko wakati wa utekelezaji wa sheria inayopendekezwa. Kambi Rasmi ya Upinzani inaona ni muhimu sana kwa kifungu hiki cha tafsiri kutoa maana inayoeleweka kwa wale watakaokuwa wanatumia sheria hii ili kuondoa mkanganyiko usiokuwa na ulazima.

Mheshimiwa Spika, Kifungu cha 5(3) cha Muswada kinachohusu Makao Makuu ya Mamlaka kuwa yatakuwa ni Zanzibar au mamlaka inaweza kufungua ofisi yake katika eneo lolote la Tanzania Bara au nje ya Tanzania Zanzibar (*The Authority may establish branches in any part of the United Republic within or outside Tanzania Zanzibar*).

Mheshimiwa Spika, ili kuwa na uelewa uliokusudiwa ni vyema haya maneno "*outside Tanzania Zanzibar*" yakafutwa kwa kuwa yakiendelea kuwepo maana yake mamlaka inaweza kuwa na Ofisi Mombasa, Comoro, Ushelisheli na kadhalika, kwani ni nje ya Tanzania Zanzibar pia.

Mheshimiwa Spika, kifungu cha 6(3) cha Muswada kinahusu kazi za mamlaka hii inayoundwa. Kifungu hiki kinachosema: *“concluding agreements for fisheries access by non-citizens and non-nationals, including foreign fishing vessels.”* Ndiyo moja ya maeneo yaliyokuwa na tatizo kubwa sana kwa kuwaachia watu ambao tumewapa mamlaka kwa kuwaamini, lakini ukweli wanatuangusha sana.

Mheshimiwa Spika, Kambi Rasmi ya Upinzani Bungeni inapendekeza kwamba mamlaka iongozwe na Sheria za Mamlaka ya Nchi ya Usimamizi wa Mali na Rasilimali Asili na Sheria ya Mapitio na Maelewano Mapya ya Masuala yenye Utata kuhusu Mali na Rasilimali Asili ili kuziba mianya ya rushwa na utashi binafsi katika kuingia mikataba yenye maslahi ya kiuchumi kwa Taifa.

Mheshimiwa Spika, Kifungu cha 15 kinachohusu uteuzi wa Mkurugenzi Mkuu wa Mamlaka na kifungu kidogo cha (3) kinasema kuwa, ili kudumisha Muungano, Mkurugenzi Mkuu na Naibu Mkurugenzi Mkuu, mmojawapo lazima awe ametoka upande wa pili wa Muungano. Kifungu kinasomeka kama ifuatavyo:

“For the purpose of ensuring equal representation of both sides of the Union, the Director General and Deputy Director General shall, at any given time, be appointed one from Mainland Tanzania and the other from Tanzania Zanzibar, and subsequent appointments for each position shall alternate between the two sides of the union.”

Mheshimiwa Spika, Kambi Rasmi ya Upinzani inaona kifungu hiki kinachoweka ulazima wa watu kutoka Tanzania Bara na Zanzibar kwa mazingira ya sasa ya dunia kuhusu ajira, ni dhahiri kifungu hiki hakina tija katika ulimwengu wa biashara. Tukumbuke kwamba mamlaka inayoanzishwa ni chombo muhimu na hivyo tuangalie mtu wa kuendesha chombo hiki awe ni mtu makini bila kuangalia uraia wake au upande wa Muungano anakotoka. Kinachohitajika ni kuhakikisha anaendesha mamlaka hii kwa weledi na ufanisi ili kukidhi matakwa ya uwepo wake.

Mheshimiwa Spika, tunakumbusha tena katika taasisi kama hizi kuingiza siasa katika utendaji ni jambo ambalo litapelekea kushindwa kufikiwa kwa lengo kuu la uanzishwaji wake kabla hata ya kuanza kazi kwa mujibu wa sharia hii. Hivyo basi, tutafute watu makini, ikiwezekana toka kwa wenzetu ambao wamefanya kazi hizi kwa muda mrefu sana na wanavyo viwanda vingi vya samaki.

Mheshimiwa Spika, tusitunge sheria ya kutufunga katika kupata watendaji wazuri wenye *ujuzi* na *exposure* kubwa katika kile tunachotaka kukifanya. Kwa kuweka kumbukumbu sawa ni kwamba Mtendaji Mkuu wa Kwanza wa *TANROAD* hakuwa Mtanzania na vivyo hivyo kwa *MSD*. Hivyo basi, jambo hilo halitakuwa na ukakasi kwani kinachohitajika ni kuhakikisha mamlaka inafanya kazi kwa faida zaidi na mafanikio makubwa. (*Makofi*)

Mheshimiwa Spika, Kifungu cha 18 cha Muswada kinatoa kinga kwa Maafisa wa Mamlaka kutowajibishwa kwa upotevu au uharibifu watakaoufanya watakapokuwa wakitekeleza majukumu yao kwa nia njema. Kifungu kinasomeka kama ifuatavyo:-

"A person authorized to perform the function of the Authority shall not be personally liable for any loss or damage suffered to any person by reason of anything done or not done in good faith."

Mheshimiwa Spika, Kambi Rasmi ya Upinzani mara nyingi imekuwa ikikataa utunzi wa sheria zenye kifungu kama hiki kwa kuwa katika tafsiri ya maneno hakuna maana ya neno "*good faith*" na hiyo nia njema haijulikani inaanzia wapi na kuishia wapi. Tukumbuke biashara hii inahusu bidhaa zinazowahi kuharibika (*perishable products*), hivyo jambo lolote litakalofanywa na watendaji dhidi ya mfanyabiashara mwenye leseni na vibali halali kuhusu biashara yake na kumsababishia hasara ni lazima mhusika awajibike katika hasara hiyo kwa mujibu wa sheria. (*Makofi*)

Mheshimiwa Spika, dhana ya kifungu hiki inaendana na kifungu cha 67(7) ambacho kinasema: "Mkurugenzi Mkuu au Wakaguzi au Afisa yeyote wa mamlaka hatawajibika kwa uharibifu au kuoza au kupotea ubora wa bidhaa zilizokamatwa." Hapo haki iko wapi kwa mfanyabiashara?

Mheshimiwa Spika, sasa ni kipindi cha matumizi ya teknolojia, hivyo tusinge sheria kwa kuangalia kuingia makosa ambayo tayari yamefanywa huko nyuma na Serikali kuingia hasara kubwa kutokana na makosa hayo. Tutunge sheria kulingana na wakati ulopo au ujao ili tuokoe tasnia hii. Pia tusiweke kinga kwa makosa au hujuma zitakazofanyika. Vifungu vya namna hii visiporekebishwa vinaweza kupunguza uwekezaji mkubwa katika eneo hilo kwa kuwa hakuna mfanyabiashara atakayekubali kupata hasara kwa uzembe wa Watendaji ambao wanalindwa na sheria. *(Makofi)*

Mheshimiwa Spika, kifungu cha 24(7) cha Muswada kinasema, Waziri ndiye atakayetunga kanuni kuhusiana na taratibu za utawala kama vile kuweka faini na adhabu na vilevile vibali. Kambi Rasmi ya Upinzani Bungeni inashauri utaratibu huu hasa faini na adhabu viwe ndani ya sheria na siyo kwenye kanuni. Ni muhimu sana mambo hayo yakawa ndani ya sheria mama ili haki husika iweze kuwa wazi.

Mheshimiwa Spika, kifungu cha 53(1), (2) na (3) vinahusu usiri wa taarifa. Kambi Rasmi ya Upinzani Bungeni inajuliza, katika biashara inayohusu rasilimali za Taifa na hususan uvuvi wa samaki na mazao ya baharini kwa maana ya ni kiasi gani kimevuliwa, kuna meli ngapi za uvuvi na wamiliki wake pamoja na mapato ya nchi kutokana na biashara hiyo. Usiri unawekwa kwa ajili ya kupata faida gani? Kwa mtazamo wa Kambi Rasmi ya Upinzani Bungeni, usiri ni ukiritimba na ukiritimba ndiyo chanzo kikuu cha rushwa kubwa kubwa hasa katika rasilimali zetu. Kwa muktadha huo, tunataka vifungu hivi vya usiri wa taarifa vifutwe. *(Makofi)*

Mheshimiwa Spika, Kifungu cha 67(1) kinahusu uuzaji wa bidhaa zilizokamatwa na zinazoharibika na kuwa Mkurugenzi Mkuu atafanya mashauriano na Mkurugenzi wa

Mashtaka kuwa ziuze au kutoa idhini ya kuuza. Kambi Rasmi ya Upinzani Bungeni inaona kuwa mamlaka sahihi kwa jambo hili ni Ofisi ya Mwanasheria Mkuu wa Serikali. Tukumbuke kuwa tasnia hii ya uvuvi katika bahari kuu inahusu makampuni ya nje na ikitokea chochote katika mchakato wa kibiashara, mhusika mkuu atakuwa ni Mwanasheria Mkuu wa Serikali na sio Mkurugenzi wa Mashtaka.

Mheshimiwa Spika, kifungu cha 68 cha Muswada kinahusu uachiwaji wa chombo na bidhaa baada ya kuwekwa kwa dhamana na mahitaji mengine. Kambi Rasmi ya Upinzani Bungeni inaona kifungu hiki kinaweka mazingira makali, magumu na ya kukomoana sana na mbaya zaidi hakisemi pale chombo kilichokamatwa kabla ya kuachiwa kitakuwa kimesimama tu bila kufanya kazi yoyote na uangalizi wake utakuwaje? Ni bora meli hizo ziendelee kufanya kazi na wahusika hao hao huku kesi inaendelea na nchi inaendelea kunufaika na siyo kuiachia meli ikaoza na kuharibika. *(Makofi)*

Mheshimiwa Spika, Kifungu cha 71 cha Muswada kinachohusu kutaifishwa kwa chombo na bidhaa zilizomo kwenye chombo wakati kinakamatwa, lakini Muswada unasema mali zote zilizotaifishwa zitakuwa ni za Serikali, vivyo hivyo na kwa kifungu cha 72.

Mheshimiwa Spika, Kambi Rasmi ya Upinzani Bungeni inakumbusha ukamataji wa meli ya Wa-Vietnam maarufu kama "Meli ya Samaki za Magufuli," meli hiyo ilishindwa kufanya kazi na badala yake ikahujumiwa na mwisho Serikali ikatakiwa kulipa gharama za meli na bidhaa zilizokuwemo baada ya kesi kumalizika. Hivyo basi, badala ya kusema itakuwa ni mali ya Serikali Muswada uende mbele zaidi kueleza ni eneo gani meli au mali zitakapowekwa ili kuondoa mivutano na ukiritimba usiokuwa na maana, unaokuwa na lengo la hujuma au maslahi binafsi. *(Makofi)*

Mheshimiwa Spika, Kifungu cha 86 cha Muswada kinatoa uwezo kwa Mamlaka kukopa fedha kutoka kwenye taasisi za fedha pale inapopata idhini kutoka kwenye Kamati

Tendaji. Kambi Rasmi ya Upinzani Bungeni inaona kuwa Mamlaka inatoa mpango wa matumizi ya fedha za kukopa, lakini kifungu hakioneshi njia au mpango gani wa kurejesha mkopo huo. *(Makofi)*

Mheshimiwa Spika, taasisi nyingi zinashindwa kuaminika kutokana na kutokuwa na mpango imara wa kurejesha mikopo na mwisho wa siku hiyo *burden* ya mkopo inarudi Serikalini. Tukumbuke kuwa kuna sheria inazitaka Mamlaka na Wakala wa Serikali kutoa asilimia 10 ya pato ghafi kwenda Hazina na hivyo kinachobakia wakipiga mahesabu inaweza kushindwa kurejesha mkopo.

Mheshimiwa Spika, kuhusu Mkanganyiko juu ya Matumizi ya Sheria iliyofutwa; kifungu cha 102(2)(b) kinasomeka:

" All licences, permits, authorizations and other instruments or documents granted or issued under the repealed Act, shall, so long as they on the date of commencement of this Act continue in full force and effect until they expire, cease to have effect or are replaced."

Mheshimiwa Spika, Kambi Rasmi ya Upinzani ina wasiwasi na maudhui ya kifungu hicho kwa kuwa inaweza tokea tasnia moja ikawa inatumia sheria mbili tofauti kama ambavyo inatokea kwenye tasnia ya madini kwa baadhi ya makampuni kutumia sheria ya zamani na mengine kutumia sheria mpya kutokana na mikataba na leseni na vibali vilivyokuwa vimetolewa kabla ya matumizi ya sheria mpya. *(Makofi)*

Mheshimiwa Spika, angalizo linatakiwa liwepo kwani uwekezaji wa shughuli za kibiashara katika Uvuvi wa Bahari Kuu unatakiwa kupatiwa kupatiwa mwongozo wa kina wa viwango vinavyohitajika kwa mujibu wa sheria tu na siyo jambo lingine. Shughuli za uvuvi katika Bahari Kuu ni tofauti sana na uwekezaji kwenye rasilimali nyingine kama mafuta, gesi na madini mengineyo.

Mheshimiwa Spika, hitimisho: Kambi Rasmi ya Upinzani Bungeni imekuwa ikiishauri Serikali kuwekeza kwenye uvuvi wa Bahari Kuu kwa kuanzisha bandari ya uvuvi, sambamba na kuwa na vifaa vya kuweza kutambua meli zinazovua kwenye eneo letu la bahari kuu bila idhini. Kambi Rasmi ya Upinzani imefarijika kuona kwamba Muswada huu umetambua umuhimu wa kuwa na vifaa vya kutambua shughuli za meli za uvuvi katika bahari kuu jambo ambalo ni jema sana katika kuhakikisha rasilimali za Taifa zinatumiwa kwa manufaa ya Watanzania wote na siyo vinginevyo. *(Makofi)*

Mheshimiwa Spika, pamoja na maudhui hayo mazuri ya Muswada, Kambi Rasmi ya Upinzani Bungeni inapenda kutoa angalizo kwa Serikali juu ya utekelezaji wa sheria hii inayopendekezwa kuwa kuwa bado kuna baadhi ya vifungu ambavyo ni kikwazo kwa utekelezaji wa sheria inayopendekezwa. Kwa mfano vifungu vinavyowakinga Watendaji kutochukuliwa hatua za kisheria kwa makosa waliyoyafanya wakitekeleza wajibu wao ni moja ya kikwazo cha utekelezaji bora wa sheria inayopendekezwa.

Mheshimiwa Spika, kwa kuwa Muswada wa sheria hii hautabadilisha mikataba na taratibu zote ambazo ziliingwiwa kwa kutumia sheria inayofutwa; na kwa kuwa kuendelea kutumia sheria na taratibu za mikataba ya sheria inayofutwa maana yake ni kuendelea na tatizo lile lile na inaweza kuchukua zaidi ya miaka mitano ijayo kabla matunda ya sheria mpya kupatikana.

Mheshimiwa Spika, hivyo basi, Kambi Rasmi ya Upinzani inaitaka Serikali kuangalia kwa makini maeneo ambayo yanaweza kuleta ugumu katika utekelezaji wa sheria hii na kuyafanyia marekebisho kabla ya kupitishwa kwa Muswada huu kuwa sheria ili sheria hii iweze kutekelezeka na kufikia malengo yaliyokusudiwa. *(Makofi)*

Mheshimiwa Spika, baada ya kusema hayo, kwa niaba ya Kambi Rasmi ya Upinzani Bungeni, naomba kuwasilisha. *(Makofi)*

SPIKA: Kwa kuwa muda bado upo upande wako, hebu soma pia *paragraph* namba moja hadi namba tano. Nikuruhusu usome pia, maana yake uliziruka mwazoni.

MHE. CECILIA D. PARESSO - K.n.y. MSEMAJI MKUU WA KAMBI RASMI YA UPINZANI BUNGENI KWA WIZARA YA MIFUGO NA UVUVI: Ndiyo.

SPIKA: Eeh, sasa nakupa nafasi uzisome. (*Kicheko*)

MHE. CECILIA D. PARESSO - K.n.y. MSEMAJI MKUU WA KAMBI RASMI YA UPINZANI BUNGENI KWA WIZARA YA MIFUGO NA UVUVI: Mheshimiwa Spika, nashukuru sana.

Mheshimiwa Spika, kabla sijatoa maoni hayo, naomba kuchukua fursa hii kumshukuru Mwenyezi Mungu kwa kuendelea kunilinda na kunjalia afya njema na nguvu ya kufanya kazi ya Kibunge na kusimama mbele ya Bunge lako kuwasilisha maoni ya Upinzani Bungeni kwa kipindi chote cha Bunge hili.

Mheshimiwa Spika, napenda pia kuchukua fursa hii kushukuru Chama changu cha Demokrasia na Maendeleo (CHADEMA) chini ya Mwenyekiti wa Mheshimiwa Freeman Mbowe ambaye ni Kiongozi wa Kambi Rasmi ya Upinzani Bungeni. Kwa kupitia CHADEMA nilipata uteuzi wa Viti Maalum na kukabidhiwa majukumu na nyadhifa ndani ya Bunge kama Waziri kivuli wa Kilimo na sasa kama Waziri Kivuli wa Mifugo. Salamu za shukrani pia kwa Sekretarieti ya Kambi Rasmi ya Upinzani Bungeni kwa kuwahakikisha kuwa hotuba za Kambi zinaandaliwa.

Mheshimiwa Spika, ndani ya Bunge lako Tukufu umenipatia fursa ya kutekeleza majukumu yangu vyema, hivyo sina budi kutoa shukrani za kipekee kwako kwa kuniongoza vyema na kunipatia fursa mbalimbali za kunjenga zaidi kama Mbunge.

Mheshimiwa Spika, shukrani zangu pia kwa Mheshimiwa Naibu Spika, Wenyeviti wa Bunge kwa ushirikiano

wao. Shukrani zangu pia kwa Waheshimiwa Wabunge wote wa vyama vyote ndani ya Bunge, uongozi wa Serikali nje na ndani ya Bunge, vyombo vya usalama, wafanyakazi wote wa Bunge, Makatibu wa Kamati mbalimbali na Kamati ya Kudumu ya Bunge ya Bajeti ambayo Mheshimiwa Sware alishiriki chini ya uongozi wa Katibu wa Bunge. *(Makofi)*

Mheshimiwa Spika, baada ya haya, naomba kuwasilisha. *(Makofi)*

MAONI YA MSEMAJI MKUU WA KAMBI RASMI YA UPINZANI BUNGENI KATIKA WIZARA YA MIFUGO NA UVUVI, KUHUSU MUSWADA WA SHERIA YA KUSIMAMIA NA KUENDELEZA UVUVI WA BAHARI KUU WA MWAKA 2020 (THE DEEP SEA FISHERIES MANAGEMENT AND DEVELOPMENT ACT, 2020) KAMA YALIVYOWASILISHWA MEZANI

(Kanuni ya 86(6) ya Kanuni za Kudumu za Bunge, Toleo la Mwaka 2016)

A. UTANGULIZI

1. Mheshimiwa Spika, kwa mujibu wa Kanuni ya 86(6) naomba kuwasilisha maoni ya Kambi Rasmi ya Upinzani Bungeni kuhusu Muswada wa Sheria ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu ya Mwaka 2020.

2. Mheshimiwa Spika, kabla sijatoa maoni hayo, naomba kuchukua fursa hii kumshukuru Mwenyezi Mungu kwa kuendelea kunilinda na kunijalia afya njema na nguvu ya kusimama mbele ya Bunge hili kuwasilisha maoni ya Upinzani kuhusu Muswada nilioutaja hivi punde.

3. Mheshimiwa Spika, napenda pia kuchukua fursa hii kuupongeza sana uongozi wa Chama cha Demokrasia na Maendeleo chini ya Uenyekiti wa Mheshimiwa Freeman Aikaeli Mbowe (Mb) ambaye pia ni Kiongozi wa Upinzani Bungeni kwa kusimamia kwa vitendo nidhamu na uwajibikaji ndani ya chama; lakini zaidi kwa kuonesha njia ya nini Serikali inatakiwa ifanye hasa kwa kipindi hiki kigumu ambacho Taifa

linakabiliwa na janga la Corona. Pamoja na mawimbi ambayo chama kinapitia kwa sasa, uongozi umeweza kukiweka chama pamoja na hakika kiko imara leo kuliko jana!

4. Mheshimiwa Spika, Kambi Rasmi ya Upinzani Bungeni inaendelea kusisitiza kuwa janga la Corona bado lipo, hivyo kila mwananchi aendelee kuchukua tahadhari kadri inavyoelekezwa na wataalam wa afya; lakini pia tunatoa pole kwa wale ambao kwa namna moja ama nyingine wameathirika na janga hili, ama kwa kuuguliwa au kufiwa na wapendwa wao kutokana na janga hili. Mwenyezi Mungu aendelee kuwapa faraja na uponyaji walio wagonjwa na wale waliotangulia mbele ya haki basi awape pumziko la milele – Amina.

5. Mheshimiwa Spika, napenda kumalizia utangulizi wangu kwa kutoa nasaha hasa kwa Wabunge wenzangu wa Upinzani kwamba *“When the going gets tough, only the tough get going.”* Baada ya utangulizi huo, naomba sasa nijielekeze kwenye Muswada ulio mbele yetu.

B. MAONI NA MAPENEKEZO YA KAMBI RASMI YA UPINZANI BUNGENI KUHUSU MUSWADA

6. Mheshimiwa Spika, Muswada huu unapendekeza kutungwa kwa Sheria ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu ya Mwaka 2020 pamoja na kuweka masharti bora ya usimamizi, udhibiti na uhifadhi wa rasilimali za uvuvi katika Ukanda Maalum wa Uchumi wa Bahari (EEZ). Kutungwa kwa sheria hii kutaimarisha utekelezaji wa matakwa ya Sheria na Mikataba ya Kikanda na Kimataifa katika kudhibiti na kuhifadhi rasilimali za uvuvi. Aidha, Muswada huu unakusudia kuifuta Sheria ya Mamlaka ya Kusimamia Uvuvi wa Bahari Kuu, Sura ya 388.

7. Mheshimiwa Spika, kwa ujumla maudhui ya Muswada yako vizuri. Hii ni kutokana na Muswada huu kuzingatia mambo muhimu ambayo Kambi Rasmi ya Upinzani Bungeni imekuwa ikiyapendekeza kwa kipindi chote toka mwaka 2005 hadi sasa. Kitendo cha kuzingatia ushauri huo, kinaifanya Kambi

Rasmi ya Upinzani Bungeni iamini kwamba sasa eneo hili la uvuvi wa Bahari Kuu kama litasimamiwa vizuri linaweza kuifikia ndoto ya mageuzi makubwa ya kiuchumi katika eneo hilo kwa kuwa na mchango mkubwa wa fedha za kigeni na chanzo cha ajira kwa watanzania wengi.

8. Mheshimiwa Spika, pamoja na nia njema ya Muswada huu na licha ya Muswada huu kuzingatia mambo mengi muhimu ambayo Kambi Rasmi ya Upinzani Bungeni imekuwa ikiishauri Serikali, yapo baadhi ya maeneo ambayo yanatakiwa kufanyiwa marekebisho ili kuifanya sheria inayopendekezwa kuwa bora zaidi. Maeneo hayo ni kama ifuatavyo:-

i. Tafsiri ya Maana ya Maneno yaliyotumika kwenye Muswada

9. Mheshimiwa Spika, kifungu cha (3) cha Muswada kinachohusiana na tafsiri ya maneno yanayotumika katika Muswada, kuna baadhi ya maneno yameshindwa kupatiwa tafsiri na badala yake inatolewa kwenye majukumu ya Mkurugenzi, mfano ni maneno ***“fishery inspector na fishery observer”*** hawa ni watu wawili tofauti; lakini majukumu yao hayajaainishwa bayana ili kuwatofautisha jambo ambalo linaweza kuleta mkanganyiko wakati wa utekelezaji wa sheria inayopendekezwa. Kambi Rasmi ya Upinzani inaona ni muhimu sana katika kifungu hiki cha tafsiri kutoa maana inayoeleweka kwa wale wataokuwa wanatumia sheria hii ili kuondoa mkanganyiko usio kuwa na ulazima.

ii. Eneo la Makao Makuu ya Mamlaka

10. Mheshimiwa Spika, kifungu cha 5(3) cha Muswada kinachohusu Makao Makuu ya Mamlaka kuwa yatakuwa ni Zanzibar au mamlaka inaweza kufungua ofisi yake katika eneo lolote la Tanzania Bara au nje ya Tanzania Zanzibar- **(3) *The headquarters of the Authority shall be in Tanzania Zanzibar, ——— or outside Tanzania Zanzibar***

11. Mheshimiwa Spika, ili kuwa na uelewa uliokusudiwa ni vyema haya maneno ***“outside Tanzania Zanzibar”*** yakafutwa kwa kuwa yakiendelea kuwepo maana yake mamlaka

inaweza kuwa na Ofisi Mombasa, Comoro, Ushelisheli na kadhalika kwani ni nje ya Tanzania Zanzibar pia.

iii. Kazi za Mamlaka inayoanzishwa na Muswada

12. Mheshimiwa Spika, kifungu cha 6(3)(iii) cha Muswada kinahusu kazi za mamlaka hii inayoundawa. Kifungu hicho kinachosema kwamba; ***“concluding agreements for fisheries access by non-citizens and non-nationals, including foreign fishing vessels”***. Hapa ndipo kumekuwa na tatizo kubwa sana kwa kuwaachia watu ambao tumewapa mamlaka kwa kuwaamini, lakini ukweli wanatuangusha sana. Kambi Rasmi ya Upinzani inapendekeza kwamba mamlaka iongozwe na Sheria za Mamlaka ya Nchi ya Usimamizi wa Mali na Rasilimali Asili (The Natural Wealth and Resources (Permanent Sovereignty) Act) na Sheria ya Mapitio na Maelewano Mapya ya Masuala yenye Utata kuhusu Mali na Rasilimali Asili (The Natural Wealth and Resources (Review and Re-Negotiation of Unconscionable Terms) Act 2017 (“Contract Review Act”)) ili kuziba mianya ya rushwa na utashi binafsi katika kuingia mikataba yenye maslahi ya kiuchumi kwa Taifa.

iv. Mkanganyiko juu ya Matumizi ya Sheria iliyofutwa

13. Mheshimiwa Spika, kifungu cha 102(2)(b) kinasomeka kwamba; ***“all licences, permits, authorizations and other instruments or documents granted or issued under the repealed Act, shall, so long as they on the date of commencement of this Act continue in full force and effect until they expire, cease to have effect or are replaced;”***

14. Mheshimiwa Spika, Kambi Rasmi ya Upinzani ina wasiwasi na maudhui ya kifungu hicho kwa kuwa inaweza tokea tasnia moja ikawa inatumia sheria mbili tofauti kama ambavyo inatokea kwenye tasnia ya madini kwa baadhi ya makampuni kutumia sheria ya zamani na mengine kutumia sheria mpya kutokana na mikataba na leseni na vibali vilivyokuwa vimetolewa kabla ya matumizi ya sheria mpya. Jambo la kuangalia ni kwamba uwekezaji katika uvuvi wa bahari kuu ni chombo cha mtu anayefanya biashara hiyo

tu kuwa kina viwango vinavyohitajika kwa mujibu wa sheria tu na sio jambo lingine. Hivyo ni tofauti sana na uwekezaji kwenye rasilimali zingine kama mafuta, gesi na madini mengine.

v. Uteuzi wa Mkurugenzi Mkuu

15. Mheshimiwa Spika, kifungu cha 15 kinachohusu uteuzi wa Mkurugenzi Mkuu wa Mamlaka na kifungu kidogo cha (3) kinasema kuwa ili kudumisha Muungano, Mkurugenzi Mkuu na Naibu Mkurugenzi Mkuu mmojawapo lazima awe ametoka upande wa pili wa Muungano. Kifungu kinasomeka kama ifuatavyo naomba kunukuu; *“(3) For the purpose of ensuring equal representation of both sides of the Union, the Director General and Deputy Director General shall, at any given time, be appointed one from Mainland Tanzania and the other from Tanzania Zanzibar, and subsequent appointments for each position shall alternate between the two sides of the Union”.*

16. Mheshimiwa Spika, Kambi Rasmi ya Upinzani inaona kifungu hiki kinachoweka ulazima wa watu kutoka Tanzania Bara na Zanzibar kwa mazingira ya sasa ya dunia kuhusu ajira ni dhahiri kifungu hiki hakina tija katika ulimwengu wa biashara. Tukumbuke kwamba mamlaka inayoanzishwa ni chombo cha kibiashara na hivyo tuangalie mtu wa kuendesha chombo hiki awe ni mtu makini bila ya kuangalia uraia wake au upande wa Muungano anakotoka. Kinachohitajika ni kuhakikisha anaendesha mamlaka hii kwa weledi na ufanisi ili ikidhi matakwa ya uwepo wake.

17. Mheshimiwa Spika, tunakumbusha tena katika taasisi kama hizi kuingiza siasa katika utendaji ni jambo ambalo litapelekea kushindwa kufikiwa kwa lengo kuu la uanzishwaji wake kabla hata ya kuanza kazi zake kwa mujibu wa sheria, hivyo basi tutafute watu makini ikiwezekana toka kwa wenzetu ambao wamefanya kazi hizi kwa muda mrefu sana na wanavyo viwanda vingi vya samaki (fish processing ports), tusitunge sheria ya kutufunga katika kupata watendaji wazuri wenye *ujuzi* na *exposure* kubwa katika kile tunachotaka

kukifanya. Kwa kuweka kumbukumbu sawa ni kwamba Mtendaji Mkuu wa Kwanza wa TANROADS hakuwa Mtanzania, vivyo hivyo kwa MSD, hivyo basi jambo hilo halitakuwa na ukakasi kwani kinachohitajika ni kuhakikisha mamlaka inafanya kazi kwa faida zaidi na mafanikio makubwa.

vi. Kinga ya Kutowajibishwa kwa Maafisa wa Mamlaka

18. Mheshimiwa Spika, kifungu cha 18 cha Muswada kinatoa kinga kwa maafisa wa mamlaka kutowajibishwa kwa upotevu au uharibifu watakaoufanya watakapokuwa wakitekeleza majukumu yao kwa nia njema. Kifungu kinasomeka kama ifuatavyo na naomba kunukuu; ***“A person authorized to perform the functions of the Authority shall not be personally liable for any loss or damage suffered to any person by reason of anything done or not done in good faith”.***

19. Mheshimiwa Spika, Kambi Rasmi ya Upinzani mara nyingi imekuwa ikikataa utunzi wa sheria zenye kifungu kama hiki kwa kuwa katika tafsiri ya maneno hakuna maana ya neno ***“good faith”*** na hiyo nia njema haijulikani inaanzia wapi na kuishia wapi! Tukumbuke biashara hii inahusu bidhaa zinazowahi kuharibika ***“Perishable products”***, hivyo jambo lolote litakalofanywa na watendaji dhidi ya mfanyabiashara mwenye leseni na vibali halali kuhusu biashara yake na kumsababishia hasara ni lazima mhusika awajibike katika hasara hiyo kwa mujibu wa sheria.

20. Mheshimiwa Spika, dhana ya kifungu hiki inaendana na kifungu cha 67(7) ambacho kinasema Mkurugenzi Mkuu au Wakaguzi au Afisa yeyote wa mamlaka hatawajibika kwa uharibifu au kuoza au kupoteza ubora wa bidhaa zilizokamatwa. Haki hapo iko wapi kwa mfanyabiashara?

21. Mheshimiwa Spika, sasa ni kipindi cha matumizi ya teknolojia hivyo tusitunge sheria kwa kuangalia kuingia makosa ambayo tayari yamefanywa huko nyuma na Serikali kuingia hasara kubwa kutokana na makosa hayo. Tutunge sheria kulingana na wakati uliopo na ujao ili tuokoe tasnia hii

na pia tusiweke kinga kuwa makosa au hujuma zitakazofanyika. Vifungu vya namna hiyo visiporekebishwa vinaweza kupunguza uwekezaji mkubwa katika eneo hilo kwa kuwa hakuna mfanya biashara atakayekubali kupata hasara kwa uzembe wa watendaji ambao wanalindwa na sheria.

vii. Utungaji wa Kanuni

22. Mheshimiwa Spika, kifungu cha 24(7) cha Muswada kinasema Waziri ndiye atakayetunga kanuni kuhusiana na taratibu za utawala kama vile kuweka faini na adhabu na vilevile vibali. Kambi Rasmi ya Upinzani inashauri utaratibu huo hasa faini na adhabu viwe ndani ya sheria na sio kwenye kanuni, kwani historia inaonesha kuwa wahusika wanakuwa na matumizi mabaya ya madaraka hayo, hivyo ni muhimu sana mambo hayo yakawa ndani ya sheria mama.

viii. Usiri wa Taarifa

23. Mheshimiwa Spika, kifungu cha 53(1), (2) na (3) vinahusu usiri wa taarifa. Kambi Rasmi ya Upinzani inajuliza katika biashara inayohusu rasilimali za Taifa na hususani uvuvi wa samaki na mazao ya baharini kwa maana ya ni kiasi gani kimevuliwa; kuna meli ngapi za uvuvi na wamiliki wake pamoja na mapato ya nchi kutokana na biashara hiyo; usiri unawekwa kwa ajili ya kupata faida gani? Kwa mtazamo wa Kambi Rasmi ya Upinzani Bungeni usiri ni ukiritimba na ukiritimba ndio chanzo kikuu cha rushwa kubwa kubwa hasa katika rasilimali zetu. Kwa muktadha huo tunataka vifungu hivi vya usiri wa taarifa vifutwe.

ix. Uuuzaji wa Bidhaa zilizokamatwa

24. Mheshimiwa Spika, kifungu cha 67(1) kuhusiana na uuzaji wa bidhaa zilizokamatwa na zinazoharibika kuwa Mkurugenzi Mkuu atafanya mashauriano na Mkurugenzi wa Mashtaka kuwa ziuzwe au kutoa idhini ya kuuza. Kambi Rasmi ya Upinzani inaona kuwa Mamlaka sahihi kwa jambo hilo ni Ofisi ya Mwanasheria Mkuu wa Serikali. Tukumbuke kuwa tasnia hii ya uvuvi katika bahari kuu inahusu makampuni ya nje na

ikitokea chochote katika mchakato wa kibiashara mhusika mkuu atakuwa ni Mwanasheria Mkuu wa Serikali na sio Mkurugenzi wa Mashtaka.

x. Kuachiwa kwa Chombo au Bidhaa baada ya kuwekewa Dhamana

25. Mheshimiwa Spika, kifungu cha 68 cha Muswada kinahusu uachiwaji wa chombo na bidhaa baada ya kuwekwa kwa dhamana na mahitaji mengine. Kambi Rasmi ya Upinzani inaona kifungu hiki kinaweka mazingira makali, magumu na ya kukomoana sana na mbaya zaidi hakikusema pale chombo kilichokamatwa kabla ya kuachiwa kitakuwa kimesimama tu bila kufanya kazi yoyote na uangalizi wake utakuwaje? Wenzetu wa Botswana walipokuwa wanakamata meli katika eneo lao la bahari kuu, meli hizo zinaendelea kufanyakazi na wahusika hao hao huku kesi inaendelea na nchi inaendelea kunufaika na sio kuiacha meli ikaoza na kuharibika.

xi. Kutaifisha Chombo na Bidhaa zilizopo kwenye Chombo baada ya Kukamatwa

26. Mheshimiwa Spika, kifungu cha 71 cha Muswada kinachohusu kutaifishwa kwa chombo na bidhaa zilizomo kwenye chombo wakati kinakamatwa, lakini muswada unasema mali zote zilizotaifishwa zitakuwa ni mali za Serikali, vivyo hivyo na kwa kifungu cha 72. Kambi Rasmi ya Upinzani inakumbusha ukamataji wa meli ya wa Vietnam maarufu kama meli ya samaki wa Magufuli, meli hiyo ilishindwa kufanya kazi na badala yake ikahujumiwa na mwisho Serikali ikatakiwa kulipa gharama za meli na bidhaa zilizokuwemo baada ya kesi kumalizika. Hivyo basi badala ya kusema itakuwa ni mali ya Serikali muswada uende mbele zaidi kueleza ni eneo gani meli au mali hizo zitakapowekwa ili kuondoa mivutano na ukiritimba usiokuwa na maana unaokuwa na lengo la hujuma au maslahi binafsi.

xii. Uwezo wa Mamlaka Kukopa Fedha

27. Mheshimiwa Spika, kifungu cha 86 cha muswada kinatoa uwezo kwa Mamlaka kukopa fedha kutoka kwenye taasisi

za fedha pale inapopata idhini kutoka kwenye Kamati Tendaji. Kambi Rasmi ya Upinzani inaona kuwa Mamlaka inatoa mpango wa matumizi ya fedha za kukopa, lakini kifungu hakioneshi njia au mpango gani wa kurejesha mkopo huo. Taasisi nyingi zinashindwa kuaminika kutokana na kutokuwa na mpango imara wa kurejesha mikopo na mwisho wa siku hiyo **“burden”** ya mkopo inarudi Serikali Kuu. Tukumbuke kuwa kuna sheria inazitaka Mamlaka na Wakala wa Serikali kutoa asilimia 10 ya pato ghafi kwenda Hazina na hivyo kinachobakia wakipiga mahesabu inaweza kushindwa kurejesha mkopo.

C. HITIMISHO

28. Mheshimiwa Spika, Kambi Rasmi ya Upinzani Bungeni imekuwa ikiishauri Serikali kuwekeza kwenye uvuvi wa Bahari Kuu kwa kuanzisha badari ya uvuvi, sambamba na kuwa na vifaa vya kuweza kutambua meli zinazovua kwenye eneo letu la bahari kuu bila idhini. Kambi Rasmi ya Upinzani imefarijika kuona kwamba Muswada huu umetambua umuhimu wa kuwa na vifaa vya kutambua shughuli za meli za uvuvi katika bahari kuu jambo ambalo ni jema sana katika kuhakikisha rasilimali za Taifa zinatumiwa kwa manufaa ya Watanzania wote na si vinginevyo.

29. Mheshimiwa Spika, pamoja na maudhui hayo mazuri ya Muswada, Kambi Rasmi ya Upinzani Bungeni inapenda kutoa angalizo kwa Serikali juu ya utekelezaji wa sheria hii inayopendekezwa kuwa bado kuna baadhi ya vifungu ambavyo ni kikwazo kwa utekelezaji wa sheria inayopendekezwa. Kwa mfano vifungu vinavyowakinga watendaji kutochukuliwa hatua za kisheria kwa makosa waliyoyafanya wakitekeleza wajibu wao ni moja ya kikwazo cha utekelezaji bora wa sheria inayopendekezwa.

30. Mheshimiwa Spika, kwa kuwa muswada wa sheria hii hautabadilisha mikataba na taratibu zote ambazo ziliingiwa kwa kutumia sheria inayofutwa; na kwa kuwa kuendelea kutumia sheria na taratibu za mikataba ya sheria inayofutwa maana yake ni kuendelea na tatizo lile lile na inaweza

kuchukua zaidi ya miaka mitano ijayo kabla matunda ya sheria mpya kupatikana; hivyo basi, Kambi Rasmi ya Upinzani inaitaka Serikali kuangalia kwa makini maeneo ambayo yanaweza kuleta ugumu katika utekelezaji wa sheria hii na kuyafanyia marekebisho kabla ya kupitishwa kwa muswada huu kuwa sheria ili sheria hii iweze kutekelezeka na kufikia malengo yaliyokusudiwa.

31. Mheshimiwa Spika, baada ya kusema hayo kwa niaba ya Kambi Rasmi ya Upinzani, naomba kuwasilisha.

Dr. Sware I. Semesi (Mb)

**MSEMAJI MKUU WA KAMBI RASMI YA UPINZANI-WIZARA YA
MIFUGO NA UVUVI**

20 Mei, 2020

SPIKA: Ahsante sana. Nashukuru maana yake uliruka hayo nikajua hutaki tu Spika aonekane naye anashukuriwa na Mheshimiwa Naibu Spika na wengine, wakati kumbe kuna na wengine waungwana wanashukuru. Hutaki hata *Hansard* isome ioneshe kwamba kuna Waheshimiwa Wabunge wa Upinzani waliwahi kusema Mheshimiwa Spika ahsante sana, nikajua hii roho mbaya ya Mheshimiwa Cecilia sasa. *(Kicheko/Makofi)*

Paragraph ya saba ya hotuba yako sasa naisoma mimi, inasema: *“Kwa ujumla maudhui ya Muswada huu ni mazuri, hii ni kutokana na Muswada huu kuzingatia mambo muhimu ambayo Kambi Rasmi ya Upinzani Bungeni imekuwa ikiyapendekeza kwa kipindi chake chote cha tangu mwaka 2005 hadi sasa. Kitendo cha kuzingatia ushauri huu kinaifanya Kambi Rasmi ya Upinzani Bungeni iamini kwamba sasa eneo hili la uvuvi wa Bahari Kuu kama litasimamiwa vizuri linaweza kuifikisha ndoto yetu ya mageuzi makubwa katika tasnia hii”.*

Kwa hiyo wamesifia kwamba kwa kweli Serikali imekuwa sikivu na imetekeleza jambo hili na kwamba limetoka kwao. *(Kicheko/Makofi)*

Sasa baada ya hapo nikaja kuchungulia huku kwenye kura, wamepiga kura zote za hapana kwenye Muswada huu tena. Ndiyo maana nikasema wakati mwingine, Mheshimiwa Halima hujapiga kura, bado nasuribi, lakini Mheshimiwa Ester ameshapiga, Mheshimiwa Ally Saleh huko Msekwa ameshapiga kura ya kukataa. Kwa hiyo siku nyingine jamani jambo likiwa zuri kama mlivyolisifia, basi mnapiga kura ya hapana, kwa nini? (*Kicheko*)

Tunaingia kwenye uchangiaji Waheshimiwa Wabunge, sasa mchangiaji wetu wa kwanza atakuwa ni Mheshimiwa Hawa Abdulrahman Ghasia, Mheshimiwa Pascal Haonga ajiandae atafuatia. Mheshimiwa Hawa kama yupo! Hayupo, Mheshimiwa Haonga Pascal.

MHE. PASCAL Y. HAONGA: Mheshimiwa Spika, nakushukuru sana kwa kunipa nafasi hii...

SPIKA: Atafuata Mheshimiwa Saada Mkuya.

MHE. PASCAL Y. HAONGA: Mheshimiwa Spika, nakushukuru sana kwa kunipa nafasi hii ya kuwa mchangiaji wa kwanza katika Muswada huu wa Sheria ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu wa mwaka 2020. Ni kweli kabisa kama ambavyo umesikia maoni ya Kambi Rasmi ya Upinzani Bungeni na ni vizuri Serikali ikachukua ushauri wetu kwa sababu pia wewe mwenyewe umepongeza, naamini pia Mheshimiwa Waziri hatakuwa na mambo mengi inabidi naye achukue maoni yetu yote kama yalivyo. Kwa sababu kuna muda fulani tunaweza tukashauri, lakini utakuta baadae sasa ule ushauri wetu ambao ni mzuri kwa nia njema kabisa unaachwa.

Mheshimiwa Spika, naomba labda nizungumzie kidogo kuhusu maandalizi ambayo labda Serikali imeyafanya, kujiridhisha namna gani Serikali imefanya maandalizi ili baadaye Mheshimiwa Waziri atakaposimama kwa ajili ya kuja kuhitimisha atueleze haya mambo ambayo kidogo nitakuwa nimejaribu kuhoji hapa.

Mheshimiwa Spika, jambo la kwanza naomba nianze na suala la kuwepo kwa bandari ya uvuvi. Kwa muda mrefu sana tumekuwa hapa Bungeni tukizungumza kuhusu ujenzi wa bandari ya uvuvi. Bandari ya uvuvi ambayo kwa Muswada huu ambao kama utasainiwa na utakuwa sheria, maana yake ni kwamba bandari ya uvuvi tunafahamu kwamba kazi yake itakuwa ni kukagua meli za ndani na za nje. Je, Serikali imejiandaa vipi kwa maana ya ujenzi wa bandari ya uvuvi?

Mheshimiwa Spika, hili jambo ni jambo ambalo tumelipigia kelele kwa miaka mingi sana, lakini Serikali imekuwa ikishupaza shingo, kwa hiyo Mheshimiwa Waziri Mpina atakaposimama hapa atuambie wamejipangaje kuhusu bandari ya uvuvi? Bajeti yake imetengwa kiasi gani kwa ajili ya bandari ya uvuvi? Hili ni jambo ambalo ni la muhimu sana.

Mheshimiwa Spika, jambo lingine ni kuhusu ujenzi wa kiwanda kikubwa cha kuchakata minofu ya samaki kabla ya kusafirishwa kwenda nje ya nchi. Tunapoenda kutunga sheria hii, tuambiwe kiwanda cha kuchakata minofu ya samaki kabla ya kusafirishwa kwenda nje ya nchi maandalizi yake ya ujenzi yakoje kwa sababu kuna muda fulani lazima tukubaliane kuna vitu ambavyo vinatakiwa vianze. Tunapoenda kutunga sheria hii, tujiulize je, kiwanda kimeshajengwa hicho kitakachokuwa kinachakata minofu ya samaki kabla ya kusarifishwa? Hilo ni jambo mbalo kwa kweli mimi naona ni kubwa sana.

SPIKA: Mheshimiwa Haonga unachangia vizuri tatizo unachangia bajeti badala ya kuchangia sheria. *(Makofi)*

Mheshimiwa Haonga, sheria hapa inabidi useme pale bandari kavu wapi ambako, hayo maneno unayosema, lakini naona unachangia bajeti zaidi na hapa tunatunga sheria, leo hatuungelei Wizara ya Uvuvi, hapana.

MHE. PASCAL Y. HAONGA: Mheshimiwa Spika, nakushukuru sana kwa kunikumbusha hilo, lakini ambalo

nazungumza, nimeanza mwanzoni kwamba huu Muswada ni Muswada ambao tumekubaliana wote kwa pamoja ni mzuri, lakini ambacho nataka nikiseme hapa ni maandalizi ya Serikali tunapoelekea kwenye kutunga sheria hii sasa ambayo ni vitu vya msingi, watuambie tu maandalizi yakoje. Kwa sababu hapa najaribu kuzungumza mambo ya jumla kwa maana kwamba mwisho wa siku tusije tukatunga sheria nzuri ambayo inatakiwa itusaidie, lakini mwisho wa siku tukakwama.

Mheshimiwa Spika, hapa niko na wewe, lakini najaribu kuangalia kama Serikali imejiandaa kwa kiwango gani kwa haya mambo ambayo yatatusaidia mwisho wa siku. Suala hili kiukweli kabisa halihitaji siasa, kwa hiyo naomba kama inawezekana naomba niruhusu nimalizie mambo yangu ambayo naishauri Serikali ili mwisho wa siku tuweze kuwa na sheria nzuri na ambayo itawasaidia Watanzania wote.

Mheshimiwa Spika, jambo lingine kwenye bandari ya uvivu kuna vitu vinaitwa *storage rooms*, *storage rooms* ni za muhimu sana, je, maandalizi pia yakoje? Serikali inajiandaa vipi kwenye hili, *storage rooms* kwa sababu bila kuwa na hizo pia inaweza ikawa ni tatizo kidogo. Pia watuambie kwamba tunapoenda kutunga sheria hii, tunahitaji pia kujua ni kiasi gani cha fedha ambacho labda Serikali imetenga kwa ajili ya kununua meli ya uvuvi na tujue tu kiasi gani. Kwa hiyo kwa sababu nilikuwa najaribu kupitia pitia kidogo bajeti iliyopita hii ambayo imepitishwa Bungeni hapa, niliona kama kidogo kuna milioni kama 450 hivi.

Mheshimiwa Spika, sasa unapoenda kununua meli ya uvuvi, fedha ni nyingi kwa sababu huzungumzii kitu kidogo, ni kitu kikubwa sana ambacho mara nyingi sana ukiangalia kwa hizi ambazo wamenunua hii meli ya uvuvi hadi milioni 800 hadi bilioni moja inafika wakati mwingine. Sasa Serikali ituambie imefikia wapi kwa ajili ya maandalizi ya kununua hii meli ya uvuvi.

Mheshimiwa Spika, suala la maandalizi ya soko la ndani, najua kwamba tumekuwa tukiagiza sana samaki

kutoka nje ya nchi na wakati mwingine tumekuwa tukiagiza karibu tani 250,000. Je, Serikali inajiandaa je kwa ajili ya maandalizi yale ya sasa kuweza kuteka soko la ndani?

Mheshimiwa Spika, ni kweli kabisa kwamba ziko nchi nyingi sana ambazo zinategemea sana kuendesha maisha ya watu wake kwa kutegemea uvuvi, kwa mfano, Seychelles, Madagascar, Norway pamoja na nchi nyingine nyingi tu ambazo zinategemea sana uvuvi wa Bahari Kuu au uvuvi kuendesha maisha ya nchi zao. Kwa hiyo naamini kwamba Serikali hapa inaweza mwisho wa siku kama itajipanga vizuri, inaweza ikafika mahali ikateka soko la ndani tukaacha kuagiza samaki nje ya nchi na mwisho wa siku zile fedha ambazo zingeagiza samaki nje ya nchi zikatusaidia katika kufanya kazi nyingine.

Mheshimiwa Spika, kupanga ni kuchagua, iko miradi mingine ambayo Serikali inaweza ikaamua kuiahirisha, kwa mfano, iko miradi mingine ambayo tungeweza kuiahirisha kwa muda au kama tuna fedha za kutosha watuambie kuna fedha nyingine za kutosha, lakini naamini kwa sababu kupanga ni kuchagua, tungeweza kuahirisha baadhi ya miradi au kuipunguza ili mwisho wa siku tuweze kuwa na meli ya uvuvi, tuweze kuwa na bandari ya uvuvi, tuweze kuandaa mazingira ya *storage rooms* ili mwisho wa siku tuweze kuhakikisha kwamba nchi yetu sasa na sisi tunategemea uvuvi wa bahari kuu. Maana yake mara nyingi tumekuwa tunaendesha nchi kwa kutegemea madini, maliasili na utalii, kilimo kidogo lakini naamini kwamba hapa ndiyo penye fedha.

Mheshimiwa Spika, tulipokwenda Uganda, kuna viwanda vingi sana vimejengwa kule. Viwanda vingi sana vya samaki vimejengwa, lakini ukiangalia Ziwa Victoria asilimia kubwa liko kwetu na tuna bahari kubwa, kuna haja gani ya kuwa viwanda vingi viwe Uganda na maeneo mengine wakati sisi tuna ziwa kubwa, tuna bahari kubwa...

SPIKA: Mheshimiwa Haonga...

MHE. PASCAL Y. HAONGA: Mheshimiwa Spika, kwa hiyo mambo yote haya, naamini kwamba Serikali ijipange vizuri ili mwisho wa siku nchi iweze kusimama vizuri.

SPIKA: Mheshimiwa Haonga, nakushukuru sana, mchango wako ni mzuri, lakini bahati mbaya hucusoma kabisa hii sheria. Kwa hiyo japo mchango wako ni mzuri, mambo unayotoa ni mazuri, lakini bahati yaani hucusoma kabisa, maana hapa tunazungumzia habari ya uvuvi wa bahari kuu yaani baharini maji chumvi. Kwa hiyo ukizungumzia maji baridi ya Ziwa Victoria na yanayoendelea huko, ni *point* lakini uko nje kabisa ya uwanja. Kwa hiyo napata tabu, toka mwanzo yaani unachangia bajeti huchangii sheria. (*Kicheko*)

Nakushukuru sana, kama hukuwa umeipitia pitia, basi bahati mbaya umesikika.

MHE. PASCAL Y. HAONGA: Mheshimiwa Spika, ninapozungumzia viwanda nilikuwa natoa mfano, kwa mfano sisi tuna bahari kubwa sana ambayo bahari hii tunaamini kwamba tungeweza kuwa uwezo wa kuwa na viwanda vingi endapo tungeweza kuandaa mazingira mazuri kabisa na mwisho wa siku ikatusaidia. Kwa hiyo ni kweli nimetoa mfano wa Viwanda vya Uganda, lakini kikubwa ambacho nilikuwa nazungumzia hapa ni kuhusu maandalizi tu, tulivyojiandaa sisi kwa maana ya *storage rooms* hizo, meli ya uvuvi, bandari, tumejiandaaje kuteka soko la ndani. Kwa hiyo ni vitu vya muhimu sana ambavyo Serikali ikichukua bado mwisho wa siku vitatusaidia sisi Watanzania wote.

Mheshimiwa Spika, kwa hiyo, nadhani baada ya kuzungumza haya, nimtakie Mheshimiwa Waziri kila la kheri katika hili na mwisho wa siku jambo hili lisicheleweshwe ili sheria hii iweze kuanza kufanya kazi mapema na Watanzania tuanze kunufaika sasa na bahari yetu ambayo tunayo na tuweze kuwa angalau na vyanzo vingi sana vya mapato katika Taifa letu.

Mheshimiwa Spika, nakushukuru sana kwa kunipa nafasi hii Mungu akubariki sana.

SPIKA: Ahsante sana. Tungekuwa bado tuna muda, bahati mbaya tuko mwishoni, ningempeleka Mheshimiwa Haonga kwenye Kamati ya Kilimo na masuala ya Uvuvi haya akapate mwanga zaidia maana ya neno uvuvi.

MBUNGE FULANI: Mheshimiwa Spika, ndiyo kamati yake hiyo.

SPIKA: Ndiyo Kamati yake?

WABUNGE FULANI: Ndiyo.

SPIKA: Aah! Sasa neno uvuvi wa bahari Kuu lina maana yake, si uvuvi ule wa pwani hapa au uvuvi wa Ziwa Victoria na kadhalika, huu ni uvuvi tofauti kabisa ambao nyenzo zake na vifaa vyake ni tofauti pia.

Tunaendelea nilishakutaja Mheshimiwa Dkt. Saada Mkuya Salum na atafuatiwa na Mheshimiwa Wanu Hafidh Ameir.

MHE. DKT. SAADA MKUYA SALUM: Mheshimiwa Spika, nakushukuru sana kwa kunipa fursa hii ya kuchangia Muswada huu wa Sheria wa *Deep Sea Fisheries Management and Development Act, 2020*. Kwanza kabisa nichukue fursa hii kuzishukuru na kuzipongeza Serikali zote mbili za Jamhuri ya Muungano wa Tanzania na Serikali ya Mapinduzi ya Zanzibar kwa kushirikiana kwa pamoja kupitia Mawaziri wao pamoja na watendaji kuona kwamba sasa hii sheria ambayo ilikuwa imekwama muda mrefu ina *come into bill* na kuwa *implemented*. Tunategemea itakuwa *implemented*, lakini ni sheria ambayo imeangalia changamoto ambazo tumekuwa tukzisema zinazotokana na uvuvi wa Bahari Kuu.

Mheshimiwa Spika, kipekee nachukuwa nafasi hii kukupongeza wewe mwenyewe binafsi, kwa sababu wakati unasimamia kazi yako ya Uspika ulikuwa vilevile, *concerned* na maoni ya Waheshimiwa Wabunge waliokuwa wakitoa kutokana na changamoto za uvuvi wa bahari kuu ikiwa ni pamoja na ukosefu wa mapato ambayo yanatokana na

uvuvi huu. Ulikwenda katika hatua nyingine ya kuunda Kamati Maalum yaani Kamati Maalumu ya Waheshimiwa Wabunge ambayo ilikwenda na ikaangalia na imetoa mapendekezo ambayo naamini kwamba yamekuwa *considered* katika sheria hii. Tunakupongeza sana kwa hilo umekwenda *a step further* kuona kwamba kuna mambo yanahitajika yafanywe na Serikali zote mbili. (Makofi)

Mheshimiwa Spika, naomba niongeze machache katika yale ambayo yamekuwemo katika Muswada huu wa Sheria. Kwanza huu ni Muswada muhimu sana, kwa maana hiyo mara utakapokuwa umeshapita hapa tunaomba Wizara hizi mbili zote zinazoshughulikia uvuvi pamoja na mamlaka ihakikishe kwamba Muswada huu wa Sheria unakuwa *sensitized*, yaani wananchi wanaelimika kwa sababu tukichukulia upande wa Zanzibar wananchi wengi wanashughulika na hizi kazi za uvuvi na mara nyingi wanakuwa hawajui lipi eneo la *EEZ*, *well* halijawa *explored enough*, lakini wanaingia katika mipaka ambayo siyo *EEZ* na mipaka ambayo inakuwa *governed* na sheria mbili tofauti. Maana kwa upande wa Tanzania Bara kuna Sheria yake ya Uvuvi ambayo si Sheria ya Uvuvi wa Bahari Kuu na upande wa Zanzibar kuna sheria yake ambayo si Sheria ya Uvuvi wa Bahari Kuu.

Mheshimiwa Spika, kwa hivyo kunapokuwa kuna maingiliano katika maeneo haya na mara nyingi kunakuwa kuna *imposition* ya *charges* au kukata leseni, wananchi wale wanahisi kama wameonewa lakini *simply* kwa sababu hawaelewi mipaka ya uvuaji wenyewe na sheria zinazotawala katika maeneo ambayo wanavua. Kwa hivyo, tunaomba kwamba *once* sheria hii itakapokuwa imepita basi wafanye jitihada kwa ajili ya kuieneza na kuwaelewesha wananchi kwamba kuna sheria hii lakini vilevile kuna sheria mbili nyingine tofauti ambazo zinasimamia uvuvi.

Mheshimiwa Spika, jambo la pili, sheria hii inaelekeza kwamba Waziri kwa ujumla wake, Waziri anayeshughulika na uvuvi pamoja na Waziri wa Zanzibar *in consultation* watatunga kanuni, ni jambo nzuri. Hata hivyo, ukisoma katika

sheria yenyewe kuna sehemu ambazo zinampa mamlaka Waziri wa Tanzania wa Jamhuri ya Muungano wa Tanzania anayeshughulika na uvuvi kutunga kanuni ndogo ndogo yeye mwenyewe. Sasa tunaomba kwamba hata hizi *sub-regulations* ambazo zimekuwa *defined* humu kama Waziri atakuwa ndiye mwenye mamlaka kuzitunga tunaomba kwamba ziwe *in consultation* na Waziri anayeshughulika na masuala ya uvuvi kwa upande wa Zanzibar. Kwa sababu *implementation* yake kama Waziri mmoja atatunga kanuni bila ya *consultation* na Waziri mwenzake inaweza ikaleta mgongano.

Mheshimiwa Spika, nadhani muda mrefu sana ulisimama hapa tulikuwa tunazungumzia kuhusiana na jambo linaloitwa 0.4. Hii 0.4 ilikuwa ni *imposition* ya *incentive* kwenye uvuvi, kwenye kilo moja ya *Tuna*, lakini kwa sababu ni jambo ambalo lililokuwa linampa mamlaka Waziri wa Uvuvi wa upande mmoja ndiyo ana-*impose* ikawa inaleta kidogo hisia tofauti. Sisi tumelizungumza sana, tunamshukuru sana Mheshimiwa Waziri kuona kwamba hili jambo lilikuwa likileta kero yeye ameweza kuliondoa. Hata hivyo, *for smooth implementation* ya sheria hii, *regulations* zitakazotungwa katika vifungu vyote pamoja na *regulation* ya jumla iwe inafanyiwa *consultation* pamoja na Waziri anayeshughulika na Uvuvi kwa upande wa Zanzibar.

Mheshimiwa Spika, jambo la tatu ni kwamba kuna vifungu kwa mfano hiki Kifungu cha Uteuzi wa Mkurugenzi pamoja na Naibu Mkurugenzi kimekaa vizuri kwa ujumla wake, lakini kilichopo ni kwamba kutakuwa kuna *rotation* sawa, lakini Mkurugenzi ambaye yupo sasa hivi ambaye ameteuliwa atakaa miaka mitatu halafu atatoka. Atateuliwa Mkurugenzi mwingine kwa upande mwingine wa Muungano, ni jambo zuri.

Mheshimiwa Spika, naona kwamba, unamweka mtu miaka mitatu hata kama atakuwa na sifa zote za kuweza kuwa *renewed*, maana yake kwa sababu sheria inasema ni kwamba atakuwa *eligible* kwa ajili ya *renewal for other term*, kwamba unamweka mtu miaka mitatu anao uwezo wa

kuendelea, anazo sifa zote za kuendelea lakini kwa sababu ya sheria hii hawezi kuwa *renewed* mpaka atoke akae nje miaka mitatu, ateuliwe mwingine wa upande mwingine wa Muungano afanye kazi na yeye miaka mitatu hata kama ana uwezo, hata kama tutakuwa na haya ya kumwendeleza hatuwezi atoke nje kabisa, sasa tuendeleze na mwingine yani ile *rotation* kidogo inaleta ukakasi.

Mheshimiwa Spika, nashauri kama tunamweka Mkurugenzi miaka mitatu akiwa ana sifa za kuendelea na mamlaka za uteuzi zitaona kwamba huyu Mkurugenzi aendelee basi awe *eligible for another period*, akimaliza hiyo *rotation* ije, uje upande mwingine wa Muungano. Hili litaweza ku-*boost up innovation* na vilevile *capacity* ya watendaji wetu, kuliko kumuweka miaka mitatu anajua *exactly* mimi ikifika miaka mitatu *whether* nimefanya kazi nzuri au vipi lazima nitoke aje mtu mwingine. Tuna kuwa tuna *waste* zile *innovation* na *energy* ambayo wale watendaji wetu wanayo. Naomba Mheshimiwa Waziri aliangalie hili kwa ujumla kwamba haiwezekani mtu yupo pale miaka tatu akiwa na sifa za kuendelea, amemaliza salama miaka mitatu atoke nje kwanza asubiri mpaka miaka mitatu mingine.

Mheshimiwa Spika, lakini jambo lingine katika vifungu hivyo hivyo vinavyofuatia kwa mfano kifungu cha 15 (4) kwamba Mkurugenzi *au Deputy* Mkurugenzi ili ateuliwe awe ana *hold a first degree* yaani imeandikwa *a first degree*, lakini tuna vijana tuna watendaji ambao wanahoji sawa, *hold masters*, ana *hold PHD the way* hiki kifungu kilivyo ni kwamba imekaa tu kwamba awe ana *hold first degree*. Lakini nashauri ni kwamba Mkurugenzi au Naibu Naibu Mkurugenzi awe ana *hold at least* ili neno la *at least* lina *miss* pale kwamba *at least* hiyo ndiyo iwe *minimum qualification* ya Mkurugenzi au Naibu Mkurugenzi.

Mheshimiwa Spika, jambo jingine, ni kwamba wakati kanuni zinapotungwa za Sheria hii ni lazima zielezee *EEZ* yaani *Exclusive Economic Zone* katika kanuni ni eneo lipi, kwa maana hiyo hata wavuvi wanapokuja kuvua wawe wanajua wavuvi wetu ndani tu wajajua kwamba hapa hatuko katika

EEZ. Kwa hivyo hili eneo liwe *well define* ni maeneo yepi yenye *demarcation* ipi ili wavuvi wajue kwa ajili ya kuepuka sintofahamu wakati wanapokwenda katika shughuli zao za kila siku.

Mheshimiwa Spika, la mwisho ni kwamba Sheria hii ni moja lazima tu *qualify* ni moja kati ya Sheria ambazo zilikuwa *very consultative*, ni mfano wa Sheria ambazo kweli ingekuwa sisi hatuna maneno baadhi yetu ya kusimama tukaanza kulalamikia Sheria upande mmoja haujashirikishwa, umeshirikishwa maoni hayapo na nini. Lakini hii ni mfano wa Sheria ambao umeweza kwa kiasi kikubwa kushirikisha pande zote na umeweza kwa kiasi kikubwa ku-*absolve* mawazo ya pande zote na ikayaweka katika Sheria. (*Makofi*)

Mheshimiwa Spika, tunaomba hata Sheria zinazokuja basi zifuate mpango huu ili kuondosha malalamiko ambayo pengine ni ushirikishwaji tu ushirikishwaji na kuingiza maoni ya pande zote na tunakwenda katika utekelezaji mzuri. Naiombea Sheria hii naiombea tuende tukaitekeleze vizuri na vilevile shukrani za pekee katika kipindi hiki zimwendee Mheshimiwa Waziri amefanya kazi kubwa na yuko tayari kwa ajili yakufanya marekebisho ambayo tutayaleta baadaye.

Mheshimiwa Spika, nashukuru sana na naunga mkono hoja. (*Makofi*)

SPIKA: Ahsante sana Dkt. Saada Mkuya, tunakushukuru sana kwa mchango wako, hata wakati napitia nilijuliza sana suala la miaka mitatu lilinipa tabu pia. Nadhani ndiyo imekuwa *past practice* huko nyuma maana katika miaka mitatu mtu yoyote ambaye ulitaka kufanya *changes*, mahala sidhani kama ni unatosha kwa kweli, maana mwaka wa kwanza ndiyo unafika pale ofisini unajaribu kuwajua watu na kufahamu *systems* na taratibu mwaka wa pili unafanya kazi, mwaka wa tatu unatakiwa uanze kuaga. Kwa hiyo, ni sijui lakini kwa vitu vya kuachiana pia navyo ukiweka muda mrefu nayo tabu, Waheshimiwa Wabunge mtashauri, Mheshimiwa Wanu Hafidh Ameir nilikwishakutaja.

MHE. WANU HAFIDH AMEIR: Mheshimiwa Spika, ahsante kwa kunipa nafasi hii kuchangia machache katika Sheria hii ambayo inaweka usimamizi na uendeshaji mzuri wa *deep sea fisheries*.

Mheshimiwa Spika, kwanza nimshukuru Mwenyezi Mungu kwa kutujali afya na uzima kufika hapa, lakini la pili niipongeze Serikali zote mbili SMZ, lakini hasa SMT kwa kuona kwamba sasa ipo haja ya kukaa kitako na kuifanyia kazi Sheria hii ambayo ilikuwa ina mkwamo wa muda mrefu. (*Makofi*)

Mheshimiwa Spika, kabla sijatoa maoni yangu katika Sheria hii ambayo kwa pamoja sisi sote upande wa CCM, lakini pia upande wa Upinzani tumekubaliana kwamba Sheria ni nzuri, lakini katika kifungu cha 15(2) katika maoni ya Kambi Rasmi ya Upinzani napingana na maoni yao kwasababu wao wametoa maono yao kwamba kuchagua *DG* na *DDG* kutoka *in rotation* yaani tulikuwa tuna *exchange* ni kama kuingiza siasa katika *appointment* hizi. Napingana na wao na kwa maoni yao walivyoyaweka *is as if* kwamba upande ule mwingine hamna watu *competent* wa kuendesha hii Taasisi.

Mheshimiwa Spika, kwa hiyo napingana na maoni hayo na nadhani ya kuyapuuzia...

MHE. HALIMA J. MDEE: Mheshimiwa Spika, taarifa tu ndogo.

SPIKA: Taarifa pokea Mheshimiwa Wanu, Mheshimiwa Halima nimekuona.

T A A R I F A

MHE. HALIMA J. MDEE: Mheshimiwa Spika, *yeah!* Nilitaka nitoe taarifa tu kwa mchangiaji anayezungumza hatukusema *DG* akitoka upande mmoja wa Muungano ama mwingine ni siasa. Tulichosema kwasababu tunataka mtu mwenye taaluma pana ili kuweza kusaidia nchi iweze kupata

mapato, inapokuja kazi ya kitaalam hatuna haja ya ku-*specify* lazima awe mtu fulani ila tunaweza tukaacha wazi, ila akiwa mwanzibar mwenye taaluma nzuri awe *DG* akiwa mtanzania Bara mwenye taaluma nzuri awe *DG* akiwa mtu mwingine yoyote ambaye ana taaluma nzuri ya kuweza kusaidia nchi awe *DG* na tukatoa mifano kwenye Taasisi ambazo tulizianzisha tukiwa bado wageni tukawa tukachukua wenzetu walivyofanya walivyoweka msingi mzuri tukaendelea kama Taifa. (*Makofi*)

Mheshimiwa Spika, kwa hiyo nimesema niweke hiyo *clear* isije ikaonekana kwamba kuna watu wanataka kutengeneza ubaguzi kitu ambacho hakikuwepo kwenye hotuba yetu, ni hayo tu ni taarifa tu ya kawaida akiisoma ataelewa.

SPIKA: Mheshimiwa Wanu umepewa taarifa unaipokea.

MHE. WANU HAFIDH AMEIR: Mheshimiwa Spika, siipokei taarifa hiyo, lakini kwamba hivyo ndivyo kama ni hivyo ndivyo alivyomaanisha basi na zile kura kule ziwe za ndiyo. (*Makofi/ Kicheko*)

Mheshimiwa Spika, naungana na Mheshimiwa ambaye aliyekaa Mheshimiwa Saada Mkuya kwamba Sheria hii ni ya mfano na ni ya mfano kwelikweli kwasababu nadhani na Taasisi nyingine zozote ambazo zina *govern* pande zote mbili za *union* hii Sheria ni ya kuigwa kwasababu nataka kusema hivyo kumekuwa na malalamiko kwamba unakuta pande moja inaka na pande nyingine kunatungwa Sheria halafu pande moja inaanza kulalamika juu ya nafasi katika Taasisi fulani.

Mheshimiwa Spika, kwa hiyo hii haipendezi na ukiangalia Sheria hii *part three* ambayo inaunga *organs of the authority* ukiangalia *Executive Committee* na *technical advisory committee* zilizoundwa nafasi zimekuwa *divided equally*, Tanzania Bara wamepata nafasi zao, lakini na Zanzibar wamepata nafasi zao, lakini Sheria haijaisha

haijakomea hapo imeenda mbele zaidi na kuipa nafasi Zanzibar hata *chairzile meetings* ambazo watakua waakaa. Na ndiyo maana nasema Sheria hii ni ya mfano na Taasisi nyingine ambazo zinaendesha pande zote mbili ni ya kuiga Sheria hii. (*Makofi*)

Mheshimiwa Spika, lakini jengine Mheshimiwa Saada kidogo ame-*preempt*, nitaacha yale ambayo amezungumzia.

Mheshimiwa Spika, Lakini jengine nilikuwa nataka kuzungumzia ni kifungu cha 10(7) ambapo kinazungumzia kwamba *Executive Committee* inaposhindwa kufika *decision* kwenye kitu fulani itapeleka *issue* hiyo kwa *Minister* ambaye ni *Minister responsible* kwa *fishery* Mainland.

Mheshimiwa Spika, pia Sheria imesema kwamba *Minister* ata *consult* na *Minister* wa Zanzibar kuona kwamba hii *issue* inakuwa *settled*. Lakini Sheria imezungumza ina *positive way* kwamba pale *Minister* na *Minister* wanapofika *decision* kwamba *decision* hiyo ndiyo itakuwa *binding* kwa pande zote mbili.

Mheshimiwa Spika, sasa Sheria haijazungumzia pale *decision* ya *Minister for the Mainland* na *Minister from Tanzania Zanzibar* wanapo *defer* nini kitatokea; kwasababu sehemu nyingi au kwenye Taasisi nyingi hizi za Muungano mikwamo inatokea pale kila *part* kila upande unapokuwa na *decision* zake tofauti.

Mheshimiwa Spika, kwa hiyo, ni vizuri kama Sheria ingesema kwamba pale *Minister* na *Minister* mwingine wanasipofika *decision* je, *what is next!* Nini! kitaendelea, aidha wanaweza wakaweka kwenye Sheria, lakini wanaweza wakaweka kwenye kanuni, utaratibu mzuri ambao utasababishwa kwamba kuondokana na hii mwikamo ambayo inatokea na saa ingine unakuta hata siyo *issue* ila tu huyu ameamua kutunisha msuli na yule mwingine ameamua kutunisha msuli jambo lina lala kwa muda mrefu huku tunaumiza wananchi.

Mheshimiwa Spika, sitazungumzia kuhusu ushirikishwaji kwenye *sub regulation* kwa sababu Mheshimiwa Saada ameiweka uzuni na sote tumekubaliana kwamba Sheria hii ni nzuri na tunaiunga mkono.

Mheshimiwa Spika, pia tunaomba kwamba kama ikibidi kuletwe marekebisho ya Sheria ya EEZ ya mwaka 89 *cap* 328 ili kuendana sambamba na Sheria hii ambayo nzuri na imetungwa vizuri na Serikali zote mbili za Muungano.

Mheshimiwa Spika, baada ya kusema hayo kama Mbunge ninayewakilisha Baraza la Wawakilishi naunga mkono hoja Sheria hii mia kwa mia. Baada ya kusema hayo naomba kuwasilisha. *(Makofi)*

SPIKA: Ahsante sana Mheshimiwa Wanu mtani wako mmoja ameniandikia hapa anasema huyu anaitwa Mheshimiwa Wanu Mchengerwa, lakini nimefuta kabisa mpaka kwenye *Hansard* hiyo hapana haiko hivo kwasababu taarifa hizo, ahsante sana Mheshimiwa Wanu, Mheshimiwa Ali Hassan King atafuatiwa na Mheshimiwa Mbaraka Kitwana Dau. *(Makofi)*

MHE. ALI HASSAN OMAR KING: Mheshimiwa Spika, ahsante awali ya yote kwanza napenda kumshukuru Mwenyezi Mungu kwa kutujalia kutupa uhai na uzima hii leo tukaja tukashughulikia suala hili nyeti la masuala ya linayohusiana na uvuvi wa Bahari Kuu ambalo linataja vipi, linaeleza vipi tutaweza kudhibiti na vipi tunaweza kuendeleza hilo eneo.

Mheshimiwa Spika, cha pili nikushukuru kwa kunipa hii nafasi ili kuweza kuchangia hili jambo. Nafikiri katika mtu mmoja ambaye anastahili kuwa na fahari katika suala hili moja wapo ni wewe kwasababu Bunge lako Tukufu limetoa ripoti inaitwa Chenge I katika Chenge I kule kumeelezwa mambo ambayo yanahusiana na manufaa haya ya kupata mapato ambayo yanahusiana na uvuvi wa Bahari Kuu. *(Makofi)*

Mheshimiwa Spika, kwa bahati ripoti ile iko tokea Bunge la kumi ambapo lilikuwa mwaka 2010 mpaka mwaka 2011. Sasa nimshauri Mheshimiwa Waziri ajaribu kuipata ile ripoti ya Chenge I akatizame vipi anaweza ukaunganisha hizi *dots* ambazo zinazoendana na hii Sheria ambayo imetoka hapa na kuweza kunufaikana Taifa letu kunufaika kwa mapato ambayo yatakuwa yanawezesha kuipeleka nchi yetu vizuri, kwa hiyo hilo ni moja. (*Makofi*)

Mheshimiwa Spika, lakini unajua wakati mwingine inawezekana ikawa wakatokezea watu washauwa sambu, halafu wengine wakaenda kwenye mkuki wakajipaka damu halafu ikaonekana wao ndiyo waliua sambu. Kwa hiyo, hii ripoti iko tokea mwaka Bunge la 2010, 2015; kwa hiyo hiyo ijulikane wazi.

Mheshimiwa Spika, kwa kuwa hii ni Sheria na Sheria hii ni inahusiana na mambo ya pande mbili katika kifungu 59(1) hii Sheria ilimwelezea kwamba Waziri anaweza akatunga kanuni zinazohusiana na *export*, lakini atapata *consultation* ya Mkurugenzi Mkuu wa hii Taasisi; sasa kifungu namba 1 kinasema hivyo 59(1) kinasema hivyo, lakini 59(2) ambayo inazungumzia masuala ya *quality control*, kwenye *quality control* ikasemwa kwamba atamshauri Waziri ambaye anahusiana na mambo ya Zanzibar.

Mheshimiwa Spika, sasa nilikuwa najjuliza kwa kuwa hili jambo ni la pamoja kwenye ku-*export* kwanini isiwepo pia na hiyo nafasi ya kuweza kumshauri Waziri ambaye anahusiana na mambo hayo ya *fisheries* wa Zanzibar kwasababu tukitizama katika muktadha wa hili unaweza ukaja ukaona kwamba *fishing* au *fisheries* siyo jambo la Muungano, lakini mipaka au kutambua mipaka ya maji ya bahari ambayo ndiyo tunaanza na kule *territory c*, tunakwenda zetu na huku *exclusive economic zone* kwamba huku tunakwenda tunakotaka kwamba ni suala la Muungano. Lakini rasilimali ambazo zipo ndani ya mipaka hii ambazo zote zinahitajika kwamba ziwafaidishe sehemu zote mbili. Kwa hiyo, katika ku-*export* nilikuwa pia napendekeza kwamba suala la ushauri kushauriwa Waziri ambaye atakuwa

anahusiana na masuala ya uvuvi wa Zanzibar ni jambo muhimu ambalo linaweza likaleti tija na mtangamano mzuri katika Muungano wetu. *(Makofi)*

Mheshimiwa Spika, kingine kilizungumziwa hapa na Kamati walitoa ushauri wao ambao kwamba kunatokana na faini ambazo zimeelezwa na *penalty* hizi ambazo zimetajwa kule katika kifungu cha 38(3) na 42(2) na jingine, hizi faini zimetaja *cap*, lakini hazikwenda zikataja *flow*. Sasa ni lazima zitaje hivyo ili kuepuka mianya hiyo ya rushwa kwasababu tukiweka hivi inamaana kwamba tayari tumeshafungua kama walivyosema walivyotoa mfano yeye ametoa mfano wa shilingi mia, lakini anaweza hata mtu akasema ni shilingi kumi kwasababu Sheria ikishakusema ndiyo imekwishakusema. *(Makofi)*

Mheshimiwa Spika, kwa hiyo, hilo nilikuwa niombe Serikali ijaribu kuangalia hili lazima waweke *flow* huku chini kwamba kama tumeweka *cap* basi na *flow* kule iwepo ili Sheria iweze kuendeanana vizuri na vipengele hivo vingi katika hii Sheria. Kwa hiyo, ilikuwa nimuombe Mheshimiwa Waziri na hilo nalo pia akaliangalie. *(Makofi)*

Mheshimiwa Spika, jambo jingine ambalo ningependa nilishauri niishauri Serikali hili jambo la uvuvi wa Bahati Kuu ni jambo ambalo linaweza likaleti uchumi na tumechelewa kusema kweli, kwasababu samaki hawa ambao wako kule hawa hawana mipaka, mipaka yao wanaweza wakaenda wakafika sehemu zozote zile. Kwa hiyo, sisi tutakaposema kwamba tunangojea ngojea ina maana kwamba bado tutakuwa tunachelewa. Sasa na chelewa chelewa utamkuta mtoto siyo wako. *(Makofi)*

Mheshimiwa Spika, kwa hiyo, nilikuwa nimuombe Mheshimiwa Waziri katika kutunga hizi *regulations* kwasababu kama hakutunga *regulations* inamaana kwamba hatuwezi kuindoa Sheria ile ambayo iliyopo, Sheria ile iliyopo inamaana kwamba tutunge *regulations* ili kuziondosha *regulation* zile za kule ili hii iweze kufanya kazi vizuri na kwa kuwa kwamba imefanyika *consultation* vizuri na pande zote mbili ili iweze

kufanya kazi vizuri. Kwa hiyo nimuombe Mheshimiwa Waziri wafanye jitihada ya kufanya hizo *regulations* kwa wakati ili tuweze kuendea huo uchumi wa Bahari Kuu na tufaidike kama ambavyo Sheria yetu hii ilivyolenga.

Mheshimiwa Spika, jambo jengine niseme kwamba *private sector* katika kuliendelea jambo hili ni chombo au ni kitu kimoja muhimu sana na kwa maana hiyo inafaa tujaribu kuuashirikisha na twende vizuri na *Private Sector* na tusifikiri kwamba hili ni jambo la kufanywa na serikali tu, hili ni jambo la kufanywa na wawekezaji wakubwa ingawaje kwamba Wizara zetu zinazohusiana na uwekezaji ziko tofauti, lakini vivutio vya uwekezaji nafikiri viko katika kodi na kodi nyingi ambazo zinazohusiana na uwekezaji ziko *harmonized*.
(Makofi)

Mheshimiwa Spika, sasa nilikuwa naiomba Serikali ijaribu kuangalia na *private sector* katika mazingira haya na kuangalia hivo vivutio vya uwekezaji kwasababu vinginevyo tukisema tu kwamba katika Bahari Kuu tunaenda kuvua na meli mbili hicho kitu siyo kama tunahisi kwamba kitatufaidisha. Ni lazima tuwe na vyombo vingi na hii sekta kama walivyozungumza wengine inahitaji miundombinu. Kwa hiyo, katika Sheria hii ile miundombinu ambayo tunahisi kwamba ni mikubwa Serikali iweze ku-*deal* na hiyo miundombinu, lakini kwenda katika kutekeleza hili jambo *private sector* ingefaa zaidi.

Mheshimiwa Spika, nashukuru sana kunipa hii nafasi naunga mkono hoja. (Makofi)

SPIKA: Ahsante sana. Mheshimiwa Ali Hassan King nilishakutaja Mheshimiwa Mbunge wa Mafia na atafuatiwa na Mheshimiwa Salum Rehani na Mheshimiwa Ally Saleh huko kama una nafasi basi nitakupa dakika tano.

MHE. MBARAKA K. DAU: Mheshimiwa Spika, ninakushukuru sana kwa kunipa fursa hii ili nami nichangie Muswada huu ambao unakwenda kutengeneza Sheria muhimu sana. Awali ya yote nimshukuru Mwenyezi Mungu

mwingi wa rehema aliyetuwezesha kuweza kukutana leo hapa na kujadili masuala yanayohusu nchi yetu.

Mheshimiwa Spika, Mheshimiwa King amesema Bunge lako hili ndiyo lilikuwa ni zao la Chenge *one* na Chenge *two* katika namna bora ya kuishauri Serikali iweze kunufaika na uvuvi wa Bahari Kuu. Lakini nataka niongezee kidogo tu kwamba na wewe ni *champion* katika hili jambo. (*Makofi*)

Mheshimiwa Spika, katika Bunge lako hili hili la 11 uliunda Kamati maalum ya kuchunguza namna gani taifa letu litakavyoweza kunufaika na uvuvi wa Bahati Kuu, na taarifa ile ikaletwa kwako pale. Ningeomba sana wahusika wote wairejee ile taarifa ya ile Kamati imesheheni ushauri mwingi sana ambao unaweza ukaisaidia nchi yetu kunufaika na rasilimali hii muhimu. (*Makofi*)

Mheshimiwa Spika, lingine nina hotuba hapa kwenye meza yangu ya Mheshimiwa Rais wakati anazindua hili Bunge. Alisema katika eneo dogo tu kwamba, nchi hii kuanzia kwenye mpaka wa Kaskazini kule Moa mpaka mpaka wa Kusini kule Msimbati, Mtwara, eneo lote hili la *Coastline* halina viwanda kwa maana halisi ya viwanda vya samaki. Akatoa *challenge* kwamba tuliangalie hilo jambo namna gani tunaweza tukaliendea nchi yetu sasa iwe na viwanda vya kuchakata samaki. (*Makofi*)

Mheshimiwa Spika, sasa ukiiangalia kauli ile na hotuba ile, tafsiri yake pana ni kwamba uvuvi huu unaozungumzwa hapa ni uvuvi siyo huu wa bahari ya ndani. Uvuvi ambao aliumaanisha Mheshimiwa Rais ni uvuvi huu wa Bahari Kuu. Nami nashukuru Wizara hii imepata Vijana shupavu kabisa, *very aggressive*, naona wanaitendea haki ile kauli ya Mheshimiwa Rais na ninaamini baada ya muda mfupi tu, tutasheheni na viwanda vya kuchakata Samaki. (*Makofi*)

Mheshimiwa Spika, Muswada huu ambao unakwenda kuwa sheria utajibu hilo, kwa sababu unaondoa vile vikwazo vidogo vidogo kutupeleka kwenye viwanda vingi vya kuchakata samaki. Sasa Sheria Na. 388 ambayo ili-

establish ile Mamlaka ya Uvuvi wa Bahari Kuu ndiyo inafutwa, tunakuja na sheria hii ya kusimamia na kuendeleza uvuvi wa Bahari Kuu.

Mheshimiwa Spika, katika moja ya maelezo kwenye *footnotes* za Muswada, mapema tu wamesema kulikuwa na upungufu kwenye sheria ambayo ilianzisha ile *DSFA*. Moja ya upungufu ulikuwa ni: kwanza, sheria ilishindwa kusimamia meli za kigeni; pia, sheria ilishindwa kusimamia uvuvi haramu na vile vile sheria haikutoa nafasi kwa Taifa kuweza kunufaika kwa mapato mengi kutokana na uvuvi wa Bahari Kuu.

Mheshimiwa Spika, nami nina nyongeza kwenye hilo. Sheria ile ya zamani (na Mheshimiwa Waziri utakuwa shahidi), kulikuwa na Kanuni, Kanuni zake zilikuwa *redundantly*, hazifanyi kazi, zimekaa tu pale. Kwa sababu kulikuwa na Kanuni kwa mfano kama kanuni tatu hivi. Kulikuwa na Kanuni inayosema, Mabaharia wa meli zile zinazokuja kuvua katika *EEZ* zetu wanatakiwa wengine watoke Tanzania. Kulikuwa na *fishing observers* wanatakiwa watoke katika Wizara yako Mheshimiwa Waziri.

Mheshimiwa Spika, vile vile wale samaki wasiokuwa walengwa (*bycatch*) ilitakiwa meli zile baada ya kuvua warudi katika *either* Bandari ya Dar es Salaam au Bandari ya Zanzibar, washushe *bycatch* halafu waendeleo na safari yao kwenda kuuza mzigo wao mbele ya safari. (*Makofi*)

Mheshimiwa Spika, sasa ukiangalia haya yote unapata jibu moja tu, kwa nini sheria ile ya zamani ilikuwa ni ngumu kutekelezeka? Ni kwa sababu tumekosa Bandari ya uvuvi. Kwa sababu wenye meli walikuwa wanasema kwamba sisi hatuwezi kuja kwa sababu ninyi hamna bandari ya uvuvi. Samaki wanaovuliwa kwenye zile meli, huwezi kuichukua ile meli ukaifunga katika Bandari ya Dar es Salaam au ya Zanzibar, bandari ambayo inashughulika na mbolea, mafuta na *chemicals* nyingine pale. Kwa hiyo, katika *international hygiene standards* huwezi ukafanya hivyo. (*Makofi*)

Mheshimiwa Spika, wale wanaposema kwamba hatuwezi kuja ku- *dock* katika hizo bandari zenu kwa sababu viwango vya *hygiene* vya Kimataifa vinakataa, wanakuwa wana kauli ambayo ina nguvu na Serikali inashindwa kuwakatalia. Sasa tunajibu vipi hili? Tunatokaje hapa? Lazima tuwe na bandari ya uvuvi.

Mheshimiwa Spika, nami nashukuru sana, nimepitia pia hotuba ya Mheshimiwa Waziri wakati wa bajeti yake kwamba suala la bandari, suala la ununuzi wa meli vyote vimezungumzwa kwa undani sana. Nami nataka nisisitize kwamba tutakapokuwa na bandari zetu za uvuvi ndiyo tutatibu hili. Nasi hii biashara ya uvuvi ya bahari kuu tusiiangalie katika muktadha wa kwamba lazima tufanye wenyewe.

Mheshimiwa Spika, nakubaliana na Mheshimiwa Waziri anaposema kwamba wananunua meli kwa ajili ya kwenda kuvua katika bahari kuu. mfano mdogo, ile *Economic Exclusive Zone (EEZ)* yetu Tanzania ni *square kilometer* zaidi ya 200,000. Hiyo ni robo ya Tanzania yote. Sasa huu ni uwanja mkubwa. Mheshimiwa Waziri unaponiambia kwamba mnanunua meli mbili za uvuvi wa Bahari Kuu au meli tatu unakwenda kwenye uwanja ambao ukubwa wake ni *square kilometer* zaidi ya 200,000 ni kama vile kutia *drop* tu ya maji kwenye bahari.

Mheshimiwa Spika, maana yake nini? Maana yake naungana na alichokisema Mheshimiwa King kwamba hii sekta inahitaji *private sector*. Sisi tunahitaji ku-*impose private sector* wakatusaidie twende kwenye kuvuna kwenye hii *potential*. *Potential* hii ni kubwa. *Square kilometer* 200,000 ni nyingi mno kwa sisi wenyewe kwenda pale kwenda kuvuna na meli mbili au meli tatu. (*Makofi*)

Mheshimiwa Spika, nilipata bahati ya kwenda pale *DSFA* Zanzibar tukaangalia mle, kuna kitu wanaita *Vessel Monitoring System (VMS)* tukawa tunaziangalia meli zilizokuwepo kwenye *EEZ* katika *real time*. Zilikuwa ni zaidi ya 80. Sasa sisi tukianza na mbili, mbili; tatu, tatu mpaka tufike 80

itakuwa ni mbali sana. Nilikuwa nafikiri tutengeneze mazingira ya PPP lakini hayo mazingira ya PPP tunaweza tukaweka na vi-*clause* mle hata ya sisi kuwa na kura za VETO ili ziweze kutupa mamlaka zaidi ya uendeshaji wa ile biashara.

Mheshimia Spika na Mheshimiwa Waziri, *the way forward* kwenye ku- *tap* hii rasilimali muhimu ni kuwa na PPP ambayo tutatengeneza mikataba mizuri tu, nasi tutakuwa na uwezo wa kuwa na sauti kubwa zaidi mle ili tuweze kuvuna hili. Moja katika mambo ambayo mmesema humu, sheria ya zamani ilikuwa ina upungufu kwamba ilikuwa haiipatii pato la kutosha Taifa letu. Sasa leo tunapata pato kutokana na leseni tu. Zile meli zikija zinakata leseni ndiyo zinalipa tunapata zaidi ya shilingi bilioni 10 kwa mwaka. (*Makofi*)

Mheshimiwa Spika, sasa kwa nini tushughulike na vitu vidogo vidogo? Tutengeneze mazingira waende wakavue, waje hapa, vijana wetu wapate ajira na minofu ile iwe inachakatwa hapa hapa Tanzania. Baadaye *multiply effect* yake itakuwa ni kubwa sana na nchi yetu itaongeza mapato. Hiyo ndiyo namna ambayo ninaiona ni bora zaidi. (*Makofi*)

Mheshimiwa Spika, alisema Mheshimiwa King hapa, uzuri wa rasilimali ya samaki siyo dhahabu. Dhahabu imekaa mahali pale, ukienda ukiichimba umeacha shimo, lakini samaki na hususan wanaozungumzwa hapa ni samaki aina ya jodari (*Tuna*). basi

Mheshimiwa Spika, ndio soko lenyewe lote hilo, habari ya samaki wengine watu hawana habari nayo. Ni *tuna* peke yake, lakini *tuna* ni *migratory*, ni samaki wa makundi na wanahama kulingana na *texture* ya maji inavyobadilika; zile pepo za Kaskazi, pepo za Kusi. Kwa hiyo, kuna wakati msimu wako Namibia, msimu wapo Somalia, msimu wako Tanzania, msimu wako Kenya. Kwa hiyo, usipo-*tap* wewe ukasema kwamba unajiwekea mazingira mazito, au unasema aah, ninaiacha hii rasilimali nitaivuna kwa vizazi vijavyo, maana yake ni kwamba wale samaki wataendelea kuvunwa na watu wengine. (*Makofi*)

Mheshimiwa Spika, kwa haraka haraka, nizungumzie tu Ibara hii ya tatu ambayo inazungumzia tafsiri ya *carcass* ule mzoga wa papa. Meli zile kubwa hasa kwa wanaokuja kuingia katika *EEZ* yetu kuvua wana tabia ya kuvua samaki aina ya papa. Wanamlenga jodari, lakini papa akiingia labda tani mbili au tani tatu, wanachofanya wao, wanamkata yale mapezi, zile *fins* zake halafu ile *carcass* au ule mzoga wanautosa baharini kwa maana ya kwamba wanafanya *pollution*.

Mheshimiwa Spika, sasa sheria inasema tukimkamata mwenye meli akiwa na mapezi ya samaki, lakini hana mwili wa papa, tutakwenda kumpiga faini zaidi ya dola milioni mbili. Sasa kuna tafsiri; hilo naamini pia wenzangu wamelisema na Kamati pia imesema kwamba kwa nini tunapenda ku-*charge* hivi vitu kwa dola, dola, dola; na tunafanya *dollarization* bila sababu yoyote? Tuseme tu labda bilioni 4.6 inatosha.

Mheshimiwa Spika, la msingi zaidi kwenye hilo, Kamati imesema na Mheshimiwa King amesema kwamba tumeweka *maximum* tume-*cap* kule kwenye shilingi bilioni hizo 4.6, lakini hatukuweka *minimum*, inatengeneza mwanya wa rushwa.

Mheshimiwa Spika, Hakimu akienda pale akaamua kwamba basi amekamatwa na mapezi ya papa, mpigeni faini ya shilingi labda 100,000/=, au shilingi 50,000/=, au shilingi 10,000/= au hata shilingi 100/= kama walivyosema kwenye Kamati, maana yake ni kwamba tayari matakwa ya sheria yameshakuwa *accommodated*. Sasa lazima watuwekee na *minimum amount* ambayo mkosaji anaweza akawa *imposed* ili kuhakikisha kwamba sheria hii inakuwa ni *more operative*.

Mheshimiwa Spika, la mwisho ni suala la hizi kanuni, amezungumzia Mheshimiwa Saada hapa kwamba tumekwenda vizuri kwenye utunzi wa sheria hii na hakuna mgogoro wa kusema kwamba labda upande mmoja wa Muungano haukushirikishwa.

Mheshimiwa Spika, Mheshimiwa Waziri na timu yake wamefanya kazi nzuri, wamekuja na sheria ambayo inakubalika na pande zote mbili. Sasa na hiki kiporo kwenye kumaliza naomba tumalizie hivyo hivyo. Kwenye utungaji wa kanuni, basi ushirikiano huu waliouanzisha kwenye kutunga hii sheria waendeleo nao na tuhakikishe kwamba tunakuwa na kanuni nzuri ambazo zitatuwezesha Tanzania sasa iweze kunufaika na huu uvuvi wa Bahari Kuu.

Mheshimiwa Spika, ninaamini na hata kwenye ile taarifa ya Kamati ya Uvuvi wa Bahari Kuu, ilisema na ninaamini kabisa kuna uchumi wa zaidi ya shilingi trilion 10 kwa mwaka nchi hii inaweza ikapata. Karibu robo au nusu ya bajeti ya nchi hii tunaweza tukaipata peke yake kutoka kwenye rasilimali ya uvuvi wa Bahari Kuu. *(Makofi)*

Mheshimiwa Spika, wakati umekuwa ni kwa Mawaziri, ninyi ni vijana, mko *energetic*, mimi naomba sana, tuwe *aggressive* kwenye suala la Bandari ya Uvuvi, natia msisitizo sana...

(Hapa kengele illia kuashiria kwisha kwa muda wa Mzungumzaji)

SPIKA: Ahsante sana. Mheshimiwa Mbunge wa Mafia.

MHE. MBARAKA K. DAU: Mheshimiwa Spika, nakushuru sana na ninaunga mkono hoja. *(Makofi)*

SPIKA: Mheshimiwa Dau tunakushukuru sana. Mheshimiwa Salum Rehani, atafuatiwa na Mheshimiwa Dkt. Mary Nagu.

Mheshimiwa Rehani tafadhali.

MHE. SALUM MWINYI REHANI: Mheshimiwa Spika, kwa heshima na taadhima nakushukuru sana nami kwa kunipa nafasi hii kuweza kuchangia katika eneo hili muhimu ambalo kusema kweli kama kuna siku roho yangu imefarijika, ni leo moja na hasa kwa kuona sheria hii imeingia Bungeni. *(Makofi)*

Mheshimiwa Spika, la pili, niseme nime-*wish* zile ndoto zangu za kusema kwamba Tanzania itakuwa ni moja kati ya nchi ambayo inafanya biashara ya samaki duniani na inavua kwenye uvuvi wa Bahari Kuu. Ni kitu ambacho nilikipigania kwa siku nyingi toka nimeingia Bungeni. (*Makofi*)

Mheshimiwa Spika, vile vile nakushukuru sana kwa kunipa nafasi ya kushiriki kwenye Kamati yako ile maalum na nikatoa mapendekezo yangu, tukajitahidi kuhakikisha kwamba ile sheria iliyokuwa imekwama Zanzibar ya mapitio yatoke yale maoni yaje huku, wakakubaliana wenzetu, tukawashawishi yakaja na hatimaye leo tumetengeneza sheria.

Mheshimiwa Spika, langu zaidi ni kuomba ushauri kwa sheria hii ambayo sasa hivi inaenda kutuanzishia chanzo kikubwa cha mapato, ambayo yanaweza kutumika hata kuendesha Wizara tano za Muungano kwa wakati mmoja kwa yale yale mapato yake.

Mheshimiwa Spika, nawashukuru sana wenzangu waliokuwa wametangulia, Mheshimiwa Dau na wengine wameeleza maeneo muhimu ambayo ndani ya sheria hii na wapi tunaweza kwenda tukafaidika. Tunachokihitaji ni Serikali ijitoe, iweke miundombinu sahihi ya utekelezaji wa uvuvi huu wa Bahari Kuu. Hapa pana changamoto kwa sababu pana gharama siyo ndogo. Lazima tuwe na Bandari ya Uvuvi wa Bahari Kuu, hatuna njia ya mkato. (*Makofi*)

Mheshimiwa Spika, uanzishaji wa Bandari ya Uvuvi wa Bahari Kuu, tunafungua uwanja mpya wa mapato. Bandari tu peke yake kuweko, ni pato ambalo linaingiza zaidi ya shilingi bilioni 200 kwa mwaka mmoja. Kwa sababu kila meli inayokuja pale lazima ilipe gharama za ku-*dock* katika ile bandari.

Mheshimiwa Spika, kwenye sheria kuna mambo ambayo nilikuwa nayapitia hapa na wengine walikuwa hawajaelewa, yameelezwa kwa undani zaidi. Kuna mtu

anaitwa *inspector*, lakini kuna *observer*. Nilitaka kuwapa tu ufafanuzi wenzangu kwamba hawa watu wawili ni tofauti.

Mheshimiwa Spika, nashauri sheria iweze kutengeneza kanuni ambayo itaweza kuwatambua hawa na nafasi zao. *Inspector* inashirikisha makundi yale ya *SUMATRA* ambapo inakuwa ni wakaguzi wa meli zile kabla ya kwenda baharini kuvua. Hawa wanaingiza mapato kwa sababu ku-*inspect* meli moja ni zaidi ya dola 16,000. Kwa hiyo, ni sehemu ambayo tunatengeneza ajira kwa vijana wetu na wasomi wetu kuweza kufanya kazi katika eneo hili.

Mheshimiwa Spika, tuna kipengele kikubwa cha *observer* ambapo tunatakiwa meli zote zinazokwenda kuvua, tunazozipa leseni lazima tuingize watu wetu, *observer*. Hawa wanakwenda ku-*monitor catching capacity* ambayo inachukuliwa na zile meli zilizokuwa zimeomba leseni katika nchi yetu na kuweza kurudisha mapato stahiki kuliko hivi sasa inavyofanyika kwamba hatuingizi watu wetu katika meli ambazo zinachukua leseni zetu na zinavua katika maeneo yetu. (*Makofi*)

Mheshimiwa Spika, mbaya zaidi, hata huo ukataji wa leseni umepungua kwa kiasi kikubwa, lakini sasa hivi hali imeanza kurudi taratibu. Niseme wazi, sheria na Wizara iweke mkakati sasa ya kuwatambua vijana ambao wanaweza kwenda kufanya *monitoring* katika meli. Kila meli inayoondoka kwenda uvuvi wa Bahari Kuu basi tuwe na vijana wetu. (*Makofi*)

Mheshimiwa Spika, mwezi Agosti kwa taarifa ya *VMS* tulizokuwa nazo ni kwamba tulikuwa na zaidi ya meli 360 katika eneo la *EEZ* yetu. Kwa hiyo, ina maana kwamba kila meli ikienda na watu wawili, zaidi ya vijana mia saba na kitu wangukuwa wamepata ajira hii ya kwenda kufanya *checking* kule kwa mara moja, yaani tunaita kwa bamvua moja; au kipindi kile cha kuvua cha msimu mmoja. Kwa hiyo, hiyo ni sehemu moja.

Mheshimiwa Spika, la pili, kupita kwa sheria hii tunaenda kutengeneza ajira za Watanzania ninazoziona mimi ni 200,000. Ni eneo kubwa, tumesaidia vijana ambao wanasoma katika Vyuo mbalimbali na fani mbalimbali na pia tumesaidia kuinua uchumi wa nchi hii. Kwa hiyo, naomba kwamba tujikite kuhakikisha kwamba utekelezaji wa hii sheria na mipango ya Wizara inakwenda kwa mujibu wa kuwahi, kuwakamata vijana na maeneo mengine kuhakikisha kwamba tunafanikisha kuinua uchumi wetu.

Mheshimiwa Spika, kwa maoni yangu, eneo hili hakuna eneo lolote linaloweza kuishinda Tanzania kwa mapato. Kwa sababu mvuo mmoja tunaita bamvua moja la kipindi cha miezi mitatu ni *catch up* ya shilingi bilioni 450, hizo hazina tatizo kupatikana. Suala ni kwamba tunajipanga vipi kuhakikisha kwamba tuna *capture* fedha zote hizo kwa wakati mmoja na kuifanya nchi hii kuwa kwenye ramani ya uchumi wa kati? Kama walivyosema wenzangu ni kwamba viwanda vitakavyoweza kuchakata minofu na kusafirisha ni mara kumi zaidi ya zile ambazo tulizokuwa tumeweza kutoa taarifa jana kwamba minofu ya samaki imekwenda kwa tani 20 kwenda nchi za nje.

Mheshimiwa Spika, leo tukianzisha hapa, ndege zetu ambazo tumenunua za mzigo, kazi kubwa itakayokuwa inafanya ni kusafirisha mzigo huu. Hapo itakuwa hazitoshi, itabidi lazima tutumie meli ambazo zitakuwa zinachukua mzigo huo na kupeleka nje kwenye masoko.

Mheshimiwa Spika, lingine ambalo naliona kutokana na ripoti ya watu wa Norway ambayo walifanyia *research* mwaka jana ya *fish stock*, naona ramani, samaki zaidi ya milioni 50 wanakwenda sasa kuanza kuvuliwa na nchi hii na kuwafaidisha wananchi hawa wa nchi hii waliozaliwa katika maeneo yetu. Samaki wale wazazi waliokuwa ambao wameshapea sasa wanahitaji kuvuliwa ili wengine waweze kuchukua nafasi.

Mheshimiwa Spika, lingine ambalo naliona hapa ni kama ushauri, tumenunua meli na tumesema meli hizi

zitakuwa na urefu wa mita 24. Kwangu mimi meli ni ndogo sana, maji yale si mchezo, hizi meli bado zinakuwa ni za *territory area*, meli ambayo itakuwa haina uwezo wa kubeba tani 80 kwa wakati mmoja si rahisi kuweza kuingia katika maji yale makubwa, tukaenda pale Seychelles tukaenda Mauritius, meli za *size* ya kati ni zile ambazo zinaanzia mita 140 na mita 80. Sasa hili maoni yangu, tunge- *sacrifices* badala ya kununua meli tatu, tukanunua meli moja ambayo itakuwa na uwezo wa kuvua angalau tani 150,000. Tungefanya kitu kikubwa na kingeonekana zaidi na hizo nyingine ambazo tunazitaka zingekuja huko mbele zaidi. Huo ndio ushauri wangu katika eneo hili ambalo tumependekeza. (Makofi)

Mheshimiwa Spika, lingine, Tanzania kuanzisha uvuvi huu tunatakiwa tujandae na *by-catch*, hiki sio kitu kidogo, meli zile kubwa zinakuja na *by-catch* tani 30, 20 au 40. Sasa tukishaanza utekelezaji wa hapa, sheria lazima ielekeze kila meli iliyochukua leseni irejeshe *by-catch* na ndio maana nikasema umuhimu wa mwanzo unaotakiwa ni kuwa na bandari ambayo itatusaidia kuweza kukusanya hizi rasilimali ambazo hazitakiwi ziende nje ya nchi, kwa sababu hawa ni samaki ambao wanaitwa waisotarajiwa. Hata hivyo, samaki hawa ni wengi na sisi wenyewe tunaweza kufanya biashara kwa hao hao samaki katika maeneo yetu kwa sababu wanaovuliwa kupitia uvuvi wa Bahari Kuu ni wa kiwango kikubwa na wana fedha nyingi sana. Kwa hiyo nafikiri hapa tuweze kuwa na mtazamo mkubwa sasa vipi tunaweza kukamata *by-catch* na wale wanaokwenda kule kwenye meli hili ndilo eneo ambalo wanatakiwa warejeshe mrejesho kwamba, tuna *by-catch* kiasi fulani ambacho kinatakiwa ...

SPIKA: Mheshimiwa Rehani na wenzako wengine wengi, mmekuwa mkichangia tu vizuri, tatizo lenu hamchangiii sheria. Nimesema tangu mwanzo kwa nini Waheshimiwa Wabunge hamsomi sheria, lazima tusome kilichowekwa mezani. Tunapotunga sheria ni tofauti sana na tunapojadili bajeti, tunapojadili bajeti ndio mnaongelea hivyo *by-catch*, bamvua nini, bandari maalum hivyo, lakini tunapotunga sheria yaani *actually* tunachotaka utuambie,

kifungu cha 9 kipengele kilichoandikwa hapa kimeandikwa hivi na hivi, hiki mimi sikikubali. Nashauri wenzangu tubadilishe kifungu hiki kisomeke hivi na hivi au tukifute kabisa au tuweke kipya au tufanye hivi, hiyo ndiyo namna ya kujadili sheria. Sasa nawavumilia tu hapa mnapiga dakika 10, lakini kwa kweli...*(Kicheko)*

Mheshimiwa Esther Matiko ulitaka kuongea kitu, naona umeweka *mic* sasa.

MHE. ESTHER N. MATIKO: Mheshimiwa Spika, nashukuru. Nyongeza tu, nafikiri kwa sababu Bunge limefikia mwisho kwa wale ambao tutabahatika kurudi, nafikiri tuje tupate *orientation course* ni jinsi gani sheria unatakiwa uitunge, maana yake sio sheria tu hata kwenye kujadili bajeti unakuta mtu anaongea kitu kingine tofauti kabisa na kile kilichopo mezani. Ahsante sana.

SPIKA: Nakushukuru kwa hili. Basi malizia Mheshimiwa Rehani, lakini sasa nitakaowataja mtakaofuata, kwa kweli naomba hebu twendeni kwenye sheria, kama hatuna maneno ili tusonge mbele tupite kifungu kwa kifungu, tuangalie kama mtu ana neno kwenye kifungu, mimi nitaruhusu tu mtu asimame bila shaka yoyote na kufika kifungu ambacho sasa una ushauri fulani pale.

Mheshimiwa Rehani malizia.

MHE. SALUM MWINYI REHANI: Mheshimiwa Spika, ahsante. Bado na mimi napitia katika sheria hii na haya yote ninayoyasema yamo humu humu kwenye hii sheria. Kwa mfano niko kwenye *Cap 238* hapa aina ya uvuvi ambao unatakiwa uwe. Sasa hizi meli zinazokwenda kuvua, sheria hajjaeleza kwamba ni *long vessels* au *ring net*. Kwa hiyo sheria ya Tanzania iweke wazi kwamba je, uvuvi tunaouvua wote unakubalika, wa *long vessels* au *ring net* hapa inabidi pawe na ufafanuzi au Mheshimiwa Waziri aweze kunipa ufafanuzi katika eneo hili.

SPIKA: Ukurasa namba ngapi?

MHE. SALUM MWINYI REHANI: Mheshimiwa Spika, ehee?

SPIKA: Ukurasa namba ngapi hiyo *Cap* yako uliyozungumza.

MHE. SALUM MWINYI REHANI: Mheshimiwa Spika, ukurasa namba saba.

SPIKA: Namba saba?

MHE. SALUM MWINYI REHANI: Mheshimiwa Spika, ndiyo.

SPIKA: Hebu twende, ndio.

MHE. SALUM MWINYI REHANI: Mheshimiwa Spika, kwa hiyo tunataka tuelewe.

SPIKA: Kwenye *interpretation* pale?

MHE. SALUM MWINYI REHANI: Mheshimiwa Spika, ndiyo.

SPIKA: Unataka *interpretation* ya neno gani?

MHE. SALUM MWINYI REHANI: Mheshimiwa Spika, nilichokuwa nataka kwenye ile *authority* ya *vessels* yaani unapozungumza *fishing vessels means vessels identified* kwamba ni *long vessels* au *ring net vessels* iwe hivyo, kwa sababu ukiiacha kwamba iko vile tu kimya hatuwezi tukawa yaani wengine wataanza kujiuliza je, sheria ya Tanzania inaruhusu *ring net* au ni *long vessels* peke yake, yaani uvuvi wa kutumia mishihi tu peke yake. Kwa hiyo tunataka sheria iweze kueleza katika kipengele hicho.

Mheshimiwa Spika, lingine ambalo

SPIKA: Ukurasa wa saba kuna *vessels* pale sijaiona ukurasa wa saba.

MHE. SALUM MWINYI REHANI: Mheshimiwa Spika, aina ya uvuvi.

SPIKA: Endelea tu.

MHE. SALUM MWINYI REHANI: Mheshimiwa Spika, lingine ambalo nataka ufafanuzi ni kwamba, hapa pameingizwa kwenye ukurasa wa nane *Fishing Aggregating Devices*, hizi tunazoziita *FADs* sina ushahidi mzuri kama *FADs* kweli zitatusaidia katika uvuvi wa Bahari Kuu kule kwenye maji makubwa, kwenye *territory water*iko sawasawa. Sasa sidhani kama kwenye yale maeneo makubwa kule kuna *FADs* ambazo zinawekwa kwa ajili ya kuvutia wale samaki ambao wataweza kukamatwa kirahisi. Sasa Mheshimiwa Waziri na wataalam wake waweze kutuweka sawa kwamba je, *FADs* hizo zitakazowekwa katika eneo hilo huko zitakuwa za aina gani kwa sababu zile ambazo tulizozifanyia majaribio zote zilikuwa kwenye maji haya madogo na *territory water*, huko sina tatizo, lakini je kule kwanza kuna haja ya kuweka hizi *FADs* au kama hakuna haja ya kuweka *FADs*, basi hili nafikiri liangaliwe kwa maono mengine.

Mheshimiwa Spika, lingine lilikuwa ni kipengele hiki cha mikataba hii ya Kimataifa; kama nchi kweli inatakiwa ishiriki kwenye mikataba ya Kimataifa, lakini humu ndani sijaona *organization* kubwa kabisa inayosimamia *Tuna* na *International Tuna Commission* ikawekwa lakini vilevile kama nchi ambayo tumeiridhia na tunatekeleza matakwa yake nafikiri *reference* nyingi za utekelezaji wa hii iweze *base on the International Tuna Commission*.

Mheshimiwa Spika, la mwisho ambalo nataka kulieleza, ni suala zima la leseni, limeelezwa hapa kwamba leseni zitatoka katika maeneo yetu mawili yaani Zanzibar, kwa Waziri mhusika na Tanzania Bara kwa Waziri muhusika. Maoni yangu nafikiri tukimuachia *Director Generally* akifanya kwa niaba ya Mawaziri hawa tutapunguza urasimu zaidi.

SPIKA: Una uhakika na hilo Mheshimiwa Rehani?

MHE. SALUM MWINYI REHANI: Mheshimiwa Spika, naam.

SPIKA: Una uhakika na hilo unalolisema?

MHE. SALUM MWINYI REHANI: Mheshimiwa Spika, ndiyo.

SPIKA: Kwa sababu sasa chombo tunakiunda cha nini kama hakitoi leseni?

MHE. SALUM MWINYI REHANI: Mheshimiwa Spika, ni eneo la utekelezaji pale kwenye *authority* kwamba leseni zitakuwa ziko *authorized* kwa Waziri mhusika kutoka Zanzibar na Tanzania Bara.

SPIKA: Kifungu gani

MHE. SALUM MWINYI REHANI: Mheshimiwa Spika, huu ukurasa wa 10.

SPIKA: Kwa sababu hiyo ni *point* muhimu, kama hilo liko hivyo tunahitaji ku- *intervene*, ukurasa wa ngapi?

MHE. SALUM MWINYI REHANI: Mheshimiwa Spika, ukurasa wa 10.

SPIKA: Ukurasa wa 10, endelea.

MHE. SALUM MWINYI REHANI: Mheshimiwa Spika, *responsibility* za Mawaziri au wahusika katika kusimamia hili, suala la usimamizi sina tatizo, lakini wasiwasi wangu upo kwenye leseni, kwamba hapa tuweze kuwa na usimamizi ambao tutamuachia Madaraka huyu *Director General* na Msaidizi wake.

SPIKA: Yaani twende taratibu *Licensing Officer*, *Minister* au nini unachosemea?

MHE. SALUM MWINYI REHANI: *Minister*.

SPIKA: *Minister means the Minister responsible for Fisheries.*

MHE. SALUM MWINYI REHANI: Mheshimiwa Spika, yes.

SPIKA: ehee

MHE. SALUM MWINYI REHANI: Mheshimiwa Spika, kwamba yeye ndio ataweza ku-*handle* kila kitu nafikiri *License Officeryule Director General* angeweza kuwepo pale akawa anaweza kusimamia leseni zote ambazo zitaletwa kwa maombi kwa wahusika ambao wataomba uvuvi wa Bahari Kuu.

SPIKA: Mheshimiwa Rehani unachokisema kiko wapi? Maana umeanza ukurasa wa 10 ndio maana tunatafuta, wapi?

MHE. DKT. IMMACULATE S. SEMESI: Mheshimiwa Spika, taarifa

SPIKA: Ndio Mheshimiwa Sware

MHE. DKT. IMMACULATE S. SEMESI: Mheshimiwa Spika, nashukuru kwa kunipa nafasi. Naomba nimpe taarifa mchangiaji hiko anachokiongelea na-*assume* ni ukurasa wa 19, kifungu cha 16(h) na kinampa Mamlaka huyu *DG wa Deep Sea Fishing Authority* kutoa leseni na wakati ili hali *close* na kifungu cha 6 kimebainisha *functions za authority* kwa ujumla wake na mwenye Mamlaka ya kutoa leseni *especially* kwa *foreign vessels* basi ni Mamlaka ya Waziri husika wa Mifugo na Uvuvi akishauriana na ile *Executive Committee* na Waziri husika upande wa Zanzibar masuala ya uvuvi. Nime-*move schedule of amendment* kwenye kipengele hiki. Sasa nina-*assume* ndio anachokiongelea Mheshimiwa Rehani. (*Makofi*)

SPIKA: Kumbe anaongelea *point* ya maana kama hivyo ndivyo, sasa umetuwekea vizuri, kwa sababu kama

anaye-*issue* leseni ni Mamlaka hii sasa tena leseni ikatolewe na Waziri tena, mbona inajichanganya hapo.

Nakushukuru Mheshimiwa Rehani, ungetuwekea hivi tungekuelewa haraka zaidi. Malizia maana kengele imeshalia ya pili.

MHE. SALUM MWINYI REHANI: Mheshimiwa Spika, ahsante. Kwa kumalizia, niishukuru tu Wizara kwa kuzingatia hili, lakini napenda kusisitiza kwamba tujaribu kama Wizara kushiriki kwenye mikutano ambayo ya kamisheni mbalimbali ili utekelezaji wa hizi *conventions* ambazo zipo katika eneo hili uweze kwenda sambamba na utusaidia katika nchi. Ahsante sana. (*Makofi*)

SPIKA: Ahsante sana. Mheshimiwa Dkt. Mary Nagu nilishakutaja atafuatiwa na Mheshimiwa Hawa Ghasia.

MHE. DKT. MARY M. NAGU: Mheshimiwa Spika, nakushukuru sana kwa kunipa nafasi hii na sitachukua muda mrefu na kati ya watu waliofurahi basi ni pamoja mimi kuona kwamba tunaleta Muswada ambao utaleta sheria ambayo itaongeza usimamizi na uendelezaji wa uvuvi katika Bahari Kuu. Pia namshukuru Mungu ametuweka pamoja na huu ugonjwa wa *Corona*, lakini kwa Tanzania naona *speed* inakwenda chini badala ya kwenda juu, kwa hiyo Mungu anatupenda sana. (*Makofi*)

Mheshimiwa Spika, niliangalia sehemu ya tatu kutoka kifungu cha saba mpaka 20, nilikuwa naangalia uwajibikaji wa Mkurugenzi Mkuu na wale ambao wako chini yake pamoja na ile Taasisi inayounda na Mawaziri mbalimbali kuona kwamba mazingira mazuri ya uvuvi wa Bahari Kuu unakua na kwa kweli utakua, kwa hiyo nashukuru sana.

Mheshimiwa Spika, ila nina jambo moja tu ambalo nataka niliseme kwamba, katika majukumu ambayo yapo kwa kweli nilitegemea kwamba jukumu la kuhakikisha kwamba uchakatji wa samaki au kuwa na viwanda vya samaki ni jambo muhimu sana. Kwa hiyo wala sitaki kusema

maneno mengi, nataka kushauri katika majukumu haya, tuongeze katika kujenga mazingira mazuri ya uvuvi wa Bahari Kuu, tuhakikishe kwamba tunatoa motisha kwa wale wanaovua au wawekezaji wengine waweze kujenga viwanda.

Mheshimiwa Spika, nasema hivyo kwa nini, kwa sababu unapokwenda kuuza kwa mfano ng'ombe unamuza bila kufikiria kwamba ngozi ina manufaa yake au thamani yake, kwa hivyo tukiwa na viwanda ambavyo vitakuwepo vitaweza kuchakata samaki, tutaongeza thamani kubwa na mapato ambayo tunayategemea ni makubwa sana. Sasa sijui kama kwenye samaki wa Bahari Kuu kwa mfano kuna mabondo, lakini kama kweli kuna mabondo unauza samaki na mabondo kama vile ni kitu kimoja, tutakuwa tumepunguza sana mapato. Vilevile tukumbuke kwamba unapovua samaki halafu unawasafirisha, gharama ya msafirishaji nayo imeongezeka, kwa hiyo naomba jukumu hili liongezwe kwenye jukumu la Mkurugenzi Mkuu au wale ambao wanakuwepo katika kuboresha usimamizi wa uvuvi wa Bahari Kuu.

Mheshimiwa Spika, kwa kweli tukienda vizuri na sheria hii kama tutapitisha Muswada huu leo, nina hakika uchumi wa Tanzania utakuwa umepata manufaa makubwa sana, lakini manufaa yatakuwa makubwa zaidi kama tutachakata samaki ndani ya nchi yetu. Ndio maana naomba katika yale makujumu ambayo yako kwenye moja ya mafungu kati ya saba hadi 20 tukiongeza hilo litakuwa moja ya *responsibility* ambayo itafanya hili ambalo tunalifanya sasa liwe na manufaa makubwa sana. Nataka kusema jambo ambalo wengine wamelisema, pengine hawakujua namna ya kuweka, lakini naomba iwe *party* ya jukumu la hawa ambao watakuwa kwenye sehemu hii na sisi wote tufanikiwe.

Mheshimiwa Spika, sikujua kama wengine wangekumbuka kwa sababu wakati nikiwa Waziri wa Viwanda nilikuwa natamani sana kwamba samaki wafanyiwe mchakato na kwamba tuwe na viwanda vingi. Nasema hivyo kwa sababu Mkurugenzi Mkuu ataangalia

vilevile kama ilivyo sasa kwa nini viwanda vinapungua kama ikiwa moja ya *responsibility* yake na akishirikiana na Waziri wa Viwanda atakuwa ameleta manufaa makubwa kama ambavyo sheria hii mpya italeta.

Mheshimiwa Spika, nakushukuru sana na Mungu abariki wale wote ambao walishiriki katika kuboresha hii sheria iliyokuwepo ambayo haikuwa na udhibiti mzuri wa uvuvi wa Bahari Kuu. Ahsante.

SPIKA: Ahsante sana Mheshimiwa Dkt. Mary Nagu. Mheshimiwa Ally Saleh uko tayari dakika tano hapo?

MHE. ALLY SALEH ALLY: Ndiyo.

SPIKA: Sawa, atafuatiwa na Mheshimiwa Hawa Ghasia.

MHE. ALLY SALEH ALLY: Mheshimiwa Spika, ahsante sana kunipa nafasi hii.

SPIKA: Basi endelea.

MHE. ALLY SALEH ALLY: Mheshimiwa Spika, ahsante kwa kunipa nafasi hii kwa sababu leo tunapitisha sheria hii sheria ambayo inakwenda kutupa nafasi ya kutazama eneo ambalo tulipaswa kulitazama kwa muda mrefu eneo la bahari, mbali ya kuwa tuna kilomita 1,400 hivi za bahari ya ndani, lakini pia ukubwa wa bahari ya nje hatujautazama. Pia muda mrefu kulikuwa na utata wa namna ambavyo pande hizi mbili za Muungano zinaweza kukubaliana katika namna ya kufaidi uchumi wa bahari ambao kwa kusema kweli unazunguka zaidi ya trilioni 10 dunia nzima na namna ambavyo sio samaki tu, lakini vitu vingine vingi vya bahari. Ni vizuri kwamba angalau sasa tumefikia makubaliano, lakini kama alivyosema Mheshimiwa Wanu pia ingekuwa vizuri kama pia wakati huu lakini ndio tumechelewa, ile Sheria ya *Exclusive Economic Zone* ingekuwa kama pacha mwenzake wa hii tungekuwa na fursa nzuri zaidi ya namna nchi tutakavyofaidika na bahari.

Mheshimiwa Spika, Visiwa vya Seychelles ni vidogo vina watu kama 100,000 lakini uchumi wake wa bahari ni mfano mkubwa sana katika eneo la Bahari Kuu. Nakubaliana na wengine ambao wamesema kwamba uchumi huu si rahisi sisi kusema kama tutaweza kuufanya, ni kama vile ambavyo tunavyosema sisi tumenunua ndege, lakini bado ndege nyingine zinakuja kwa sababu kuna mahitaji mengine mbalimbali yanafanyika. Kwa hiyo katika eneo hili pia ni vizuri sana kufunua biashara hii katika upana mkubwa wa kidunia ili tuweze kupata utaalim na watu wengi zaidi wanaoweza kuja kuvua katika bahari yetu. Muhimu ni lile lengo la kuwa na Bandari, utaalim na kuwa na utayari wa kupokea kama *by-catches* au namna yoyote nyingine ya kuchakata samaki wanaovuliwa. Hii inatupa nafasi kwamba tunaweza kuwa sisi ndiyo wauzaji wakubwa wa samaki kwa nchi zote majirani waliopo karibu yetu, siyo tu kupeleka Ulaya lakini pia katika eneo hili letu.

Mheshimiwa Spika, muhimu ni lile lengo la kuwa na Bandari na kuwa na utaalim, na kuwa na utayari wa kupokea kama *by-catches* au namna yoyote nyingine ya kuchakata Samaki wanaovuliwa na inatupa nafasi kwamba tunaweza kuwa sisi ndiyo wauzaji wakubwa wa Samaki kwa nchi zote majirani waliopo karibu yetu iwe minofu, iwe mingine na siyo tu kupeleka Ulaya lakini pia katika eneo hili letu.

Mheshimiwa Spika, sasa kuna maeneo mengine ambayo yangeweza kufanyiwa kazi vizuri, mojawapo nina wasiwasi wa namna ambavyo *good faith* inaweza kuwepo baina ya Mawaziri wawili hawa ambao wanasimamia mambo ya uvuvi. Ina maana kwamba sasa hivi ni wakati wa kuwa na vikao vya uwazi vya uhakika vya kitaalam kabisa ili Sheria hii isiende kukwama.

Mheshimiwa Spika, na imezungumzwa hapa habari ya *DG*, kwa mfano, *DG* bila shaka hata akiwa anatoka upande mmoja wa Muungano atakuwa ni yule mtu ambaye ana uwezo na anaweza kusimamia nafasi ile na wameshakuwa watu kama watatu wamekuwa wakipitia

tangu ianzishwe kutoka Zanzibar na kama watatu wengine wametoka Bara kwa hivyo hilo tusiwe na shaka.

Mheshimiwa Spika, lakini kingine nilikuwa nataka kusema ni kwamba, tuimarisha sasa vyyo vyetu na vingine vya kiuvuvi ili vitoe watu wataalam wakubwa zaidi kwenye kukagua Meli, kwenye kukagua *catch* zenyewe, kwenye kufanya mambo mengine ya kitaalam. Utaalam wetu wa ndani uzidi kuongezwa.

Mheshimiwa Spika, lakini pia na-*suggest* vilevile kama kutakuwa na Bandari moja kubwa ambayo inaweza ikajengwa upande huu wa Bara basi pia tuisahau kwamba kuna nafasi kubwa Pemba ambayo inakabili Bahari Kuu moja kwa moja na iko wazi kabisa kuweza kupewa fursa nayo ya kujenga bandari nyingine ambayo pengine hiyo inaweza ikawa pengine Bandari ile ya Pemba ikawa *foreign oriented* na Bandari hii itakayojengwa upande huu ikawa *hinterland oriented* na kwa hivyo itatusaidia sisi kutengeneza ajira kote kote na siyo ajira tu zote zitengenezwe upande mmoja upande mwingine zisitengenezwe.

Mheshimiwa Spika, na la mwisho; Sheria hii inakwenda kuwa moja katika Sheria za mwanzo ambazo inaelekea kwamba zinaweza kuondosha ule mvutano baina ya pande hizi mbili. Ni Sheria ambayo inaweza sasa kama nilivyokuwa nikisema kwa miaka mitano mfululizo kwamba kuna haja ya mfungamanisho wa kiuchumi wa chumi mbili hizi zetu za Tanzania. Sheria hii inakwenda kukidhi haja hiyo sasa kwenda kuondoa au kwenda kutengeneza mazingira chumi hizi mbili ziweze kufanyakazi.

Mheshimiwa Spika, kama alivyosema Mheshimiwa Rehani ni kwamba tunaweza tukatengeneza ajira 200,000 sasa ajira 200,000 ukitengeneza ajira 3000 Zanzibar ina maana umeweza kuchukua *work force* karibu kubwa sana ya Wazanzibar kuingia katika eneo hili, lakini Je, tuko tayari? Tumekuwa tukipata tabu sana katika eneo la mabaharia wa kawaida wanaokwenda nje. Suala la vibali kwa mabaharia hili pia litazamwe kwasababu Mabaharia ni wale wale kama

watakwenda katika uvuvi au watakwenda katika Meli. Limekuwa na utata na limekuwa na mvutano. Zinaweza zikaja Meli za nje hapa ambazo zinataka vigezo, vigezo vile vifanane huku na huku, Bara na Zanzibar ili Watanzania wapate nafasi.

Mheshimiwa Spika, unaweza ukaweka masharti kwamba idadi fulani katika kila meli iwe ya Watanzania lakini Je, unao watu hao? Na wewe mwenyewe umewatayarisha watu wako wajue namna ya kufanya kazi katika Meli hizo ambazo zinakuja na *machinery* na *technology* kubwa za aina mbalimbali. Tutaraji kwamba hii inaweza kuwa ni anga mpya au siku mpya ya namna ambavyo chumi hizi zinaweza zikafanya kazi vizuri na *engine* tutafute maeneo mengine ambayo tunaweza kushirikiana na baadaye tuseme Tanzania ikanufaika zaidi hasa Zanzibar ambayo ina *limited source* au *source* za kuweza kujihudumia fursa kama hizi zinaweza zikasaidia sana

Mheshimiwa Spika, ahsante sana. (*Makofi*)

SPIKA: Ahsante sana Mheshimiwa Ally Saleh tunakushukuru sana. Mheshimiwa Hawa Abdulrahman Ghasia atafuatiwa na Mheshimiwa Hamidu Bobali.

MHE. HAWA A. GHASIA: Mheshimiwa Spika, ahsante sana na nianze kwa kukupongeza wewe binafasi wka kazi kubwa sana unayoifanya katika kuliongoza hili Bunge letu na hasa kulifanya Bunge la viwango.

Mheshimiwa Spika, pamoja na kwamba siyo Muswada lakini nilikuwa nafikiria na hii *corona* kama usingekuwa umetuhamishia kwenye Bunge la kidijitali sijui tungefanyaje kwasababu sasa hivi tunapiga kura kupitia vishikwambi vyetu, tunaji-*register*, tunafanya kila kitu kupitia huko sasa kama tusingekuwa tumepata Vishikwambi sijui maisha yangekuaje. Kwa hiyo, nakupongeza sana sijui ulijua kwamba kutakuja *corona* au uliota lakini vyovyote iwavyo Mwenyezi Mungu alivyokuongoza kwa kweli ni pongezi sana,

umelifanya Bunge letu liweze kuendelea bila changamoto kubwa zaidi. (*Makofi*)

Mheshimiwa Spika, nimpongeze sana Mheshimiwa Waziri kwa kutuletea Sheria hii ambayo inaangalia uvuvi katika bahari kuu. Lengo la Muswada huu ni kusimamia na kuendeleza uvuvi kwa bahari kuu na mambo yaliyozingatiwa katika Muswada huu au Sheria hii ni pamoja na kuweka vivutio kwa Meli za wazawa na wawekezaji wa ndani. (*Makofi*)

Mheshimiwa Spika, nilikuwa naomba kama inawezekana Waziri wakati anatunga Kanuni aangalie uwezekano pia wa kuweka mazingira ambayo wazawa wanaweza wakaingia ubia na wawekezaji wan je siyo tu kwamba kuwe na Meli za wazawa na Meli za wa nje lakini pia kuwekwe na utaratibu wa kuwa na suala zima la kuingia ubia.

Mheshimiwa Spika, nilikuwa naangalia katika ukurasa wa 18 kwenye suala la *appointment* ya *Director General* wa mamlaka ya Bahari Kuu nchini ambapo inasema kwamba "awe na *first degree* na uzoefu wa miaka saba". Nilikuwa naomba pale ingewekwa "*at least first degree*" kwa maana kwamba anaweza akawa na *Masters* na nyingine kwasababu ukiweka tu awe na *first degree* Mtu anaweza akaona ndiyo hicho labda iwe imeshindikana ndiyo twende huko lakini kwa viwango ambavyo tumefikia sasa hivi sidhani kwamba hii *first degree* sasa hivi naona kama sasa ni kama kidato cha sita kwa hatua ambayo tumefikia.

Mheshimiwa Spika, suala jingine ambalo wenzagu wamelizungumzia; hii Sheria ili iweze kutekelezeka suala la kuwa na Bandari haliepukiki kwasababu unavyokwenda katika makosa yaliyoainishwa ndani ya Sheria hii ni pamoja na kuvua samaki ukamkata mfano, Papa ukamtoa Mapezi yake halafu ukamtupa Baharini huo ni uvuvi haramu. Lakini kama tunayo Bandari ya uvuvi ina maana watu watavua hao samaki wasiowahitaji au watavua Papa watahitaji Mapezi ambayo ndiyo yana thamani kuliko Papa mwenyewe.

Mheshimiwa Spika, kwasababu kuna Bandari ya uvuvi watapeleka hao samaki ambao hawawahitaji kwenye hizo Bandari ambao kwanza itatuongezea upatikanaji wa taarifa sahihi za uvuvi unaofanyika huko, pia itatuongezea kupata mapato sahihi ya Serikali na tatu; itauwezeshea pia kupata hao Samaki ambao kwa namna moja au nyingine wale ambao siyo lengo la mvuvi au Meli iliyokwenda kuvua. Inamaana badala ya kuwatupa huko baharini wakajifia wataletwa amboa pia itakuwa ni biashara kwasababu bado kutakuwepo na watu wengine ambao watawasafirisha nje ya nchi na hivyo kuisaidia Serikali kupata mapato mengi zaidi.

Mheshimiwa Spika, pamoja na hayo, hii Bandari ya Uvuvi itasaidia kutoa ajira na itasaidia pia kwasababu watatumia bidhaa zetu, watatumia mafuta yetu, watatumia kila aina ya njia na kama nilivyotangulia kusema mwanzo bila kuwa na Bandari ya Uvuvi hii Sheria itakuwa ngumu kwa baadhi ya makosa ambayo tumeyaainisha katika Muswada wetu. *(Makofi)*

Mheshimiwa Spika, nimalizie tena kwa kumpongeza sana Mheshimiwa Waziri kwa kuleta Sheria kama hii muhimu sana na nina imani kabisa kwamba suala la ununuzi wa Meli na suala la ujenzi wa Bandari vikaenda sambamba na Sheria hii ili iweze kutekelezwa.

Mheshimiwa Spika, naunga mkono hoja. *(Makofi)*

SPIKA: Ahsante sana, nakushukuru sana Mheshimiwa Hawa Ghasia. Ni kweli huyu *Director General* amepewa mamlaka mengi yaani *actually* Sheria hii ni kama vile inamuunda *Director General* kuliko hata mamlaka yenyewe *so to say generally*. Anakuwa *member* wa mahali kwingi sana.

Kwa mfano; kwenye *technical advisory committee* Mheshimiwa Waziri, Katibu wa hii *advisory committee* ni *Director General* sijui hata umuhimu wa hili ni nini kwasababu hii ni Kamati ya kushauri sasa yeye anakuwa ni Katibu wa Kamati ya kumshauri yeye kwa hiyo hata taarifa za Kamati hiyo za kushauriwa yeye anaandika yeye tena sidhani kama

kuna ulazima. Anaweza akawa *member* lakini siyo Katibu wa Kamati. Sijui huenda labda mna maelezo mazuri maeneo hayo. Mhehsimiwa Bobali.

MHE. HAMIDU H. BOBALI: Mheshimiwa Spika, nakushukuru sana, wengi wamesema na wamepongeza kiukweli hii ni Sheria ambayo miongoni mwa Sheria wengine tulikuwa tunazisubiria sana humu kuwa ni sehemu ya historia kuwa tumeshiriki kwenye utungaji wa Sheria hii.

Mheshimiwa Spika, kushukuru mimi nilipata bahati ulinipeleka kwenye Kamati ya Kilimo kwa miaka miwili na nusu nilipata uziefu mkubwa sana sana kuona kwamba kumbe kwenye Bahari licha tu ya kuwa natoka Ukanda wa Pwani lakini kwenye Bahari kumbe tunaweza tukapata kipato kikubwa sana kama Nchi. Sasa nilikuwa nataka niongelee kwenye hii Sheria maeneo mawili nionyeshe uzoefu wangu tu wa kawaida.

Mheshimiwa Spika, kwanza kwenye Kifungu cha 39(1) kinachozungumzia habari ya *transshipment* (ufaulishaji wa bidhaa) ina maana Samaki; ningependa pale tungeongezea clause ndogo ya kwamba yapo mazingira ambayo yanalazimisha lazima Samaki wafaulishwe. Sheria ilivyowekwa imetamka tu kwamba “ni *prohibited unless* kuwe na *written permission*”.

Mheshimiwa Spika, sasa nikawa najjuliza hii *written permission* inatokeaje? Kwa mfano; kwa wanaotoka maeneo ya Bahari wanaelewa inaweza ikawa Meli imebeba bidhaa ikawa inakwenda halafu ikafika maeneo ikazidiwa ikawa inataka kuzama na ikaomba msaada na wakati mwingine inatokea inaomba msaada ikafaulisha baadhi ya mzigo ikaweka sehemu nyingine *just* kwa msaada ili iwe salama na ikatembea. Sasa Sheria namna ilivyowekwa imewekwa tu kwamba lazima kuwe na *written permission* Je, hii kwenye ku-*save*, kwenye kuokoa inaweza tukaenda haraka haraka namna hiyo mpaka tukapata kibali kilichoandikwa kwa namna hiyo? Kwa hiyo, wasiwasi wangu ni ile kwamba otherwise kuwe *written permission*, inawezekana ikawa ya...

SPIKA: Yaani kuokoaje? Kwenye kuokoa, kuokoa vipi?

MHE. HAMIDU H. BOBALI: Mheshimiwa Spika, yaani...

SPIKA: Katika mazingira gani yaani?

MHE. HAMIDU H. BOBALI: *Yes!* Katika mazingira kwamba Meli imevua labda inakuja huku nchi kavu, inarudi ikafika maeneo Meli inataka kuzama, unafahamu namna mambo ya Baharini yalivyo. Sasa ikaomba msaada wa kutaka kufaulisha baadhi ya mzigo kuingiza kwenye Meli nyingine sasa hiki kibali kisiwe kwamba kitolewe kwa *written document*, inawezekana ikachukua muda wao wakaomba msaada kwamba tunaomba tufaulishe sehemu ya mzigo wetu tuweke kwenye Meli fulani ili Meli yetu iweze kuendelea na safari, yaani ndiyo *concern* yangu iko hapo sijui kama umenielewa?

SPIKA: Nimekuelewa japo nilikuwa nawaza kama hiyo ni *transshipment* au hiyo ni kitu kingine. Endelea tu kuchangia. (*Kicheko*)

MHE. HAMIDU H. BOBALI: Mheshimiwa Spika, kama ni kitu kingine ni vizuri kwasababu sikuweza kuona.

Mheshimiwa Spika, jambo lingine; Ibara ya tatu inazungumzia *carcasses*, ile mizoga na *concern* yangu kubwa ni *fine* kwamba ukikutwa na Mapezi ya Papa na usipokwua na ule mzoga wenyewe ni *fine*. Kwanza hapa nina *concern* mbili:-

(i) Mheshimiwa Spika, itolewe elimu ya kutosha *especially* kwa watu wanaoishi ukanda wa Pwani. Ni kawaida sana kwasababu hawa Papa ni viumbe, wanakua na baadaye wakazeeka na wakafa katika kifo cha kwaida kabisa. Ukienda meneo ya Kilwa, Mafia, Mchinga, Lindi ni karibu kila mwaka tuna-*experience* kwamba unakuta Papa mkubwa, hata Mwaka jana zaidi ya wawili walipatikana pale Kilwa wamekufa tu kwa *natural death*. Sasa inatakiwa itolewe

elimu kwanza kwamba kukutwa na Mapezi ya Papa bila kuwa na mzoga wenyewe ni kosa watu walijue.

(ii) Mheshimiwa Spika, lakini *concern* ya pili ni kwamba inatakiwa Kisheria ieleze hayo Mapezi yalipatikana kwenye mazingira gani. Kwa mfano; mtu ambaye anayeishi ukanda wa Pwani, Papa akajifia kwenye kifo chake cha kawaida, akaenda akapata Mapezi, akawa nayo, huyu na yeye lazima sheria i-*consider* kwasababu *fine* iliyowekwa hapa ni dola 750,000 mwananchi wa kawaida kule inawezekana akashindwa. Kwa watu wa ukanda wa Pwani ni kawaida Mtu kukutwa ana mapezi ya Papa lakini ukiangalia ameyapataje ni kama hivi kuna Papa alikufa kwenye *natural death* na yeye akaenda akakata akayapata na kwa sasa...

SPIKA: Mheshimiwa Bobali wanafanyiakazi gani natoka Dodoma rafiki yangu. Hii kawaida hii wanakuwa nayo ya nini yaani na Sheria inakataza?

MHE. HAMIDU H. BOBALI: Mheshimiwa Spika, yana matumizi mengi.

SPIKA: Ahsante Mheshimiwa Bobali

MHE. HAMIDU H. BOBALI: Mheshimiwa Spika, ahsante.

Mheshimiwa Spika, kwa hiyo nilikuwa nataka niseme hapa kumekuwa na tabia baadaye watu wengine wanamatwa na Polisi kwamba umekuwa na Nyara ya Serikali, *of course* ni kweli lakini shida iliyokuwepo ni suala la elimu.

Mheshimiwa Spika, jambo lingine kwenye suala la kupongeza; Chuo cha *NIT* kimepatiwa eneo na Manispaa ya Lindi kujenga Ndaki pale eneo la Kikwetu ya masuala ya teknolojia ya bahari na andhani ni msaada na wenzetu wa China. Hii Sheria iwe chachu sasa kwamba sasa ile Ndaki ambayo imepengwa kujengwa pale basi ijengwe, iharakishwe kwasababu watu wapate huo uzoefu na elimu ili tuweze kutumia kwenye suala hili la uvuvi wa bahari kuu.

Mheshimiwa Spika, lakini la mwisho ni kwamba eneo la *EEZ*; nilikuwa najaribu kupitia hapa kuangalia maeneo mengine ya wenzetu Sheria zao zina-*concentrate* kwenye jambo gani nilikuwa naona wanasema kwamba, kwanza lazima kuwe ni eneo ambalo linaangalia sana masuala ya *customs, taxation, immigration* na *pollution especially* eneo la *pollution*.

Mheshimiwa Spika, ni kweli na nimeona Sheria namna *draft* ilivyoletwa ni kwamba kumekuwa na uchafuzi mkubwa sana wa hawa watu wanao-*engage* kwenye masuala ya uvuvi na nilikuwa napitia Sheria hizi zinazohusu *pollution*. Imewekwa fedha za kutosha kabisa pale Dola 1,000,000. Mtu mwingine anaweza kufikiri kwamba kwanini imewekwa dola 1,000,000, inastahiki kwasababu wakati mwingine unakuta hizi Meli zinachafua sana eneo lile la maji na uchafu huu kwa bahati mbaya sana wote lazima uje ufukweni kutokana tu na zile pepo za Bahari. Bamvua likiwa kubwa lazima uchafu wote utupwe kule na Bamvua likiwa dogo litakwenda maeneo mengine.

Mheshimiwa Spika, kwa hiyo, nilikuwa napongeza Sheria ni nzuri, naunga mkono na kwa kweli tumeandika historia kabisa katika Bunge lako Tukufu kwasababu ni jambo ambalo kama tutaweka Sheria na tutatekeleza ni jambo ambalo litakuwa na faida sana kwa nchi yetu. Nakushukuru kwa kunipa nafasi hii.

SPIKA: Ahsante sana, sana Mheshimiwa Hamidu Bobali kwa mchango wako mzuri ambao unahitimisha upande wa wachangiaji na hii inaonyesha jinsi gani ambavyo Bunge hili kwa kweli limeiunga mkono hii Sheria kwa kiwango kikubwa sana. Ukiacha mabishano madogo madogo ya hapa pawe hivi, kwanini hapa pasiwe hivi hicho ni kitu cha kawaida na ndiyo tunakokwendea huko.

MICHANGO KWA MAANDISHI

MHE. ANASTAZIA J. WAMBURA: Mheshimiwa Spika, ahsante sana kwa kunipa nafasi ya kuchangia kwa

maandishi. Nakupongeza sana Mheshimiwa Spika kwa kuunda Kamati Maalum ya Kuchunguza Masuala ya Uvuvi wa Bahar Kuu mwezi Novemba, 2017 ambayo pia pamoja na mambo mengine ilitoa mapendekezo kwa Serikali kutunga Sheria ya Uvuvi wa Bahari Kuu na kufanya marekebisho katika Sheria ya *DSFA*.

Mheshimiwa Spika, naipongeza Serikali kwa kuleta muswada huu wa Sheria ya Uvuvi wa Bahari Kuu ambao utakuwa ni mwanzo mzuri katika kuhakikisha kwamba rasilimali za Bahari Kuu zinatumiwa kwa tija katika nchi yetu. Naipongeza Serikali kwa kuandaa muswada huu kwa ushirikishwaji unaoridhisha kwa pande mbili za Muungano. Namtakia Waziri wa Uvuvi na Naibu Waziri kila la heri katika utekelezaji wa majukumu yao.

Mheshimiwa Spika, naulizia kifungu cha 27(1)(d); ningependa kufahamu katakuwa na utaratibu gani wa wavuvi kumiliki maeneo ya *FAD* na kuyatambua? Napenda kuweka mapendekezo kuwa kanuni ziweke utaratibu wa wazi ili kuepusha migogoro isiyo ya lazima na baadhi ya wavuvi kujimilikisha maeneo makubwa baharini wakidai ni *FAD* na hivyo kuwazuia wavuvi wenzao kuvua katika maeneo yenye samaki

Mheshimiwa Spika, naunga mkono hoja.

MHE. ZACHARIA P. ISSAAY: Mheshimiwa Spika, tunamshukuru sana Mungu kwa majaliwa yake kwetu sote kwa muda wetu toka mwaka 2015 hadi 2020, hakika nchi yetu imestawi kijamii, kiuchumi, kisiasa, kiplomasia na huduma bora kwa jamii.

Nawaomba sana Watanzania kwa imani yetu mbalimbali kuiombea nchi yetu na dunia nzima kwa Mwenyezi Mungu kutokana na janga hili la Corona linalotikisa dunia nzima kwa sasa.

Kwa namna ya pekee tunawaomba kwa Mwenyezi Mungu ndugu zetu Watanzania wote waliofariki dunia kwa

namna mbalimbali kipindi chote awapokea katika ufalme wake usio na mwisho. Tunawaomba mioyo ya faraja Watanzania wote waliopoteza wapendwa wao.

Mheshimiwa Spika, kwa niaba ya wananchi wa Jimbo la Mbulu Mjini nachukua nafasi hii kutoa salamu za shukrani, pongezi na kumwomba Mheshimiwa John Joseph Pombe Magufuli na Serikali nzima ya Awamu ya Tano kwa kazi kubwa ya utekelezaji wa Ilani ya CCM 2015 - 2020 hakika tuko kidedea kuelekea uchaguzi mkuu Oktoba tukutane uwanjani.

Mheshimiwa Spika, sasa naomba nitoe mchango wangu kwa Serikali kupitia Wizara; kwanza kwa namna ya pekee naipongeza sana kwa kuleta muswada huu kwa ajili ya kulinda, kutunza, kuendeleza rasilimali za Taifa kwa kuendeleza uchumi wa Taifa letu kwa manufaa ya kizazi cha leo na kijacho.

Mheshimiwa Spika, pili, Serikali itazame utungaji wa kanuni za sheria hii ili inufaishe wawekezaji wa ndani zaidi kuliko manufaa makubwa sana.

Tatu, Serikali itazame umuhimu wa ubia wa uendeshaji wa shughuli za uvuvi wa bahari kuu na nne, Serikali itazame kupitia sheria hii kupitia faini kati ya wawekezaji wazawa na wawekezaji wa nje ili kuona utofauti kulingana na makosa yatakayotendwa na wahusika.

Mheshimiwa Spika, naunga hoja asilimia mia moja na naomba kuwasilisha.

SPIKA: Kwa hiyo Mheshimiwa Waziri sasa sijui mmejipangaje na Naibu ili basi kwasababu kwa kweli mmeungwa mkono naona Mheshimiwa Naibu wewe piga dakika 10, Waziri dakika 15 ili twende kwenye vifungu tuone kama kuna maeneo ya kurekebisha. Ahsante sana Mheshimiwa Naibu, dakika 10. *(Makofi)*

NAIBU WAZIRI WA MIFUGO NA UVUVI: Mheshimiwa Spika, ahsante sana, nashukuru kwa fursa hii uliyonipatia na

naomba pia vilevile nichukue fursa hii kukupongeza sana wewe mwenyewe kwa kazi nzuri uliyoifanya pale mwanzoni ya kuunda timu ya kuweza kushauri juu ya uvuvi wa Bahari Kuu.

Mheshimiwa Spika, lakini vilevile jambo hili ni nia njema ya Serikali ya Awamu ya Tano ya kuhakikisha kuwa rasilmali za Taifa letu zinainufaisha vyema kabisa Nchi yetu katika kusonga mbele. Na hili jambo ni lazima tumpongeze sana Mheshimiwa Rais kwa miongozo yake mizuri na muhimu sana na unaweza ukaona katika hii Ibara ya 45 inayozungumzia *incentives* kwa wazawa.

Mheshimiwa Spika, kwa kweli nitaeleza juu zaidi ya uwekezaji kwenye eneo hili Ibara ya 45, 47 na 49 za Muswada, zimeshaweka vizuri juu ya jambo linalohusu uwekezaji kwenye uvuvi wa Bahari Kuu.

Mheshimiwa Spika, Ibara ya 45 imetoa nafasi kwa ajili ya wazawa. Kabla ya sheria hii, wazawa walikuwa hawana nafasi ya kuweza kuingia katika ushindani wa uvuvi wa Bahari Kuu. Kwa kuliona hili, ndiyo maana Serikali ikafanya jitihada za kubadilisha hii sheria na sasa tunaenda katika kutoa nafasi ya wazawa kuweza kushiriki ipasavyo na Mheshimiwa Waziri atakuwa na nafasi ya kutengeneza kanuni ya mambo mbalimbali.

Mheshimiwa Spika, hizo *incentives* ni zipi? Kwa mfano patakuwa na mashauriano juu ya kodi za mafuta ambazo ndiyo gharama kubwa sana zinazokwamisha uwekezaji wa watu wa kawaida kuweza kwenda katika uvuvi wa Bahari Kuu. Vile vile, kanuni hizo zinaweza zikaenda katika kuwasaidia wavuvi wetu waweze kupata hata *soft loans* katika mabanki, hivyo waweze kwenda katika ushindani.

Mheshimiwa Spika, kwa hiyo, nimewasikia Waheshimiwa Wabunge wengi; Mheshimiwa kaka yangu Mbaraka Dau, Mheshimiwa Ally King na wengine wamezungumzia sana juu ya *private sector*. Sasa sheria hii inakwenda sambamba, ibara ya 45.

Mheshimiwa Spika, pia Ibara ya 47 na 49 na zenyewe zimezungumzia juu ya mambo kama vile *joint venture* kwamba meli za kigeni zinaweza zikaja kuwekeza pamoja na wazawa kwa kutumia ubia. Tulichokiona pale mwanzo tusikiruhusu ni ile kuweka ulazima. Kwa sababu kama tungeweka iwe ni lazima tungewakimbiza hata hao wawekezaji wenyewe.

Mheshimiwa Spika, kwa hiyo kwa kuwa tayari Muswada wa Sheria umeshaiweka hii wazi kwamba tuna njia nyingi; iko hiyo *charter agreement*, iko pia ya *joint venture*; kumbe basi fursa iko wazi na ni pana ya kuweza kufanya kazi kwa pamoja kati ya wageni na sisi wazawa kwa ajili ya nchi yetu kuweza kuingia katika ule uchumi wa *blue economy* na kuweza kwenda sambamba na dunia.

Mheshimiwa Spika, vilevile baadhi ya mambo yaliyozungumzwa na Waheshimiwa Wabunge mfano Salum Rehani amezungumzia juu ya kushangaa kununua meli ya mita 24. Uvuvi huu unatajwa kwenye kanuni na aina za uvuvi. Iko na *Purse Seine na long liner*. *Purse Seine* ni kwa ajili ya zile meli kubwa ambazo zimeshakuwa *defined* katika *IOTC*, lile shirika linalosimamia uvuvi huu wa *Tuna* na imeeleza wazi, ni mita 70 mpaka mita 100, meli hiyo.

Mheshimiwa Spika, vilevile kwa mfano hii ya *long liner* ni mita 15 mpaka mita 60. Kwa hiyo, meli ya mita 24 inaingia mle ndani na hii tunaitaja katika kanuni. Kwa mfano, pia alikuwa anataka tumweleze juu ya *FADs*, kwamba kwa nini *FADs* zitumike katika uvuvi ya bahari kuu? Ni *practice* ya kawaida katika uvuvi wa bahari kuu kwamba meli hizo kubwa ninazosisema kama hiyo ya mita 70 mpaka 100 huwa zinabeba zile *FADs* (*Fish Aggregating Devices*). Zile ni kwa ajili *attraction* ya samaki.

Mheshimiwa Spika, hawa samaki pamoja na kuwa ni *migratory* lakini wavuvi wote wa baharini wanapokwenda ni kama wawindaji. Huendi moja moja ukalikuta lile kundi limekaa pale, unaliwinda. Kwa hiyo, njia mojawapo nzuri wanayoifanya wavuvi hawa, wanabeba *FADs* zile katika meli

wanapokwenda kule baharini, wanaweka nanga, yaani wanazitupa baharini mle.

Mheshimiwa Spika, hizi meli huwa zinabeba *FADs* mpaka 100. Sasa usipoweka katika sheria kama hivi tulipoweka sisi, unaweza ukakuta meli ile ikabeba zaidi ya *FADs* 100. Lengo ya zile *FADs* siyo kwa ajili ya kuanzisha kitu kipya la, ni kwa ajili ya kufanya *attractions* ya zile samaki zinazofanya *sculling* badala ya kupita labda mita 20 mbali, zisogee karibu na ile meli ilipo ili kusudi sasa yule mvuvi wa ile meli aweze kupata urahisi wa kuvua wale samaki. Kwa hiyo, hii ni *practice* ya kawaida ambayo inatamkwa katika sheria.

Mheshimiwa Spika, mwisho, nashukuru sana kwa pongezi nyingi zilizotolewa na Waheshimiwa Wabunge. Ni ukweli kuwa hii imezingatia na kipengele muhimu kabisa ni kile cha uhifadhi na uendelezaji wa rasilimali yetu hasa pale tulipotaja juu ya uwekezaji.

Mheshimiwa Spika, nakushukuru sana. (*Makofi*)

SPIKA: Ahsante sana Mheshimiwa Naibu Waziri. Sasa mtoa hoja *at least* hitimisha hoja yako. Karibu sana Mheshimiwa.

WAZIRI WA MIFUGO NA UVUVI: Mheshimiwa Spika, ahsante sana kwa nafasi uliyonipa. Nami niungane pia na Waheshimiwa Wabunge kukupongeza sana kwa kazi nzuri unazoendelea kuzifanya katika Bunge letu.

Mheshimiwa Spika, sasa nianze na hoja za Kamati ambapo waliomba kuweka masharti ya udhibiti wa samaki aina ya papa. Tunakubaliana na hoja hiyo, wakati wa kutungwa kanuni tutaainisha namna ya usimamizi wa eneo hilo. (*Makofi*)

Mheshimiwa Spika, kipengele cha pili nacho kilikuwa kinasema kuweka ukomo wa chini wa adhabu. Katika msingi wa ukomo wa juu ni kuruhusu adhabu au faini kulingana na mazingira ya kesi husika. Katika utekelezaji wa eneo hili tuta-

check kule kwenye kanuni namna ambavyo tutaiweka ili isilete usumbufu.

Mheshimiwa Spika, la tatu ilikuwa ni kupanua wigo wa masharti ya ubora wa samaki kujumuisha samaki wanaochakatwa kwa ajili ya matumizi ya ndani ya nchi. Mapendekezo haya yamezingatiwa na yataingizwa katika kanuni kwa sababu ni ya kiutekelezaji zaidi.

Mheshimiwa Spika, eneo la tatu lililozungumzwa na Kamati yetu ya Kilimo Mifugo na Maji, ilikuwa kuondoa uwezekano wa Waziri kuwa na mamlaka ya rufaa dhidi ya Mahakama. Katika eneo hili ni kwamba Waziri haendi kutwaa nafasi ya Mahakama lakini yapo mambo ni *administrative issue*. Kwa mfano, mtu ameomba leseni, amenyimwa lakini bado anaamini kwamba anayo haki ya kupewa leseni. Kwa hiyo, mtu huyo anaomba kukata rufaa kwa Waziri. Kwa hiyo, ni mambo tu ya kiutawala ambayo hayana tatizo lolote, lakini yale mambo mengine yote ya kimahakama yataendelea kuwa kimahakama. Hapa ni eneo la kiutawala peke yake ndiyo ambalo linakatiwa rufaa kwa Waziri.

Mheshimiwa Spika, namba sita, kuipa *DSFA* mamlaka ya kupanga ada mbalimbali, tumezingatia katika Muswada kifungu cha 101 (2) katika Jedwali la Marekebisho imeonyeshwa, lakini pia tukiweka bayana kwamba Waziri anapotunga tozo au ada kwa utaratibu wote huanzia na Watendaji wake wote wa chini. *Actually* inatoka kwenye mamlaka yenyewe, ndiyo inakuja mpaka kumfikia Waziri kwa dakika za mwisho sana. Waziri sasa anaangalia, anapitia kwa mapana yake na kuona kwamba hili eneo limekaaje.

Mheshimiwa Spika na Waheshimiwa Wabunge, pia lazima mkubaliane nami kwamba hili eneo ni la kisera, haliwezi kuachiwa mamlaka peke yake ikapanga kule tozo na zikaenda kutozwa kwa wananchi bila *consent* ya Waziri.

Mheshimiwa Spika, maboresho ya kiuandishi, hayo tunayazingatia. Katika Maoni ya Kambi ya Upinzani, kuna eneo hili la kwanza ambalo limezungumzwa suala la *Fisheries*

Inspector na Fisheries Observer kwamba hawa watu hawakuelezwa sana kwenye sharia. Nasi tuseme tu kwamba tutakapo tunaanda kanuni zetu, tutaeleza vizuri *functions na operations* zao hao watu wote wawili.

Mheshimiwa Spika, pia yalitolewa mapendekezo katika Kifungu cha 53 kinachohusu Makao Makuu ya Mamlaka kuwa yatakuwa ni Zanzibar na mamlaka inaweza kufungua ofisi yake katika eneo lolote la Tanzania Bara na kukapendekezwa *amendment*. Tunakubaliana na hizo *amendments* zilizopendekezwa katika eneo hili. (*Makofi*)

Kifungu cha 6(3) ambacho kinazungumzia kwamba kuna sheria zilizopo tayari ambayo ni *including Agreement for Fisheries Access for Non-citizen*, alikuwa anairudia sheria lakini wakasema kwamba iongezwe sharia, kwamba kuna sheria nyingine za nchi ambazo zipo zinasimamia hili eneo; *The Nature, Wealth and Resources (Permanent Sovereignty) Act* na sheria ya mapitio ya maelewano mapya ya masuala yenye utata ambayo ni mali na rasilimali asili.

Mheshimiwa Spika, labda niseme tu katika hili eneo kwamba sheria hii tunayoitunga, Jamhuri ya Muungano wa Tanzania imepewa uwezo wa kuingia mkataba kulingana na matakwa ya mikataba ya *UNCLOS* ya mwaka 1982 ambayo Tanzania ilisaini mwaka 1985 pamoja na Sheria ya Maji ya Kitaifa na Ukanda Maalum wa Bahari wa Mwaka 1999 ambayo imetoa uwezo wa Taifa kutumia maeneo ya bahari na rasilimali zake.

Mheshimiwa Spika, sasa hii sheria tunayoitunga leo; Sheria ya Mapitio ya Maelewano Mapya ya Masuala Yenye Utata Kuhusu Mali na Rasilimali kama zilizvyotajwa sheria zote hizo mbili; na sheria hizo zote mbili hazikuzingatia rasilimali za uvuvi zenye kuhamahama (*migratory species*) kutoka eneo moja la bahari kwenda eneo lingine. Ndiyo maana hii sheria sasa inazingatia lile eneo. Hata hivyo, hii haiondoi; sheria yoyote haiwezi ikasimama peke yake, inazingatia sheria nyingine za nchi katika maeneo mbalimbali zinavyotekelezwa.

Mheshimiwa Spika, kuna hili suala la kifungu 102 kimeelezwa hapo kama alivyokisoma na Kambi ya Upinzani wanasema maudhui ya kifungu hiki inaweza kutoa tasnia moja ikawa inatumia sheria mbili. Sisi tunasema huu ni utaratibu wa kawaida ambao unatambua sheria inayofutwa kwa lesseni, vibali na mikataba inayoingiwa kupitia sharia hiyo kwa muda maalum tu kulingana na mikataba au leseni husika; na haitawezekana leseni au mkataba mpya kutumika kwa sheria iliyofutwa. Kwa hiyo, hilo liko hivyo.

Mheshimiwa Spika, hili la Kifungu cha 15 kinachohusu uteuzi wa Wakurugenzi hawa; Naibu Mkurugenzi pamoja na Mkurugenzi wa mamlaka kwamba wasibaguliwe kwa uraia wao, wateuliwe mahali popote. Tunachosema, msingi wa uteuzi wa Wakurugenzi Wakuu na Naibu Mkurugenzi wa Mamlaka unatokana na makubaliano baina ya pande zote mbili za Muungano, tulishakubaliana. Muswada huu umeweka vigezo vya uteuzi wa Mkurugenzi Mkuu na Naibu Mkurugenzi Mkuu kwa kuzingatia elimu na uzoefu wa sekta husika ili kuleta ufanisi na tija katika ulimwengu wa biashara.

Mheshimiwa Spika, nataka ku-*declare* kwenye hili Bunge lako kwamba tunao vijana wetu wazuri sana *competent* katika maeneo ya uvuvi wa maeneo yote; ya kawaida pamoja na bahari kuu katika pande zote mbili; Tanzania Bara pamoja na Tanzania Zanzibar. Kwa hiyo, hatuna tatizo lolote katika kupata mtu mmoja kuwa Mkurugenzi wa Mamlaka au Naibu Mkurugenzi wa Mamlaka.

Mheshimiwa Spika, kifungu cha 18 na chenyewe kilionekana ni kifungu ambacho kinatoa kinga kwa wahalifu, lakini ambacho nataka kukieleza hapa, kifungu hiki kimewekwa kwa ajili ya kuwalinda vijana wanaoweza kufanya maamuzi katika utekelezaji wao wa kazi.

Mheshimiwa Spika, kwa hiyo, moja ya hasara kubwa ambayo unaweza ukaipata ni pale utakapoweka vifungu vya kuwatisha watendaji wako walioko chini yako kuogopa kutake *risk* katika *decision making*. Kwa hiyo, hapa unawapa

mamlaka waweke *decision* na pale ambapo walifanya *decision* kwa nia njema walindwe. Ndiyo shabaha tu ya kifungu hicho na wala hakina shabaha nyingine yoyote ile mbaya.

Mheshimiwa Spika, kuna hili eneo linalozungumzia kuhusu Kifungu cha 71, kutaifishwa kwa chombo au bidhaa zilizomo kwenye chombo wakati wa kukamatwa na ikahusishwa kwamba isije ikawa kama kipindi hicho cha ukamataji wa meli ya *Vietnam* maarufu kama Meli ya Samaki wa Magufuli, meli iliyoshindwa kufanya kazi na badala yake ikahujumiwa na mwisho Serikali ikatakiwa kulipa gharama kubwa.

Mheshimiwa Spika, kifungu hiki katika sheria hii ambayo anazungumza Mheshimiwa ndiyo imeweka huo utaratibu ambao haukuwepo zamani. Sasa hivi tumeshaweka katika vifungu vyetu na vinalinda hiyo, mtu anaweza kutoa dhamana nyingine meli yake ikaachiliwa ikaendelea na shughuli nyingine ambapo zamani hatukuwa na huo mwanya.

Mheshimiwa Spika, la pili ni kwamba Serikali hii itaendelea kukamata meli zote zinazotoka sehemu mbalimbali kuja kufanya uvuvi haramu hapa nchini kwetu na tutaendelea kuwa wakali. Hata huo mwaka aliyekuwa Waziri wa Mifugo wakati huo Mheshimiwa Dkt. John Pombe Joseph Magufuli aliikamata hiyo meli ya Tawariq I mwaka 2009 na alipoikamata nchi yetu iliheshimika Kimataifa kwa kuwa makini katika usimamizi wa rasilimali. Tokea hapo, meli zote za uvuvi zilizotoka nje ya nchi ziliongopa Tanzania na kuiheshimu Tanzania na hivyo kuendelea kulinda rasilimali zetu. (*Makofi*)

Mheshimiwa Spika, hivyo hivyo hii majuzi hapa na 2018 tumekamata meli ya *Buah Naga* ambapo mpaka sasa hivi mmiliki, nahodha pamoja na wakala wanatumikia kifungo jela cha miaka 20 pamoja na zile meli 20 zilizotoroka ambazo nazo tuliwatoza faini huko huko waliko ya shilingi bilioni moja moja, tunawadai shilingi bilioni 20 na tayari mashitaka

yanaendelea *IOTC* na wanatakiwa kutulipa fedha hizi. Bado hili nalo linaendelea kutoa salamu kubwa duniani kwamba Tanzania tumeamua kulinda rasilimali zetu na hatuna mchezo katika hilo. *(Makofi)*

Mheshimiwa Spika, Waheshimiwa Wabunge wameuliza maswali huku ambayo nataka kupitia baadhi kabla ya muda wangu kwisha. Mmoja aliomba Serikali iliteke soko la ndani. Kuliteka soko la ndani tayari. Kama ni maandalizi ya kuliteka soko la ndani, tumeanza. Sasa hivi tunavyozungumza, mwaka 2018, tulikuwa na maghala manane tu ya kugandisha samaki, leo tuna maghala 90 yenye uwezo wa kubeba samaki tani 350 kwa siku na maghala haya yote yana- *supply* samaki ndani ya nchi, jambo ambalo halikuwepo. Kwa hiyo, tumetoka kwenye maghala manane mpaka kwenye maghala 90 na yana-*supply* samaki hapa nchini.

Mheshimiwa Spika, kama ni maandalizi ya kupunguza kuagiza samaki kutoka nje; tulikuwa tunaagiza samaki kutoka nje zenye thamani ya shilingi bilioni 56. Leo hii mwaka umeisha, tumeagiza kutoka nje samaki wa thamani ya shilingi milioni 161 kutoka shilingi bilioni 56. Maana yake zile shilingi bilioni zote 56 zolizokuwa zinatumika kununua samaki kutoka nje, leo ndiyo mtaji wa Watanzania, wanauza samaki zao na kupata fedha hapa. Hatupeleki fedha za kigeni nje ya nchi kwa ajili ya kununua samaki. *(Makofi)*

Mheshimiwa Spika, kama kujipanga kuuza vizuri nje; na ndiyo maana wale wanaosema watu wamekimbia kuvua nchini, watu hawavui nchini kwetu, ni vizuri waziangalie vizuri takwimu zao kwa sababu tumepandisha kwa mwaka mmoja mauzo ya nje ya nchi kutoka shilingi bilioni 379, *average* ya miaka ya nyuma mpaka shilingi bilioni 691 kwa muda wa mwaka mmoja. Ni mauzo makubwa ambayo kama kujipanga, tunajipanga vizuri sana. *(Makofi)*

Mheshimiwa Spika, suala lingine ilikuwa ni changamoto. Kamati Maalum ya Bunge ambayo nataka niongee mwisho kuhusu Kamati uliyoiunda wakati nahitimisha.

Mheshimiwa Spika, kuhusu sheria ndogo bila *consultation* ya Waziri mwenzangu. Kwanza nawashukuru Waheshimiwa Bunge wote kwa kukubali kwamba sheria hii tumeshirikisha. Ukweli kabisa tumeshirikiana sana. Mimi na Waziri mwenzangu anayeshughulika na mambo ya uvuvi tumekuwa tukifanya mawasiliano ya mara kwa mara. Pia *concern* zote zinazotoka kwenye Serikali ya Mapinduzi Zanzibar zimekuwa zikishughulikiwa, hata kama zitakuja baada ya kikao kingine kupita, bado tumekuwa tukizishughulikia. Hapa nataka kutamka kwamba hakuna hoja hata moja iliyotoka Serikali ya Mapinduzi ya Zanzibar haikushughulikiwa na haikuzingatiwa.

Mheshimiwa Spika, hili ambalo wamelitaja kuhusu *consultation* katika mambo ya kutunga kanuni pamoja na tozo, tumeshashughulikia. Naomba Mheshimiwa Saada Mkuya aangalie marekebisha ya Ibara 26 pamoja na ya 59, yote tumezingatia, mimi muda wote nitam-consult mwenzangu katika kutekeleza majukumu yetu. Hatuoni sababu hiyo ya kuacha kum-*consult*. (Makofi)

Mheshimiwa Spika, lingine ni sheria nyingine. Ni kweli sheria zinazotakiwa kurekebisha, Waheshimiwa Wabunge wengi wamesema ni lazima tuirekebishe ile sharia ya *Territory Sea and Exclusive Economic Zone Act* na lazima ifanyiwe marekebisha ili iendane na hii sheria tuliyoitunga.

Mheshimiwa Spika, sheria zipo nyingi ambapo zote tulipozitamama tukisema tufanye marekebisha ya hizi sheria ndiyo tuilete sheria hii huku, tutachelewa, turekebishe sheria ili tukirudi huko, turudi *exactly* tunajua ni kipi tunachoenda kukirekebisha baada ya sheria hii kupitishwa.

Mheshimiwa Spika, sheria hizo ni pamoja na Sheria ya Uvuvi, 2003 Tanzania Bara; Sheria ya Uvuvi ya Zanzibar, 2010; Sheria ya Biashara ya Usafiri, 2003; *Merchant Shipping Act*, 2003, Sheria ya Usafiri wa Bahari Zanzibar, 2006; Sheria ya Maji ya Kitaifa Ukanda wa Uchumi wa Bahari na ambayo ndio hii Wabunge wengi wameongea. Hii nizungumze kwa niaba ya Serikali, baada ya Mheshimiwa Rais kupitisha hii

sheria tutaleta marekebisho ya sheria hizo zote kila eneo lililoguswa na sheria hii tutakayoipitisha leo.

Mheshimiwa Spika, Wabunge wengine waliniomba nikasome Chenge *One*, mimi ndio nilikuwa *active member* wa Chenge *One* na ile Chenge *One* mimi kwenye ile sekretarieti ndio nilikuwa natoka kwa wabunge wenzangu kwa sababu nilikuwa na umri mdogo kuliko wote, kwa hiyo nilikuwa na wale vijana wale waliokuwa wanaandika, ile sekretarieti. Kwa hiyo nilikuwa natoka timu ya Wabunge, naenda kuunda ile sekretarieti. Kwa hiyo ile Chenge *one* nimeandika ile Chenge *one* najua ukurasa mmoja baada ya mwingine. Nafurahi leo kwamba yale tuliyoyapendekeza wakati huo nimekuwa mmoja wa kuyatekeleza kwa kuleta hii sheria na kufanyiwa mapitio leo. (*Makofi*)

Mheshimiwa Spika, lingine limezungumzwa suala la *Private Sector* inasaidiwaje? Mheshimiwa Naibu Waziri amelizungumza vizuri na kifungu kile cha 45, sihitaji kurudia. La sheria zinazohitaji kurejewa nimelizungumza.

Mheshimiwa Spika, mwisho, nataka nihitimishe kwa kusema, ni wewe uliyeunda timu ya Wabunge kuishauri Serikali kuhusu shughuli za uvuvi wa bahari kuu. Moja ya *recommendation* ambayo ilikuwa *very strong* ni kuleta sheria mpya ya kushughulika na mambo ya uvuvi wa bahari kuu.

Mheshimiwa Spika, agizo lako limetekelezwa na Serikali na tumejipanga kuhakikisha kwamba hili agizo tunalitekeleza haraka sana na sasa hivi sheria hii ikipitishwa siku 60 akishasaini tu Mheshimiwa Rais siku 60 mimi nitakuwa nimeshatangaza kanuni na sheria itaanza kutekelezwa pamoja na kanuni zake. Kwa hiyo tunakupongeza sana katika hitimisho lako ambako umeenda kujibu kiu ya Watanzania waliotaka kunufaika na uvuvi wa bahari kuu, Watanzania wanaotaka kunufaika na hii *blue economy* ambayo wameizungumza miaka nenda rudi, lakini leo hii tunaenda kuyapata manufaa yake na ndio maana hii Serikali ya Dkt. John Pombe Joseph Magufuli imejipanga vizuri sheria imeirekebisha mikataba iliyotakiwa kuridhiwa imeridhiwa,

ukija kwenye mipango ya kununua meli, mipango iko tayari, ndio maana kwenye bajeti nikawaambia kuanzia Januari, 2021 tutaanza ununuzi wa meli kubwa zinazotakiwa lakini sasa hivi tunakamilisha tu upembuzi yakinifu, tunaanza moja kwa moja kujenga bandari ya uvuvi, bandari ambayo ilisubiriwa na Watanzania kwa muda mrefu sana. *(Makofi)*

Mheshimiwa Spika, niseme kwamba Bunge hili sijajua watu wa TEHAMA watatusaidiaje, itakuwa dhambi kubwa sana kwa Mheshimiwa Mbunge ambaye leo atapiga kura ya hapana kwa sheria hii ambayo Tanzania nzima yote imesimama, ikilifuatilia Bunge hili kwa ajili ya mustakabali wa maisha yao, kwa ajili ya mustakabali wa uchumi wao, uchumi ambao ulisahaulika miaka mingi, leo Serikali ya Dkt. John Pombe Magufuli imejibu hilo.

Mheshimiwa Spika, sasa kama Wabunge wengine walipiga kura kimakosa, kwa bahati mbaya, walikuwa hawajaelewa sawasawa labda jambo lenyewe, sasa watusaidie watu wa TEHAMA ili hawa Wabunge uwape hata dakika tano wa-*revise* zile kura zao, kwa sababu mwisho wa siku Watanzania watajua nani hakupiga kura katika sheria muhimu kama hii. Kama kuna changamoto zitakazojitokeza katika utekelezaji wa sheria, sheria zote tumekuwa tukizifanyia *amendment*.

Mheshimiwa Spika, kwa hiyo naomba kutoa hoja, lakini nikiomba kabisa kwamba tuunge mkono hii hoja, tupitische hii sheria yetu, kama kutakuwa na changamoto mbele ya safari, sisi Serikali hii ya Dkt. John Pombe Joseph Magufuli ni wasikivu, tutafanya marekebisho katika maeneo hayo na tutaweza ku-*move* kwa *direction* na kwa *speed* ile inayotakiwa.

Mheshimiwa Spika, ahsante sana na naomba kutoa hoja. *(Makofi)*

WAZIRI WA KATIBA NA SHERIA: Mheshimiwa Spika, naafiki.

SPIKA: Ahsante sana Mheshimiwa Waziri kwa kutoa hoja na hoja imeungwa mkono. Tunakushukuru sana Mheshimiwa Waziri kwa ufafanuzi wako mzuri kabisa kwa jambo hili. Kwa kweli tunaishukuru sana Serikali kwa usikivu kwa sababu ni jambo ambalo sisi wenyewe kama Wabunge tulliona kwamba ni muhimu likafanyiwa kazi kwa sababu tunapoteza uchumi mkubwa kupitia uvuvi huu wa bahari kuu ambapo tunaibiwa usiku na mchana, lakini sasa tumeletewa pendekezo hili ambalo tunaenda kuliambia baadaye kidogo. Katibu!

NDG. LAWRENCE MAKIGI-KATIBU MEZANI:

KAMATI YA BUNGE ZIMA

MISWADA YA SHERIA YA SERIKALI

Muswada wa Sheria ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu wa Mwaka 2020 *(The Deep Sea Fisheries Management and Development Bill, 2020)*

Ibara ya 1

Ibara ya 2

Ibara ya 3

(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge Zima bila mabadiliko yoyote)

Ibara ya 4

(Ibara iliyotajwa hapo ilipitishwa na Kamati ya Bunge Zima pamoja na marekebisho yake)

Ibara ya 5

MWENYEKITI: Mheshimiwa Sware.

MHE. DKT. IMMACULATE S. SEMESI: Mheshimiwa Mwenyekiti, nashukuru kwa nafasi. Kifungu cha 5 Serikali pia imefanyia marekebisho yale yale ambayo nilikuwa yana-

propose ya kufuta hilo neno *within or outside* Tanzania Zanzibar, kwa hiyo kiko sawa. Ahsante.

MWENYEKITI: Ahsante sana. Lilikuwa linafanya *repetition* hili.

(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge Zima pamoja na marekebisho yake)

Ibara ya 6

MWENYEKITI: Mheshimiwa Dkt Sware.

MHE. IMMACULATE S. SEMESI: Mheshimiwa Spika, nashukuru kwa nafasi. Napendekeza marekebisho katika kifungu hiki ambacho kinapatikana ukurasa wa 13 na *propose* tuondoe kifungu 6(b)(iii) ambacho kifungu hiki kinaipa mamlaka *Deep Sea Fishing Authority* kupitisha mikataba au makubaliano ya meli za uvuvi kutoka mataifa mengine ilhali eneo hili linajielezea mamlaka haya amepewa Mheshimiwa Waziri wa Mifugo na Uvuvi wa Bara baada ya mashauriano na Waziri wa sekta hiyo upande wa Zanzibar na mashauriano kutoka katika Kamati Tendaji kama ambavyo kazi hizi zimeanishwa katika *Part Three* ya Muswada huu ambao imeelezea *Administration Authority* ikoje.

Mheshimiwa Mwenyekiti, kwa hiyo, nashauri kifungu hiki kifutwe kwa sababu hakina mantiki ya kuwapa tena mamlaka hawa *Deep Sea Fishing Authority* ilhali ukirejea katika kifungu namba 47(2) ukurasa wa 33 ambacho kimeainisha wazi kwamba inapotokea meli kutoka nje zinavyovua kwenye maji yetu ya Bahari Kuu ndani ya *EEZ* basi Waziri husika ndio atashughulika katika kuwapa *access*, kibali cha hawa *foreign vessels* kuvua katika maji yetu. Kwa hiyo ni marudio, lakini ambayo hayako sahihi, kwa hiyo ni bora kipengele hiki tukakifuta, tukabaki na kifungu hicho cha 47 ambacho kimeelekeza vizuri kazi ya Waziri husika kwenye hili.

Mheshimiwa Spika, kutokana na hilo pendekezo sasa kama Serikali ikiafiki, basi napendekeza kufanyike

renumbering kwa upya na isomeke *paragraphs* kuanzia 3 mpaka 5 badala ya 3 mpaka 6 kwa sababu napendekeza tufute hiki kipengele namba 3. Ahsante.

MWENYEKITI: Mwanasheria Mkuu wa Serikali.

MWANASHERIA MKUU WA SERIKALI: Mheshimiwa Mwenyekiti, ahsante. Ibara ya 6(b)(iii) inasema: "*concluding agreements for fisheries access by non-citizens and non-nationals, including foreign fishing vessels.*" Hii ni *agreement for fisheries access for non-citizens and non-nationals.*

Mheshimiwa Mwenyekiti, Ibara ya 47(2) inasema: "*The Minister may, in consultation with the Minister responsible for fisheries in Tanzania Zanzibar and after consultation with Executive Committee, enter into an agreement referred to in subsection (1) with states or regional economic integration organizations by way of an International Agreement, joint venture or other written agreement or arrangement.*

Mheshimiwa Mwenyekiti, hivi vinahusu watu tofauti; hii 6(b)(iii) inazungumzia *non-citizens and non-nationals.* Ibara ya 47(2) inazungumzia juu ya *states or regional economic integration organizations* na kadhalika. Kwa hiyo ni vifungu tofauti havijirudii. Ahsante.

MWENYEKITI: Ni kweli havijirudii, lakini kama nimemsikiliza vizuri hoja yake ni namna gani Bunge hili liipe mamlaka hii *authority* ambazo ni mamlaka kubwa, sijui hebu fafania mwenyewe Mheshimiwa Sware.

MHE. DKT. IMMACULATE S. SEMESI: Mheshimiwa Mwenyekiti, nashukuru. Kabla sijafanua kipengele hiki cha namba 6 ninacho-*propose* kiondolewe kinaongelea *concluding agreements* kukubaliana *contracts* ya kati yetu sisi Watanzania kupitia *Deep Sea Fishing Authority* na meli kutoka nje ya nchi (*foreign vessels*) ili kuweza kuvua katika bahari yetu. Hapo kuna sintofahamu namba moja kwamba *any International Agreement* inakuwa ngazi ya Baraza la

Mawaziri nafikiri iko kwako wewe Mheshimiwa AG na siyo kwenye *Authority*. Hilo ni kosa namba moja.

Mheshimiwa Mwenyekiti, kosa la pili, kifungu hiki kimeongelea wazi *non-citizens, non-nations* maana yake nini *foreigners*, watu wa nje. Nikienda kwenye kifungu cha 47(2) kinaongelea *fisheries access by foreign fishing vessels, foreign* maana yake nini ni wale wale watu wa nje na kinaongelea uwezo wa wao ku-*access* kuja kuvua kwenye maji yetu ndani ya *EEZ*. Kwa hiyo ni mambo yale yale, *foreign vessels access, foreign vessels agreements*.

MWENYEKITI: Nafikiri umeeleweka.

MHE. DKT. IMMACULATE S. SEMESI: Mheshimiwa Mwenyekiti, ahsante

MWENYEKITI: Ahsante sana. Hapa hoja ni kwamba Mheshimiwa AG hii ni mamlaka yako *international agreements* hizi ni mamlaka yako na Waziri, kwa hiyo sisi tunakuteteeni ninyi kwamba kwa nini mnampa mamlaka huyu mtu mdogo sana au hii *authority* ndogo hii kuingia kwenye mambo makubwa ambayo ni *International* ambayo Bunge hili linawaaminia zaidi ninyi hapo tu. Tungeshauri mchukue hii mamlaka mkae nayo wenyewe.

MWANASHERIA MKUU WA SERIKALI: Mheshimiwa Mwenyekiti, tunapotumia neno *International Agreements* lina *significations* nyingi kuna *International Agreements within the sphere ya Public International Law* na kuna *International Agreements within the sphere of Private International Law*. Sasa haya mamlaka ya nchi Mwanasheria Mkuu wa Serikali na Serikali kwa ujumla inashughulika na mikataba ya kimataifa katika *sphere ya Public International Law* mahusiano kati ya mataifa na mataifa.

Mheshimiwa Mwenyekiti, hapa kinachozungumziwa ni mikataba ya uvuvi, hiyo huwa ni sehemu ya *Private International Law*, ni sehemu ya makubaliano kama ya kibiashara. *Private International Law* inaweza kuingia Serikali

na kampuni ni *Private International Law*, inaweza ikaingia kampuni ya nchi moja na nchi nyingine ni *Private International Law*. Kwa hiyo tusiwe *confused* na ile *term International Agreement* kwa sababu kinachozungumziwa hapa ni katika *realm* ya *Private International Law* ambayo Serikali haihusiki. Ahsante.

MWENYEKITI: Unatupa tabu kweli hapa, hebu kwa kumalizia mara ya mwisho wakikataa wenyewe basi haina neno, maana sisi tunawapa wao kadri tunavyoona tunadhani kwamba hii *realm* na kwa historia yetu Watanzania tulivyo, tusije tukashtakiana hapa baadaye ooh mtu fulani alichukua mamlaka ya kuiingiza nchi kwenye jambo Fulani, ndio maana tunakuwa kidogo *a little bit conscious* kwamba ungeweza hata kuongeza sentensi *subject to approval by the Minister* hii ingekuwa haina shida. *Subject to approval of the Attorney General something like that* ambayo inaweka kama kacheiki fulani hivi, kasentesi fulani hivi kidogo tu ndani ya sheria, nafikiri ingekaa tu vizuri, lakini hebu Sware kama una neno.

MHE. DKT. IMMACULATE S. SEMESI: Mheshimiwa Mwenyekiti, nashukuru kwa nafasi tena. Kutokana na maelezo ya AG hii ilivyokaa kwenye hii lbara ya 6(3) haina tofauti na hii mikataba tunayoingia kwenye *International Organizations* kwenye madini na imeshaleta huku sintofahamu na tumesema kwamba *agreements* au *contracts* ziwe katika ngazi fulani. Kwa sababu hawa ni wageni ambao wanaomba leseni kupitia hii *Deep Sea Fishing Authority* sasa tunampa mamlaka awe na uwezo wa kusema kwamba meli gani ipate leseni, meli gani isipate leseni, hata hapo kunakuwa hamna uwazi na ile *accountability* inayotakiwa. Kukitokea kwamba tukawa *sued* au tukawa-*sue, logistics* hapo zitakuwa hazijakaa sawa kisheria.

Mheshimiwa Mwenyekiti, kwa hiyo nashauri, japo Mheshimiwa AG amesema kwamba hizi ni *International Integration* kuna tofauti ya vifungu hivi viwili, lakini bado nasimama na hoja yangu kwamba kipengele hiki kitoke kwa sababu hata ukiangalia kwenye *Part Three* ya Muswada huu inaelezea *administration* ikoje ukurasa wa 14 mpaka 16,

huwezi kumpa *Deep Sea Authority* yeye kama yeye lakini anakuwa na vyombo vya kumshauri ambavyo vimeainishwa katika ibara ya 7 kuna *Executive Committee* kuna *Technical Advisory Committee* na *Management* ambayo viko chini ya Mawaziri husika.

Mheshimiwa Mwenyekiti, sasa kama ni Ibara ambazo ambavyo zinaongelea wote *International Vessels* ambazo zinavua kwenye maji yetu lakini kuna *technicality* za kisheria hapo kwamba kuna *International something*, lakini hiki kifungu kama kilivyokaa hakiko sawa. Naomba tu Serikali yangu ilipokee hili ikalifanyie kazi kwamba hakitaweza kwenda kufanya kazi vile inavyotakiwa. Ahsante.

MWENYEKITI: Labda kabla hawajajibu, kwa maana ya utungaji kwa nia njema tu, siyo nia yangu turuke, lakini hebu twende ukurasa wa 20, Ibara ya 16(1)(o) pale juu, kama Wabunge wote tuko pale katika ukurasa wa 20, ile ibara ya 16(1)(o) huyu Mkurugenzi Mkuu wa Mamlaka anapewa kazi ya *ku-represent The United Republic in meetings relating to bilateral, regional or international agreements*, unaona hiyo inataka kuendana nah ii kidogo anapewa *powers* za kuwakilisha *United Republic* katika vikao ambavyo ni *Bilateral, Regional* na nini. Hivi vitu viwili najua hatujafika huko bado, lakini kina-*relate* na hiki, ndio wasiwasi wetu unapokuja kwamba mmh! Tunatengeneza mtu hapa ambaye kuna siku anaweza akatuliza hapa. Ni wasiwasi tu lakini hamna neno,

Mheshimiwa AG, tuko upande wako lakini.

MWANASHERIA MKUU WA SERIKALI: Mheshimiwa Mwenyekiti, ninaelewa vizuri na ninaelewa nia njema. Lakini nikianza, na kwa heshima niseme Mheshimiwa Dkt. Sware mwanzoni alisema tuondoe hii 6(b)(iii) kwasababu ilikuwa inajirudia kwenye 47(2) lakini baadaye katika maelezo yake naona aka-*modify* maelezo na kusema kwamba anapata hofu kwamba tunampa mamlaka huyu.

Mheshimiwa Mwenyekiti, sasa katika hilo bila kuweka mjadala mrefu niseme tu kwamba huyu, na tunazungumzia *authority*, tunazungumzia hapa *functions authority*. Kwasababu unapokwenda kwenye sita inazungumzia *functions authority* na (b) inadadavua na (iii) inadadavua zaidi.

Mheshimiwa Mwenyekiti, lakini tunazo *checks and balances* ndani ya Serikali. Kwa mfano hakuna mikataba yoyote ya aina hii inaweza ikasainiwa na mamlaka yoyote ndani ya Serikali bila kupita chini ya Mwanasheria Mkuu wa Serikali. Kwa hiyo Ofisi ya Mwanasheria Mkuu wa Serikali lazima itachunguza mikataba yote hii kabla haijapitishwa wala kusainiwa.

Kama ambavyo mikataba mingine yoyote ama iwe kwenye upande wa *Public International Law* au upande wa *Private International Law*, yote kama inazihusu mamlaka na taasisi zetu au kitu chochote katika Serikali basi ni lazima itapita kwenye Ofisi ya Mwanasheria Mkuu wa Serikali kwa ajili ya kuchunguzwa. Naomba tu nimtoe wasiwasi katika eneo hilo kwamba bado tuko salama.

Mheshimiwa Mwenyekiti, ahsante.

MWENYEKITI: Kuna nyongeza Mheshimiwa Waziri?

WAZIRI WA MIFUGO NA UVUVI: Mheshimiwa Mwenyekiti, kama ambavyo amemaliza kuzungumza Mwanasheria Mkuu wa Serikali, katika hicho kipengele ambacho *concluding agreements* kwa mfano uvuvi wa Bahari Kuu kule au mamlaka ile *agreements* ni zipi. Sanasana hapa ni leseni tu na *permit* ambayo tukimletea Waziri hii a-*conclude* waziri biashara hazitafanyika.

Mheshimiwa Mwenyekiti, ile 47 inayozungumzwa huko ndiko kwenye mikataba hasa, kama tutataka kuingia kwenye mikataba tutaenda na ile 47 lakini hizi *agreements* nyingine zilizozungumzwa kwenye hii 6(3) ni mambo ya leseni tu. Sawa na *power* ile ambayo ukienda kwenye *functions* za yule

director utazikuta zimetajwa kule. Kwa hiyo, hii 6(3), na kama Mwanasheria alivyofafanua hapa isikupe shida kwasababu ni *operation*.

MWENYEKITI: Kwa nini tusiweke neno *license* basi; *concluding license agreements* kuliko ku...

WAZIRI WA MIFUGO NA UVUVI: Mheshimiwa Mwenyekiti, hilo sina tatizo.

MWENYEKITI: Mwanasheria Mkuu, kutakuwa na shida hapo tukiweka neno moja tu, *license*?

MWANASHERIA MKUU WA SERIKALI: Mheshimiwa Mwenyekiti, nina hofu. Kwanza labda ningepaswa kusema jambo hili; kama ulivyosifiwa Muswada huu kwamba umefikiwa baada ya mashauriano ya kutosha baina ya pande mbili hizi za Muungano, na niseme tu kwamba wakati wa maandalizi yake timu ya wataalam kutoka Zanzibar ilishirikiana na timu ya Wizara na zikafanya kazi kwa pamoja. Lakini baada ya hapo, na kama ilivyo desturi, ilikwenda kwenye Baraza la Mapinduzi Zanzibar na kule wakaupitia kwa kina na wakaleta *comments* zao kwa maandishi kupitia kwa Katibu Mkuu Kiongozi. Tunaamini kwamba walipopita walipitia Muswada wote vizuri kabisa ndiyo maana hata *comments* zao zilikuwa *very specific* kwenye maeneo kadhaa ambayo tumeya-*accommodate*. Kwa hiyo, niseme tu kwanza, la kwanza haya ni matokeo ya mazungumzo, majadiliano na muafaka kati ya pande mbili za Muungano.

Mheshimiwa Mwenyekiti, lakini kama tulivyokwisha sema mwanzoni, tukizungumzia suala la *license* hapa tunaweza tukapotosha. Na ninajua Mheshimiwa Dkt. Sware ana mapendekezo pia yatafuata ya kuongeza majukumu kwa hii *authority* kuweza kutoa *license* na vitu vingine. Hilo tutalijibu tutakapofika hapo.

Mheshimiwa Mwenyekiti, ni wasiwasi wangu kwamba tukiweka neno *license* hapa kwa sababu tayari kwenye Ibara

ya 16 ya Muswada huu limegusiwa na limeelezwa vizuri tutapotosha tena hapa mwelekeo mzima.

Mheshimiwa Mwenyekiti, ahsante.

MWENYEKITI: Eeh! mmetuweka kwenye njipanda kwelikweli lakini tukubaliane na ninyi. Sisi wenzenu tunavyoona ni hivyo tunavyowashauri, lakini kwa vile wenzetu mlishaliangalia vizuri zaidi mkaona hivi lilivyo ndiyo liko sawasawa basi vizuri.

(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge Zima bila mabadiliko yoyote)

Ibara ya 7

(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge Zima bila mabadiliko yoyote)

Ibara ya 8

SPIKA: Mheshimiwa Waziri mnarekebisha nini kifungu cha 8, nilikuwa na ile issue ile ya kwamba hii si inahusu...! Aah hii inahusu *executive committee okay.*

(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge Zima pamoja na marekebisho ya Serikali)

Ibara ya 9

(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge Zima bila mabadiliko yoyote)

Ibara ya 10

(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge Zima pamoja na marekebisho ya Serikali)

Ibara ya 11

MWENYEKITI: Kulikuwa na kale kaswali kadogo tu kaufafanuzi Mheshimiwa Waziri, kalikuwa kanahusu kwamba kwa nini *Director General* awe ni Katibu wa *Technical Advisory Committee*. Yaani kutaka kujua tu kama kisera tu wala siyo la kisheria sana.

Kwa sababu tunaangalia kama *Technical Advisory Committee* inam-*advise* yeye, sasa yeye tena anakwenda kuwa katibu wa kikao kinachomu-*advise* yeye, anaandika *minutes* za kuji-*advise*; je, asingeweza tu kuwa Mjumbe mule? Kwa nini awe Katibu yaani; *why*? Na hii ni Kamati tu ya ushauri haina lega...

WAZIRI WA MIFUGO NA UVUVI: Mheshimiwa Mwenyekiti, tuliamua kuweka hivyo, hasa kwa sababu yeye anakuwa ndio *custodian* wa nyaraka zote na *information* zote kwenye mamlaka. Kwa hiyo, tukaamini kabisa kwamba anapokuwa Katibu wa ile nafasi zile *facilitation* za ile timu yake *management* yote kuhakikisha kwamba wanai-*feed* ile timu kupata *information* zote zinazotakiwa tukaamini kwamba hiyo itakuwa ni sawasawa.

Mheshimiwa Mwenyekiti, na kama unavyoona utakavyokuja kuona ile *Technical Advisory Committee* inavyo-*operate* na *checks and balances* nyingine zinazofuata, tunaamini kwamba huyu *DG* hana namna yoyote ile ambayo anaweza akakwepesha ukweli.

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

Ibara ya 12

Ibara ya 13

Ibara ya 14

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

Ibara ya 15

MHE. SAADA MKUYA SALUM: Mheshimiwa Mwenyekiti, ahsante, katika kifungu cha 15(1) ni suala tu la uandishi, kwamba *Director General* na *Deputy Director General* wanakuwa *appointed* na Rais wa Jamhuri ya Muungano wa Tanzania *after consultation* na Rais wa Zanzibar na Mwenyekiti wa Baraza la Mapinduzi. Rais wa Zanzibar haandikwi *President of Tanzania Zanzibar*, anaandikwa *President of Zanzibar and the Chairman of the Revolutionary Council* katika *official documents* zote. Kwa hiyo, ni suala la uandishi zaidi. (*Makofi*)

MWENYEKITI: Hata kwenye utungaji wa sheria?

MHE. SAADA MKUYA SALUM: Mheshimiwa Mwenyekiti, ndiyo.

MWENYEKITI: Inaandikwa hivyo?

MHE. SAADA MKUYA SALUM: Mheshimiwa Mwenyekiti, anaandikwa *President of Zanzibar and the Chairman of the Revolutionary Council*, hata kwenye Katiba ameandikwa hivyo.

MWENYEKITI: Mheshimiwa Mwanasheria Mkuu wa Serikali.

MWANASHERIA MKUU WA SERIKALI: Mheshimiwa Mwenyekiti, kuna cheo cha Rais lakini pia kuna zile zinaitwa *attributes*, sijui tunaweza kuwekaje kwa Kiswahili kama sifa zinazozunguka cheo cha Rais. Tukiangalia Ibara ya 33 ya Katiba ya Jamhuri ya Muungano wa Tanzania 33(1) inazungumza kwamba kutakuwa na Rais hicho ni cheo, halafu zile *attributes* au sifa za muhimu zinazoendana na cheo cha Urais inasema atakuwa Mkuu wa nchi, Kiongozi wa Serikali na Amiri Jeshi Mkuu.

Mheshimiwa Mwenyekiti, kuhusu Rais wa Zanzibar, Ibara ya 103 inazungumza na inasema kutakuwa na

Kiongozi wa Serikali ya Mapinduzi Zanzibar ambaye ndiye atakuwa Rais wa Zanzibar na Mkuu wa Serikali ya Mapinduzi ya Zanzibar na vilevile Mwenyekiti wa Baraza la Mapinduzi.

Mheshimiwa Mwenyekiti, pengine haijakaa vizuri sana lakini Katiba ya Zanzibar Ibara ya 26 imewekwa vizuri zaidi, imesema kutakuwa na Rais wa Zanzibar ambaye atakuwa Mkuu wa Nchi ya Zanzibar, Kiongozi Mkuu wa Serikali ya Mapinduzi na Mwenyekiti wa Baraza la Mapinduzi.

Mheshimiwa Mwenyekiti, sasa katika sheria kama ambavyo umekwisha dokeza tayari, tunachoeleza hapa ni kile cheo na siyo zile sifa nyingine zinazozunguza cheo cha Rais. Lakini nakubaliana kwamba hapa inatakiwa kusomeka *The President of Zanzibar* halafu inaishia hapo, siyo *President of Tanzania Zanzibar*. Kwa marekebisho hayo tutakuwa tuko sawasawa.

MWENYEKITI: Mheshimiwa Saada, nafikiri tuko sawa.

MHE. SAADA MKUYA SALUM: Mheshimiwa Mwenyekiti, ahsante, muda wote tunamtambua Rais wa Zanzibar kama ni Rais wa Zanzibar na Mwenyekiti wa Baraza la Mapinduzi. Yaani hiyo, ingawa yeye anaweza akawa ni Amiri Jeshi Mkuu wa Vikosi vile ambavyo si vya Muungano, hizo ni sifa zake, lakini *official title* ya Rais wa Zanzibar ni Rais wa Zanzibar na Mwenyekiti wa Baraza la Mapinduzi, yaani anajulikana hivyo.

Mheshimiwa Mwenyekiti, yaani hakuna katika maeneo mengi tunamtaka kama yeye ni Rais wa Zanzibar na tikaishia hapo, ni Rais wa Zanzibar na Mwenyekiti wa Baraza la Mapinduzi. Hivyo ndivyo *official documents* zote ndivyo anavyojulikana. Na hiyo ni sifa moja tu kati ya sifa nyingi kwasababu *Revolutionary Council* ina maana kubwa kwa upande wa Zanzibar na ni maeneo ambayo ndiyo Rais wa Zanzibar anayosimamia. Kwa hiyo tunaomba...

MWENYEKITI: Sasa tatizo Mheshimiwa Saada Mkuya imesomwa Katiba, mpaka Katiba ya Zanzibar, *unless* wewe ungeisoma Katiba ya Zanzibar halafu utupe tafsiri tofauti, lakini

hivyo ilivyoandikwa kwenye Katiba ya Zanzibar ndivyo kama alivyosema Mwanasheria Mkuu wa Serikali. Na wewe kwa maelezo yako ulivyotoa uko sahihi; mazoea na kadhalika, kwa hiyo katika kutunga sheria ni vizuri tukaendana na Katiba ilivyosema ambapo ni Rais wa Zanzibar. Na Katiba hiyohiyo imeendelea kusema huyo Rais wa Zanzibar ana mamlaka gani; imeendelea kusema.

Mheshimiwa Dkt. Sware, si hapo hapo?

MHE. DKT. IMMACULATE S. SEMESI: Mheshimiwa Mwenyekiti, nashukuru. Ni kitu kidogo sana na nina uhakika asilimia 100 Serikali haiwezi kunikatalia kwenye hili, nalo ni kuongeza tu neno *be* ili sentensi isomeke katika kifungu cha 15(2) sentensi ile ya pili kutoka mwisho, anasema *shall hold office for a term of three years and shall, sasa na-propose* waweke neno *be eligible for* ili sentensi ikae vizuri.

Mheshimiwa Mwenyekiti, ahsante.

MWENYEKITI: Hilo mtu akikataa tena hilo. Sijui ilikuaje kwanza hamkuiona hiyo *be* na wote mliangalia, Bara na Zanzibar. Mheshimiwa AG, nafikiri hilo.

MWANASHERIA MKUU WA SERIKALI: Mheshimiwa Mwenyekiti, hilo ni la kiuandishi, Serikali haina tatizo nalo. Ahsante.

MHE. SAADA MKUYA SALUM: Mheshimiwa Mwenyekiti, hatujamaliza kifungu cha 15.

MWENYEKITI: Lile la kwako alilikubali, lakini li-*pause* tu!

MHE. SAADA MKUYA SALUM: Mheshimiwa Mwenyekiti, kulikuwa kuna lingine katika 15(2).

MWENYEKITI: 12(2)?

MHE. SAADA MKUYA SALUM: Yaa! Vilevile kutakuwa na 15(4)...

MWENYEKITI: Ile miaka mitatu?

MHE. SAADA MKUYA SALUM: Mheshimiwa Mwenyekiti, 15(2) ndiyo.

MWENYEKITI: Ifafanue tu.

MHE. SAADA MKUYA SALUM: Mheshimiwa Mwenyekiti, hapa ilivyoandikwa kwamba *The Director General and Deputy Director General wana-hold office kwa three years and shall be eligible for reappointment after rotation.* Sasa wakati nilipokuwa nikichangia *the way* inavyoonekana hapa ni kwamba *Director General na Deputy Director General wata-hold office for three years* halafu watoke. Japo kwamba wanakuwa *eligible* kwa ajili ya *reappointment*; wakae nje kwanza miaka mitatu wasubiri upande mwingine waingie miaka mitatu ama huyu anatoka huku, huyu anatoka huku mradi wasubiri halafu ikiwa hivyo ndiyo mamlaka zita-*consider whether* kuwarejesha ama wafanye utaratibu mwingine.

Mheshimiwa Mwenyekiti, sasa inavyoonekana hapa inaweza ikaondoa morali ya *innovation* kwa ajili ya watendaji wetu ambao Mheshimiwa Waziri amesema vizuri kwamba tuna *qualified patterns throughout The United Republic of Tanzania.* Kwa hiyo, nilichokipendekeza ni kwamba tuweke *shall be eligible for reappointment.* Kwamba waingie miaka mitatu, ikiwa itaonekana wana uwezo wa kuendelea na sifa zote wanazo waendeleo wamalize kipindi kingine cha miaka mitatu halafu hiyo *rotation* iwe inaendelea kama hivyo ilivyo.

Mheshimiwa Mwenyekiti, nakushukuru.

MWENYEKITI: Mheshimiwa Saada, *AG* ametu-*advise* hapa baadhi ya mambo wamekubaliana, na moja ya mambo wamekubaliana iwe hivi, yaani iwe inaenda kwa *rotation* hii, sina uhakika kama sisi tukibadili *rotation* hiyo kama tutakuwa tumetenda... maana yake lilivyo tu linaonekana ni la makubaliano ambayo wameyafanya.

Nakushauri tukubali kukubaliana kwamba ni miaka mitatu halafu ni zamu ya upande mwingine, haijalishi umefanya vizuri kiasi gani haijalishi imekuaje, ndiyo *principle* yenyewe. Na *actually* hata hiyo iliyopita ilikuwa inafanya hivyo, hiyo mamlaka iliyomaliza muda wake ilikuwa hivihivi, mitatu mtu wa Bara mitatu mtu wa Visiwani, hivyo.

Lakini wazo lako zuri kweli hata mimi nallona, tena hata miaka mitatu michache kama tulivyosema mwanzo kwamba katika miaka mitatu mtu unafanya *changes* gani yaani. Miaka mitatu inapita kama upepo, lakini sasa ndiyo makubaliano yenyewe. Kwa hiyo, nikuombe tu tukubali.

Na lile lingine la kifungu cha 4 lile la *at least* mmelifikisha wapi Mheshimiwa Waziri, ile walikuwa wanachangia hata Mheshimiwa Ghasia na nani wamesema iandikwe *a holder of at least a degree*, nafikiri Mheshimiwa Saada Mkuya alipendekeza hilo pia, kwamba *at least a first degree, first degree* ipo ila walitakwa liwekwe neno *at least* sijui kwa nini au wahalalishe hilo neno lao kwanza Mheshimiwa Waziri? Hebu lihalalishe kwanza Mheshimiwa Saada Mkuya. Hata Mheshimiwa Dkt. Sware au nani sijui alisema. Mheshimiwa Saada ilikuwa ni wewe au nakusingizia?

MHE. SAADA MKUYA SALUM: Mheshimiwa Mwenyekiti, kifungu cha 4 Mheshimiwa Waziri, kifungu cha 15(4) ukurasa wa 18, kilivyoandikwa hapa kwamba *a person qualifies to be appointed as a Director General, Deputy Director General if that person has a first degree.*

Kwa hiyo tulipendekeza tu kwamba tuandike *at least a first degree* kwa ajili ya kuona wamba tuna *more qualified persons* ambao watakuwa wanaweza kuwa *appointed* kama *Director General or Deputy Director General*. Kwa hiyo, ni neno dogo ambalo pengine linabeba maana nzuri na itatupa fursa zaidi ya kuwapa *capacity building* watu wetu.

MWENYEKITI: Hatutaongeza *confusion* hapa? Mheshimiwa Halima alisimama lakini kabla yako Mheshimiwa Waziri.

MHE. HALIMA J. MDEE: Mheshimiwa Mwenyekiti, nilikuwa nachangia hoja ya Mheshimiwa Mkuya ya 15(2) ambayo inazungumzia the *DG and DPG shall hold office for a term of three years and shall be eligible for reappointment after rotation.*

Mheshimiwa Mwenyekiti, ninaona msingi wa hoja yake kwasababu hii ni kazi ya kitaalam; tumepata kijana mzuri amepewa kazi ya u-DG ka-*perform* vizuri miaka mitatu, lakini hiki kineno *rotation* kinasababisha huyu aliye-*perform* vizuri atoke aje mwingine.

Mheshimiwa Mwenyekiti, sasa kama kweli tunamaanisha kufanya biashara na kufanya mambo mema yote tuliyoyazungumza, leo tungeiacha hapa, "*be eligible for reappointment,*" atakuwa *eligible for reappointment,* baada ya hapo utaratibu mwingine utaendelea.

Mheshimiwa Mwenyekiti, kwa hiyo, nadhani hoja yake ni *very crucial*/kuiangalia kwa kuzingatia kwamba tunatafuta watu walio bora waweze kutusaidia kuweza kuboresha ama kupeleka mbele Sekta yetu ya Uvuvi wa Bahari Kuu. Kwa hiyo, nilisema nichangie kwa sababu naona alizungumza halafu kama akakata tamaa kidogo ili tulijadili umuhimu wake.

Mheshimiwa Mwenyekiti, sasa tukisema *rotation*, itakuwa kama vile sisi nafasi zetu za kisiasa; leo Mheshimiwa Halima kaingia, kesho anatoka, kunakuwa hakuna *continuity*, lakini kwa suala la *professionalism continuity is very important.*

MWENYEKITI: Kipindi cha pili cha miaka mitatu, amefanya vizuri zaidi. Kwa hiyo, huyu mtu wa Bara amefanya kazi vizuri, amekuwa *reappointed* kwa sababu amefanya kazi vizuri miaka mitatu inayofuata na amefanya kazi vizuri. Kwa hiyo, aendeleo kipindi cha tatu. Hamwoni inafika mahali inaleta tena shida ile ile? Ndiyo maana ya neno "*rotation.*" Maana msingi wa hapa ni neno "*rotation,*" habari ya mtu inafuata baadaye, msingi ni "*rotation,*" kwamba *this is a post* ambayo itaenda kwa *rotation*. Hiyo ndiyo *basis. People come after the principle. Principle* ni *rotation.* (Kicheko)

MHE. HALIMA J. MDEE: Mheshimiwa Mwenyekiti, kama tunaamua kuacha *rotation*, maana unaposema *rotation* maana yake ni mzunguko, naingia mimi halafu anakuja mwingine, umenielewa. Sasa kama hii *rotation* itabaki *then* tuongeze *span* kutoka miaka mitatu *at least* iwe mitano.

Mheshimiwa Mwenyekiti, yaani hoja hapa nadhani ni kwamba, vifungu kilivyobaki kama hivi, sababu kuna vifungu vingine vya sheria tunavyovitunga, lakini tunaishia *eligible for reappointment*, lakini kunakuwa kuna kitu kina-*qualify*kwamba, *can not be reappointed* zaidi ya mara mbili. Sijui kama unanielewa?

Mheshimiwa Mwenyekiti, ukiacha hivi, maana yake leo nita-*serve* miaka mitatu, *then* atakuja mwingine ata-*serve* tena miaka mitatu, halafu tena nakuja kuwa tena *reappointed*, *which logically* hai-make sense.

Mheshimiwa Mwenyekiti, nilisema niichangie hoja yake ambayo naona ni muhimu, lakini ali...

MWENYEKITI: Bado uko *right* kwa sababu kifungu hicho bado hatujakipitisha chote kama kilivyo. Kwa hiyo, bado tuko tu *within*.

MHE. HALIMA J. MDEE: Sawa.

MWENYEKITI: Ni *logic* unaiona kwa kweli na tumezungumza sana kwamba kuweka mtu miaka mitatu halafu anaingia mwingine, hata kama alikuwa anafaa sana, kuja kumleta tena baadaye, aah wapi. Hawezi! Haiendi, sijui lakini wenzetu walivyokubaliana.

Mheshimiwa AG.

MWANASHERIA MKUU WA SERIKALI: Mheshimiwa Mwenyekiti, kama nilivyosema, hili lilikuwa ni eneo mojawapo ambapo limefikwa baada ya *concensus* kwa pande mbili; Serikali ya Jamhuri ya Muungano wa Tanzania na Serikali ya Mapinduzi ya Zanzibar na walikuwa *very specific* kwenye

principle ya rotation. Kama tulivyosema, ilikuwepo kwenye sheria iliyopita na pia kama tulivyosema imekwenda mpaka kwenye ngazi ya Baraza la Mapinduzi Zanzibar.

Mheshimiwa Mwenyekiti, ninachoshauri, tuititische sheria hivi kama ilivyo na kama itaonekana huko baadaye haja ya kufanya mabadiliko, siku zote huwa tunaweza kufanya mabadiliko, lakini tukibadilisha hapa sasa hivi tutakuwa tumevunja mojawapo ya nguzo ambazo zilibeba maafikiano kati ya hizi pande mbili. (*Makofi*)

MWENYEKITI: Mnajua AG tatizo tutakalolipata huko mbele, inafika mahali ambapo mazungumzo mnayoyafanya ninyi Serikali, pande hizi mbili, sasa mnalifunga Bunge nalo likose uhuru wake sasa. Yaani *actually* inakuwa vitu ambavyo vinakuja kutoka katika makubaliano haya, sisi tuwe tunasema kwenye *package* tu kwamba vipite, kama vile Bunge halina mamlaka navyo. Hata vitu ambavyo mmekubaliana ambavyo ukivitazama *logically* kwa sababu, *practise* ya mwanzo ilikuwa miaka mitatu. Jamani sisi wote mashahidi miaka mitatu ni kitu gani? Hivi turudi hapa tuseme Wabunge miaka mitatu, hapa itaeleweka? Miaka mitatu utakuwa umefanya kitu gani? Ingewaje hii siyo *post* ya kisiasa, ni *technical*, lakini miaka mitatu, yaani haina *impact*.

Miaka mitatu tunaiwekea Bodi na sasa yule Mtendaji Mkuu anaweza akawa miaka mitano, kusudi ile bodi ikiondoka baada ya miaka mitatu huyu bado yupo, hata ikija Bodi nyingine kunakuwa na zile *overlap*. Mahali pengine ukiunda kitu kama hiki miaka mitatu, Mtendaji Mkuu miaka mitatu, Bodi, wakiondoka wanaondoka na Mtendaji Mkuu, anaingia Mtendaji mpya na Bodi yake. Yaani miaka mitatu, mlifanya huko nyuma, lakini hatuoni kama kweli hiki kitu ni hivyo.

Niwashauri wenzangu, hebu tukubali, kwa sababu ndivyo walivyoona wenzetu pande zote mbili.

Mwenye hoja, malizia kwa sababu na muda wenyewe wa futari unakaribia Waheshimiwa.

MHE. SAADA MKUYA SALUM: Mheshimiwa Mwenyekiti,...

MWENYEKITI: Ngoja kwanza, mtoa hoja.

MHE. SAADA MKUYA SALUM: Mheshimiwa Mwenyekiti, niliona nikae kitako kwa sababu, tayari ulishasema hayo ndiyo makubaliano.

MWENYEKITI: Hakuna neno, nimekupa nafasi.

MHE. SAADA MKUYA SALUM: Mheshimiwa Mwenyekiti, kama ulivyosema kwamba sisi ni Wabunge na hii ndiyo kazi yetu, kwa hiyo, tunatunga hii sheria. Labda pengine Serikali ingefikiria kwamba huyu mtu awe *reappointment for another term*. Yaani iwe miaka mitatu ya mwanzo, kama amefanya vizuri na kama yuko *eligible* kwa *reappointment for another term*, kama taasisi nyingine, mamlaka nyingine zinavyofanya kwamba unampa vipande...

MWENYEKITI: Hilo limekubalika. Hilo unalosema lipo *for reappointment*, lakini *after rotation*. Ukisoma hapo ilivyo, hilo linawezekana.

MHE. SAADA MKUYA SALUM: Mheshimiwa Mwenyekiti, sasa hili lilivyokaa *after rotation* maana yake ni kwamba umeshamtoa nje kabisa. Miaka mitatu yake ya mwanzo amemaliza, umemtoa nje kabisa akapumzike miaka mitatu kokote aliko, halafu ikiwa inawezekana ndiyo tutam-*consider* tena tuje kumweka tena.

MWENYEKITI: Yaani hii sheria ni kama Sheria ya Talaka tatu. Lazima umwache aolewe kidogo halafu unaweza kumrudia. (*Kicheko*)

MHE. SAADA MKUYA SALUM: Halafu arudi tena!

MWENYEKITI: Eeh. Ndiyo utaratibu wake.

MHE. SAADA MKUYA SALUM: Mheshimiwa Mwenyekiti, pengine ingekuwa miaka mitatu tunamwanguka, akifanya vizuri, basi tunamwongezea *another term* inakuwa miaka sita. Halafu tena hicho kipindi kinachokuja inakuwa upande mwingine wa Muungano. (*Kicheko*)

MWENYEKITI: Ahsante sana. Mheshimiwa Waziri alishasimama jamani.

WAZIRI WA MIFUGO NA UVUVI: Mheshimiwa Mwenyekiti, kwanza ile 15(4) nikubaliane na ile hoja ya *at least* kwa sababu, hata uteuzi tulionao sasa hivi *Deputy Director General* ni *Ph.D holder*, *DG* ni *Ph.D holder*. Kwa hiyo, hatufikiri mimi na mwenzangu kupeleka mtu chini ya *Ph.D*. Kwa hiyo, ile *at least* tunakubalana nayo. (*Makofi*)

MWENYEKITI: Haina madhara.

WAZIRI WA MIFUGO NA KILIMO: Mheshimiwa Mwenyekiti, la pili, hili suala la *rotation*, naomba Bunge lako tu likubaliane na haya mapendekezo ya Serikali tuliyoyaleta. Moja, ukweli ni kwamba tunapeleka vijana pale ambao ni *very competent*. Kwa hiyo, ina maana wanavyoenda sasa hivi mwingine ni *Deputy* atafanya u-*Deputy* wake miaka mitatu na anafanya vizuri. Kama atafanya vizuri maana yake yeye atakuwa *eligible* kuwa *appointed* kuwa *DG*.

(*Hapa baadhi ya Wabunge walizungumza bila kufuata utaratibu*)

WAZIRI WA MIFUGO NA KILIMO: Yes, mh, ndiyo unisikilize vizuri. Huyu ambaye anatumikia u-*Deputy Director General* atatumikia miaka mitatu. Hawezi tena kuwa *eligible* kuteuliwa kuwa *Deputy Director General*, lakini anaweza kuteuliwa kuwa *Director General*. Kwa hiyo, tayari huyu *Deputy* ata-*serve* miaka sita katika nafasi hiyo.

(*Hapa baadhi ya Wabunge walizungumza bila kufuata utaratibu*)

WAZIRI WA MIFUGO NA KILIMO: *Aah, ndiyo ninachokiongea hapa. Si ni experience! Experience tuliyonayo ambayo tunaifanya sasa hivi! Kwa sababu...*

(Hapa baadhi ya Wabunge walizungumza bila kufuata utaratibu)

MWENYEKITI: Jamani, msikilizeni Mheshimiwa Waziri, anachoeleza kina *logic*.

WAZIRI WA MIFUGO NA UVUVI: Mheshimiwa Mwenyekiti, mimi ndio Waziri wa Uvuvi... *(Kicheko/Makofi)*

MWENYEKITI: Tumekuelewa Mheshimiwa, tumekuelewa.

WAZIRI WA MIFUGO NA UVUVI: ... nami ndiye ninayewapendekeza hawa. Kwa hiyo, huyu *Deputy Director General* ata-serve miaka mitatu.

MWENYEKITI: Taabu wanayoipata hawa, ambacho hawajaelewa wanafikiri ni kwamba, *post* hii ni *competitive*. Hii *post* siyo *competitive*. Hawa ni watu wa kuteuliwa ndani kwa ndani, ndiyo maana wanasema haya maneno anayoyasema. Ingekuwa ni ya ushindani, haya anayoyasema yasingekubalika, kwa sababu katika ushindani lazima watakuja watu ambao ni *even more competent* kuliko *Deputy*, lakini sasa hii ni ya kuteuliwa, ndiyo maana yuko sahihi.

WAZIRI WA MIFUGO NA UVUVI: Mheshimiwa Mwenyekiti, kwa hiyo, tunaamini kabisa kwamba, mtu aki-*held* hii ofisi miaka sita, miaka yake ya u-*Deputy* mitatu na miaka yake ya u-*Director General* mitatu atakuwa mtu ambaye ni *competent* na anaweza ku-*deliver* kwa kiwango kinachotakiwa.

Mheshimiwa Mwenyekiti, la pili, hawa vijana wetu wanapomaliza kutumikia nafasi hiyo wanapata nafasi nyingi tu. Kwa mfano, yule sasa hivi aliyekuwa *Director General* leo

ni *Deputy Permanent Secretary* kule Zanzibar. Kwa hiyo, tunayo nafasi kwa sababu siyo kwamba akimaliza pale anapoteza utumishi wake wa Umma. Anaondoka na u-*director* ule katika madaraka mengine na katika *appointment* nyingine.

Mheshimiwa Mwenyekiti, kwa hiyo, hatuwapotezi baada ya ile miaka yao ya kutumikia kwenye mamlaka kwamba akitoka pale ndiyo mambo yake yameishia pale, wanaendelea na u-*director* katika mambo mengine kwa *positions* hizo hizo.

MWENYEKITI: Ahsante Mheshimiwa Waziri, uko sahihi. Huu ni utumishi ndani ya utumishi tu huko huko.

(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge Zima bila Mabadiliko Yoyote)

Ibara ya 16

MWENYEKITI: Mheshimiwa Dkt. Sware.

MHE. DKT. IMMACULATE S. SEMESI: Mheshimiwa Mwenyekiti, nashukuru. Kwenye kifungu hiki cha 16 kifungu kidogo cha (1)(h), ukurasa wa 19; kipengele hiki cha (h) kinaongelea kufanya maamuzi juu ya leseni aidha ni utoaji au kutotoa leseni au kusimamisha au kubatilisha chini ya idhini ya...

MWENYEKITI: Kile cha (h) eeh? Ni (h)?

MHE. DKT. IMMACULATE S. SEMESI: Mheshimiwa Mwenyekiti, (h) ukurasa wa 19.

MWENYEKITI: Sawa, umeeleweka.

MHE. DKT. IMMACULATE S. SEMESI: ...kinasema, *make decisions relating to* utoaji wa leseni, kukataa kubatilisha na kadhalika, mamlaka haya yote akiwa amepewa *Director General*.

Mheshimiwa Mwenyekiti, nilikuwa napendekeza kifungu hiki kitoke kwa sababu haya mamlaka ni makubwa mno kupewa mtu mmoja. Napendekeza kitoke na shughuli hizi za utoaji leseni au kubatilisha leseni au kutokutoa leseni aidha zisomeke katika kanuni ambazo zitatungwa na Mheshimiwa Waziri, jinsi ya utoaji wa leseni ama kipengele hiki cha utoaji leseni au kukataa leseni kiwe chini ya kifungu Na. 6 chini ya *functions of authority* ili kuleta *accountability* badala ya kumpa mtu mmoja kuwa na mamlaka ya kutoa leseni kwa hizi meli ambazo zinaenda kuvua na ukizingatia pia fedha tunazozipata pekee kutoka shughuli za uvuvi wa bahari kuu ni kupitia leseni. Kwa hiyo, chanzo cha mapato kikuu pekee cha sasahivi ni leseni. Sasa tunampa mtu mmoja *authority* ya kusema unatoa leseni vipi, wapi au sikupi leseni.

Mheshimiwa Mwenyekiti, nashukuru.

MWENYEKITI: Ni hoja muhimu. Mheshimiwa Mwanasheria Mkuu wa Serikali.

MWANASHERIA MKUU WA SERIKALI: Mheshimiwa Mwenyekiti, hoja ya Mheshimiwa Dkt. Sware ya kupeleka mamlaka ya kutoa leseni katika kifungu cha 6 haikupita. Kwa hiyo, kutakuwa na ugumu kuhamishia hayo majukumu kwenye kifungu ambacho kimeshapita.

Mheshimiwa Mwenyekiti, kwa maelezo, haya majukumu ya utoaji wa leseni katika sheria mbalimbali huwa anapewa mtu mahususi. Mapendekezo yake ya kuipa *authority* kama alivyokuwa anapendekeza kwenye kifungu cha 6, ina changamoto kwa sababu *authority* ni taasisi. Sasa ni nani mnayembana humo ndani ya taasisi anayeweza kutoa leseni?

Mheshimiwa Mwenyekiti, ndiyo maana kama ilivyo katika sheria nyingine itasema ni Waziri, ni *Director*, ni Katibu Mkuu, ni nani; iko *very specific* kwa sababu atasaini pengine hapo kwenye hiyo leseni. *Authority* haiwezi ikasaini kama *authority*, ndiyo maana akapewa *Director General* majukumu haya.

Mheshimiwa Mwenyekiti, pia nimwondoe wasiwasi Mheshimiwa Sware, *Director General* sio mtu mdogo hapa, tuna ma-*Director General* hata katika Serikali yetu ambao wanabeba idara kubwa tu; *Director General for Immigration*, *Director General* wa Idara fulani, na kadhalika. Sio mtu mdogo kiasi hicho.

Mheshimiwa Mwenyekiti, kwa sababu hizo, hasa ile ya kwamba leseni lazima itolewe na mtu katika cheo fulani ambacho ni *specific*; kwa sababu inatokea wakati mwingine mtu hajaridhika kwamba amenyimwa leseni, unapokwenda Mahakamani unamshitaki nani? Huwezi ukaishitaki *authority*, unamshitaki yule afisa mahususi aliyepewa jukumu hilo.

Mheshimiwa Mwenyekiti, ahsante. (*Makofi*)

MHE. DKT. DALALY P. KAFUMU: Mheshimiwa Mwenyekiti, Taarifa

MWENYEKITI: Taarifa kutoka kwa nani? Ndiyo, Mheshimiwa?

TAARIFA

MHE. DKT. DALALY P. KAFUMU: Mheshimiwa Mwenyekiti, nakushukuru. Nadhani hoja hapa ni kwamba huyu *Director General* amekuwa na madaraka makubwa sana, kwa sababu, tunazungumzia rasilimali...

MWENYEKITI: Yaani tunaunda mtu ana mamlaka huyo!

MHE. DKT. DALALY P. KAFUMU: Mheshimiwa Mwenyekiti, tunazungumzia rasilimali ya samaki ambayo unaweza ukaifananisha na rasilimali ya madini. Sasa ukimpa mtu mmoja aingie mikataba, atoe leseni, ashiriki kwenye mikutano ya Kimataifa huko kwenye *level* hiyo, hii ni *level* kama Waziri hivi. Kwa hiyo, angalau angepunguziwa kitu.

Mheshimiwa Mwenyekiti, kwa namna hii pamoja na kwamba Mwanasheria Mkuu upo utakuwa kama una-*regulate*, lakini Serikali ya nyuma pia kulikuwa na Mwanasheria Mkuu, lakini bado mikataba ilikuwa inaleta shida. Nadhani tu-*consider* kutokumpa madaraka makubwa haya, vinginevyo baadaye tutapata tabu kidogo.

Mheshimiwa Mwenyekiti, nakushukuru.

MWENYEKITI: Katika *point* ile ile ya madaraka makubwa; bado tuko fungu hilo hilo, ukurasa unaofuata ile (m) ana-*appoint staff*. Hoja yetu hapa ni madaraka ambayo kwa kweli *Director General* anapewa ni makubwa, lakini Mheshimiwa Dkt. Sware wamesema ni vijana wazuri, *Ph.D Holders like yourself*. Siyo kama sisi akina Ngurumbili, aah ah! Yaani ni msomi kabisa.

Baada ya hayo, hebu malizia kabla hatujawapa ili tumalize. (*Kicheko*)

MHE. DKT. IMMACULATE S. SEMESI: Mheshimiwa Mwenyekiti, nashukuru. Kama ulivyoainisha kwamba huu Muswada ukiuangalia unaenda kumpa mamlaka makubwa sana *Director General wa Deep Sea Fishig Authority*; yeye ni mtoa leseni, yeye ni msaini *agreements*, yeye ni mwajiri, yeye ni fulani, ilhali kifungu cha 6 kina Bodi, kuna *committee* pale.

Mheshimiwa Mwenyekiti, sasa nilikuwa nashauri kama itawezekana, kama hiki kifungu hakiwezi kutoka, basi ndiyo maana nikasema hii sentensi inavyosema, *make decisions*, hii tayari ime-*exclude* kile chombo chake, yale makundi matatu ambayo yanatakiwa yam-*guide*. Basi watafute lugha ambayo wanasema, *upon agreement or upon something*, then huyu *consultation or something then huyu Director a-make decision*. Huwezi kuwa na *individual* mmoja ana-*make decision*. Sasa kile kifungu cha sita maana yake ni nini kama *final decision* inakuwa *under Director?* (*Makofi*)

Mheshimiwa Mwenyekiti, nilitoa angalizo kwamba mapato pekee tunayoyapata kutoka *Deep Sea Fishing* kwa

sasa hivi na ambayo ni trilioni za shilingi, Mheshimiwa Waziri uta-*confirm*, ni kutoka kwenye leseni. Sasa tunampa *one person* hiyo mamlaka ya kutoa hizi leseni.

Mheshimiwa Mwenyekiti, hili suala halijakaa sawa. Ahsante.

MWENYEKITI: Yaani hoja yako, hii sheria tunayotengeneza inaitwa *The Deep Sea Fisheries Management and Developmant Act.*, inaunda chombo kinachoitwa *Deep Sea Authority*, lakini *actually* humu ndani tunaenda kumuunda mtu anaitwa *Director General*; huyu mtu mmoja anaitwa *Director General* ana mamlaka lukuki ya ajabu sana! Makubwa kabisa! *One person! Eeh!* Ndiyo maana tunamsumbua AG hapa kila dakika na huyu mtu anayeitwa *Director General* kwamba, jamani wenzetu huyu ana *checks and balances* gani kwa mamlaka makubwa namna hii?

Ndiyo maana kila wakati tunataka AG atuhakikishie na yeye yumo, Waziri na wewe upo karibu, tutakuwa *comfortable*. Mheshimiwa Waziri?

WAZIRI WA MIFUGO NA UVUVI: Mheshimiwa Mwenyekiti, katika hiki kipengele nataka nilihakikishie Bunge lako kwamba hii (h) ni *operation*. Ni mtu amekuja kuomba leseni kwa ajili ya kuvua. Sasa huyo DG haya ndiyo mamlaka yake. Leseni inatolewa kwa mtu gani? Sheria yetu itasema na kanuni zitasema. Kwa hiyo, ni sawa na sheria nyingine tulizonazo. Tuna Sheria ya BRELA, mwenye mamlaka ya kusajili makampuni ni CEO wa BRELA. Tuna Sheria ya TRA na ndiyo maana pale wanasema, *for Commission*

Mheshimiwa Mwenyekiti, kwa hiyo, yeye anapokuwepo pale ni taasisi. Alivyo hivyo ni taasisi katika kufanya *decisions*, ndiyo maana natumia hii Sheria ya CEO wa BRELA na ndio huyo huyo anasajili makampuni, yanasajiliwa na CEO.

MWENYEKITI: Mheshimiwa Waziri, samahani kidogo, sentensi moja. Tunaongeza nusu saa Waheshimiwa ili tuitendee haki tu hii sheria ila twende *speed* sasa.

WAZIRI WA MIFUGO NA UVUVI: Mheshimiwa Mwenyekiti, sawa. Kwa hiyo, nataka niseme kabisa, niko *comfortable* kwamba katika hiki kifungu ni *operational* na eneo la *oversight* lipo limewekwa kwamba kama kuna kitu chochote ata-*exercise power* yake, Waziri amepewa mamlaka ya watu kumlalamikia, amekataa kuwapa leseni, amekataa kuwasajili lakini tukiweka mlolongo mrefu hapa watu hawatafanya biashara, kwa sababu utaomba leo hutapata kibali na tunataka kama hakuna kikwazo chochote utaratibu wa kupata leseni unajulikana uwe na moja, mbili, tatu, nne na mtu anavyo si anakuwa *granted*.

Mheshimiwa Mwenyekiti, hapa ndiyo maana anaposema kwamba yeye ni *DG*, mwisho wa siku ni watendaji wake wote walioko kwenye nafasi hiyo. Kwa mfano, tunaposema Mkurugenzi wa Uvuvi ndiyo mwenye mamlaka ya kutoa leseni ya uvuvi haimaanishi kwamba ni yeye mwenyewe Mkurugenzi *personal* anatoa ni mpaka na wasaidizi wake walioko huko chini. Hii yote inafanyika katika sheria zote ili kurahisisha operesheni kwa sababu mtu anataka leseni tu, mnataka kikao au Bodi? Anaomba leseni leo anapewa pale pale kwa sababu mamlaka yapo kwa *CEO*.

MWENYEKITI: Mheshimiwa Halima umesimama? Tungependa iwe *consultative* tu ndiyo maana, lakini...

MHE. HALIMA J. MDEE: Mheshimiwa Mwenyekiti, kwanza ni makosa sana tunapomfanyia mfano *DG* wa masuala ya *fisheries* kwenye *deep sea* na *DG* wa *Brella* na *DG* wa *TRA* ama wa Wizara. Ni makosa makubwa sana! Tunazungumzia Sekta yenye utajiri wa matriloni ya shilingi.

Mheshimiwa Mwenyekiti, amezungumzia suala la kwamba eti *DG* ni pamoja na wasaidizi wake. Kwenye *definition section* imetolewa tafsiri ya *DG* ni nini. Ukisoma inasema: "*DG or Deputy DG means the Director General or*

Deputy Director General of the authority appointed under Section 15 of this Act. Kwa hiyo DG kwa tafsiri ya hii sheria ni yeye DG na Deputy kama ambavyo anakuwa appointed kwenye Section 15.

Mheshimiwa Mwenyekiti, Mheshimiwa Sware amependekeza suala la leseni kwa sababu ni leseni za Kitaifa na za Kimataifa. Kama imeshindikana kufanya mabadiliko aliyopendekeza kwa maslahi ya Taifa, kwa nini tusirudishe kwenye kifungu cha 6? Kwenye *functions* za *authority*? Ambapo hapa wakati tunazungumzia *contracts* tukasema, ooh tukimpa Waziri, Waziri ana mambo mengi, hataweza kwenda na muda kwa hiyo tumetoa kwenye *authority*, ku-*sign contracts*. Sasa kama tuna uwezo wa kusaini *contracts* kwenye *authority* ambazo zinapatikana na ziko *available* na zina muda, hivi kutoa leseni hizi shida iko wapi?

Mheshimiwa Mwenyekiti, nashauri kabisa, kwanza tusibanwe kutunga sheria yenye maslahi mapana kwa Taifa kwa sababu tu eti, kwenye Kifungu cha 6 tulishapita. Kuzingatia *nature* ya hii biashara, napendekeza Waziri akubali haya mapendekezo kwamba miongoni mwa mamlaka ya *authority* iwe ni hili suala la leseni hapa na wote tunajua hizi leseni zilivyokuwa...

MWENYEKITI: Tukiweka kule kwenye *Executive Committee* Halima haiwezekani, kwa sababu *Executive Committee* inakutana mara mbili tu kwa mwaka...

MHE. HALIMA J. MDEE: Hapana, sio *Executive Committee*...

MWENYEKITI: Na kwa dharura mara moja zaidi na hiyo *Executive Committee* ni ya Makatibu Wakuu watupu ambao kwanza kuwakusanya ni shughuli na hizi leseni ni kitu *operational* kama alivyosema Waziri ambazo zinatolewa wakati kwa wakati. Endapo leseni tu ya kawaida ya *EWURA*, kaa chini kidogo. Leseni ya kawaida ya *EWURA* huwa inataka Bodi ya *EWURA* kupitisha leseni, sasa itakuwa leseni ya hela

nyingi kumpa mtu mmoja, yaani *worry* tu iko hapo, lakini kuirudisha kule haiwezekani Halima. Endelea, malizia.

MHE. HALIMA J. MDEE: Mheshimiwa Mwenyekiti, sijasema *Executive Committee*. Nimesema, Sware alichopendekeza *authority* ambayo imepewa mamlaka ya kuingia mikataba kama ambavyo kifungu cha 6(b)(i)-(vi) inavyoelezea ndiyo ipewe hili jukumu pia la leseni kwa kuzingatia *nature* ya hii biashara. Ni bahati mbaya kwamba hii sheria imekuja...

MWENYEKITI: Sasa *authority* unamaanisha nani?

MHE. HALIMA J. MDEE: ... si *functions* za *authority* ziko Kifungu cha 6.

MWENYEKITI: Ndiyo, sasa ndani ya hiyo *authority* si ndiyo yuko huyu *DG*?

MHE. HALIMA J. MDEE: ... Sasa *authority* ni zaidi ya mtu mmoja. *DG* ni hiki kifungu cha 19...

MWENYEKITI: Yaani kutoa leseni jukumu hilo lipewe *authority*, ndiyo *argument* yako? Mbona ina-*hang* sasa hiyo?

MHE. HALIMA J. MDEE: ... ndiyo *argument* ambayo mimi sijaleta *schedule*, mimi naunga mapendekezo ya sware kutokana na *nature* ya hii biashara na ukubwa wake na utajirisho wake, akipewa mtu mmoja mamlaka hayo italeta tatizo.

Kwa hiyo sasa tunachoshauri sisi ni kwamba waangalie wao sasa ni kwa namna gani haya mamlaka ambayo yamewekwa hapa yanaweza kuwa *checked somewhere*, ndiyo hoja hapa ya msingi. Tukiacha ipite kama ilivyo bila kupata *commitment* ya Serikali ambayo ni *tangible*...

MWENYEKITI: Hatuwezi kutibu hii kwa Kanuni, tukamshauri Waziri wakati anaunda Kanuni?

MHE. HALIMA J. MDEE: ...*Yes we can do that* kwa sababu hapa... hata kwenye kanuni inaweza ikaelezea vizuri...

MWENYEKITI: Mwanasheria Mkuu amesimama. Naomba ukae Mheshimiwa Halima, Mwanasheria Mkuu tumalize ili tuvuke hapa.

MWANASHEIA MKUU WA SERIKALI: Mheshimiwa Mwenyekiti, naomba niwatoe hofu Waheshimiwa Wabunge wote. Hoja inayoendelea sasa hapa ni kile kinachoonekana pengine ni mamlaka makubwa sana kwa *Director General* iki-include hayo mamlaka ya kutoa leseni na swali la msingi hapa, kuna *checks and balances* wapi?

Mheshimiwa Mwenyekiti, kwenye Ibara ya 9 ya Muswada ambayo inahusu majukumu ya *Executive Committee* na *Executive Committee* kama ambavyo inaonesha ni Makatibu Wakuu watupu na watu wengine wenye mamlaka mazito. Ukienda 9(g), *Executive Committee* ndiyo ita-approve criteria for the issuance of licenses and authorizations ndiyo maana ikaelezwa kwamba kwenye Kifungu cha 16 tunapozungumzia licenses tunazungumzia tu masuala ya kiutawala, lakini criteria inakuwa imeshawekwa na *Executive Committee*.

Mheshimiwa Mwenyekiti, lakini kama hiyo haitoshi, kuna *Technical Advisory Committee* pia. Ukienda Ibara ya 12(d) ya Muswada, mojawapo ya kazi za *Technical Advisory Committee* ni ku-evaluate and advise on the type of fishing vessels, fishing gears and sustainable fishing methods to be permitted in the management of fisheries under this Act. Hawa wanaenda tena kwenye level fulani ya technicalities na kwa hiyo wata-advise.

Mheshimiwa Mwenyekiti, hapo ndiyo kusema, mamlaka ya *Director General* yana checks and balances kutokea kwenye *Executive Committee* na pia technically kwa *Technical Advisory Committee*. Kwa hiyo tuko salama tunaweza tukaendelea na kifungu kama kilivyo.

MWENYEKITI: Ndiyo Mheshimiwa Waziri wa Katiba na Sheria.

WAZIRI WA KATIBA NA SHERIA: Mheshimiwa Mwenyekiti, nimpongeze kwanza Mwanasheria Mkuu na Waziri, lakini naongezea tu pale 9 aliposemea Mwanasheria Mkuu. Tukienda pia kwenye *functions za authority* ile 6 ambayo ndiyo walikuwa wanasemea kama vile ndiyo ipewe rungu. Ukienda Ibara ya 6(b)(v) inasema: *“regulating, administering the issuance of licenses authorization and other required permissions for activities within the scope of this Act.*

Mheshimiwa Mwenyekiti, kwa maana hiyo, kile ambacho Waheshimiwa Wabunge wanakisemea kwamba kingekuwa *attached somewhere rather than* kwa DG, unakiona hapa kwamba kimepewa mamlaka nyingine kubwa zaidi. Kwa tafsiri hii, DG atakachokuwa anafanya *literally* ni ile *issuing* ambayo kimsingi leseni hazitapewa na *group* la watu lazima pawe na *focal point* ya ku-*distribute* zile *licenses*.

Mheshimiwa Mwenyekiti, hili jambo kwa sababu lina *nature* ya pande mbili za Muungano, kadri unavyokuza kikao cha maamuzi ndivyo unavyotengeneza *delay* za kufanya hizi *operations* ambazo ni za kila siku. Kwa maana hiyo itakuwa vyema *standards* zikishakuwa *set*, wale watendaji waachiwe wafanye kazi kama ambavyo Mheshimiwa Waziri mwenye Sekta alisema na ikitokea pana katatizo hili jambo bado liko chini ya Wizara, ndiyo maana yakitokea makosa Rufaa zinaelekezwa zipelekwe kwa Waziri.

Mheshimiwa Mwenyekiti, naomba kuwasilisha.

MWENYEKITI: Ahsante sana, na ile (o)? (m), (n) na (o), Mheshimiwa Waziri.

WAZIRI WA MIFUGO NA UVUVI: Mheshimiwa Mwenyekiti, ile (o) tunaweza kuiondoa au tukaibakisha, lakini zile taasisi za Kimataifa ambazo tuko nazo katika mikataba wanapenda sana kuwaona hawa wawakilishi wa *Deep Sea*

wakiwakilisha mikutano hiyo na hapa anaposema *represent the United Republic relating to the bilateral, regional and International agreement or organization that related matters under the scope of this Act. The nomination of such person which the authority as may be qualified to serve in such representative capacity.*

Mheshimiwa Mwenyekiti, sasa katika hii mikutano mingi ambapo *DG* au *deputy* wake anahudhuria imetajwa kwenye mikataba hiyo. Kwa hiyo hata tusipoiweka hapa sisi *already* ipo kwenye mikutano yao ya aina hiyo ambako huwa wanaenda *on behalf*. Mara nyingi katika mikutano hiyo ni *operational* na pale inapotokea mikutano ambayo inahusu mambo ya kiseru, Waziri husika, Katibu Mkuu husika tumekuwa tukihudhuria mikutano hiyo.

Mheshimiwa Mwenyekiti, kwa hiyo, hii hapa sisi tume-*adopt* kwa sababu na wao wenyewe katika *standard* ya *representation* wamekuwa wakitaka kuona hiyo imefanyika lakini katika uwakilishi wa mikutano kwa *experience* na uzoefu wote hatujawahi kuona *gap* hili.

MWENYEKITI: Ila tukirudi kwenye *reality* jamani, sawa kama kuna vikao vinavyohusu hizo leseni na makubaliano hayo ya kampuni na kadhalika, sawa lakini *bilateral*? *Bilateral means state to state, regional, international agreements.* Jamani inaelekea hizi *functions* mimi picha ninayoipata ni kwamba huyo anayeitwa *Director General* sasa hivi huyo, sijui anaitwa nani kwenye sheria ya sasa hivi, inaelekea yeye ndiyo ame-*draw* hizi *tems of reference*. Yaani kuna kikundi fulani wamekaa wakatengeneza, wakajiwekea mamlaka makubwa.

Halafu bahati mbaya ikapenyapenya imefika mpaka hapa kwetu, kwenu huko ikapenyapenya hivi, yaani kwa nini tuwarundikie madaraka makubwa namna hii, wanataka ya nini? huyu si mtoa leseni tu na kadhalika imetosha! Sasa mbona anakwenda yaani mpaka Kimataifa tena na wapi. Haya si yangebaki kwenu Waziri? Mkiona kwamba hapa anastahili kwenda mnamwambia, maana haya ni mambo

ya nchi, lazima Waziri upime uone kwamba, hili je ni la yeye kwenda au sivyo, lakini sheria kama ikimruhusu...

WAZIRI WA MIFUGO NA UVUVI: Mheshimiwa Mwenyekiti, naomba tuiondoe hiyo (o).

MWENYEKITI: Mheshimiwa Mwanasheria Mkuu wa Serikali anasema hapana. AG.

MWANASHERIA MKUU WA SERIKALI: Mheshimiwa Mwenyekiti, samahani nina wajibu, ndiyo *guardian* wa sheria zote. Yapo maelezo ya kutosha kuhusu eneo hili. Unapokwenda kwenye vyombo vya Kimataifa, uwakilishi wa wale viongozi wa juu umelezwa wazi wazi katika zile *organs* za vile vyombo.

Mheshimiwa Mwenyekiti, kwa mfano twende *East African Community*, ukisema *Summit* ni *Heads of State*, ukisema ni *Council* maana yake hiyo ni ya *Ministers*, lakini kabla ya vikao hivyo vya hizo *organs* za juu, huwa vinatangulia vikao vya *technocrats* (wataalam) na hivi ndiyo vinavyozungumzwa hapa na unapohudhuria vile vikao vya wataalam unaiwakilisha nchi yako. Kwa hiyo hata kama ni ngazi ya *Directors*, Makatibu Wakuu na ngazi nyingine yoyote iliyotajwa, unaiwakilisha nchi yako, ndiyo kinachozungumzwa hapa.

Mheshimiwa Mwenyekiti, hapa kwenye sheria hii hatuwezi tukaweka ule uwakilishi wa zile ngazi za juu kwa sababu zimelezwa kwenye zile *statute* za zile *organisations*. Kwa hiyo kwa mfano kama nilivyosema *East African Community* kama ikiwa ni ngazi ya Mawaziri kuna *Sectorial Committees*, *Sectorial Councils* za Mawaziri, kuna *Council of Ministers* ambayo ni ya Mawaziri wa *Foreign Affairs*, kwa hiyo inajulikana kwamba Mawaziri wanakwenda kwenye kikao gani. Ikiwa ni ngazi ya Marais, inajulikana na iko hivyo hata kwenye *African Union* na *International Organizations* zote. Kwa hiyo, kilichokuwa kinaelezwa hapa ni kwamba unapofika, vile vikao vya hizi *organizations*, basi anayestahili kuiwakilisha nchi ni mtu fulani. Ahsante sana.

MWENYEKITI: Mheshimiwa Mwanasheria Mkuu wa Serikali, vikao vya *bilateral* vitakuwa *exactly* ulivyoelezea, huyu anakuwa tu ni mjumbe mmojawapo katika ujumbe wa Tanzania iwe ni *bilateral*, *regional* au *international*. Hivi ni lini tuliwahi kutunga katika Bunge hili sheria ambayo inamruhusu afisa fulani yaani tunam-*enable* ndani ya sheria kwamba yeye ni mwakilishi katika, wapi mambo haya yapo? Ndiyo maana nikasema huyu inaelekea aliyetengeneza hizi *terms* ni mtu ambaye ana maslahi na hiki kitu na ninyi mnawakubalia kwa sababu imefika huko, lakini Mheshimiwa Mwanasheria Mkuu wa Serikali hebu isome tena hii uitazame, yaani haiko sawa kabisa. Haiko vizuri, haiko sawasawa.

Tunasema hivyo kwa sababu kwanza hakuna mazingira ambayo yeye peke yake ataenda, tupeni mfano, mkutano gani ambao anatakiwa yeye aende peke yake kwenye *bilateral agreement*. Mkutano huo unafananaje yaani? Ambao ni *bilateral* au ni *regional* au *international*, halafu yeye anakwenda kama mwakilishi wa Tanzania ana bango pale limeandikwa Tanzania, wapi? Mkutano huo unaitwaje? Kwenye semina, kongamano au warsha sawa, lakini *bilateral*, *international*, *regional*, yeye ni nani? Hamna, lazima Wizara, Serikali ndiyo wawepo pale kwenye mkutano huo, *unless* sasa Waziri umempa hayo mamlaka ya kufanya hivyo, *it's ok*, lakini sio sisi tumwekee mamlaka ya kisheria, tutamwekea mkitushawishi hivyo, maana sisi tunawaambia kila dakika jamani *we are creating a monster here*.

WAZIRI WA MIFUGO NA UVUVI: Mheshimiwa Mwenyekiti, kwa sababu hakutakuwa na madhara yoyote, mimi naomba hiyo (o) tui-*drop*.

MWENYEKITI: Ahsante sana.

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge
Zima pamoja na marekebisho yake)*

Waheshimiwa Wabunge, sasa kwa sababu ya muda tumefika wakati wa *guillotine* Katibu tuendeleo sasa haraka haraka.

Ibara ya 21
Ibara ya 22
Ibara ya 23
Ibara ya 24
Ibara ya 25

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

Ibara ya 26

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge
Zima pamoja na marekebisho yake)*

Ibara ya 27
Ibara ya 28
Ibara ya 29

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

Ibara ya 30

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge
Zima pamoja na marekebisho yake)*

Ibara ya 31
Ibara ya 32
Ibara ya 33
Ibara ya 34
Ibara ya 35

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

Ibara ya 36

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge
Zima pamoja na marekebisho yake)*

Ibara ya 37
Ibara ya 38
Ibara ya 39
Ibara ya 40
Ibara ya 41
Ibara ya 42
Ibara ya 43
Ibara ya 44

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

Ibara ya 45

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge
Zima pamoja na marekebisho yake)*

Ibara ya 46
Ibara ya 47
Ibara ya 48
Ibara ya 49
Ibara ya 50
Ibara ya 51
Ibara ya 52

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

Ibara ya 53
Ibara ya 54
Ibara ya 55
Ibara ya 56

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima pamoja na marekebisho yake)*

Ibara ya 57
Ibara ya 58

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

Ibara ya 59
Ibara ya 60
Ibara ya 61
Ibara ya 62

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima pamoja na marekebisho yake)*

Ibara ya 63
Ibara ya 64

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

Ibara ya 65
Ibara ya 66
Ibara ya 67
Ibara ya 68

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima pamoja na marekebisho yake)*

Ibara ya 69
Ibara ya 70

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

Ibara ya 71
Ibara ya 72

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima pamoja na marekebisho yake)*

Ibara ya 73
Ibara ya 74
Ibara ya 75
Ibara ya 76
Ibara ya 77
Ibara ya 78

Ibara ya 79
Ibara ya 80
Ibara ya 81
Ibara ya 82
Ibara ya 83
Ibara ya 84
Ibara ya 85
Ibara ya 86
Ibara ya 87
Ibara ya 88
Ibara ya 89
Ibara ya 91
Ibara ya 92
Ibara ya 93

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

Ibara ya 94

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge
Zima pamoja na marekebisho yake)*

Ibara ya 95

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

Ibara ya 96

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge
Zima pamoja na marekebisho yake)*

Ibara ya 97
Ibara ya 98
Ibara ya 99

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

Ibara ya 100

Ibara ya 101

*(Ibara zilizotajwa hapo juu zilipitishwa na Kamati ya Bunge
Zima pamoja na marekebisho yake)*

Ibara ya 102

*(Ibara iliyotajwa hapo juu ilipitishwa na Kamati ya Bunge
Zima bila mabadiliko yoyote)*

Jedwali la 1

Jedwali la 2

*(Majedwali yaliyotajwa hapo juu yalipitishwa na Kamati ya
Bunge Zima bila mabadiliko yoyote)*

NDG. LAWRENCE MAKIGI – KATIBU MEZANI:

Mheshimiwa Mwenyekiti, natoa taarifa kwamba Kamati ya Bunge Zima imekamilisha kazi yake.

MWENYEKITI: Waheshimiwa Wabunge, Bunge linarejea.

(Bunge lilirudia)

SPIKA: Waheshimiwa Wabunge tukae. Mheshimiwa Waziri tunaomba taarifa!

T A A R I F A

WAZIRI WA MIFUGO NA UVUVI: Mheshimiwa Spika, Bunge lako limekaa kama Kamati na kuupitia Muswada kifungu kwa kifungu pamoja na marekebisho yake, naomba sasa Bunge zima likubali.

SPIKA: Toa hoja!

WAZIRI WA MIFUGO NA UVUVI: Mheshimiwa Spika, natoa hoja.

WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO:

Mheshimiwa Spika, naafiki.

SPIKA: Ahsante sana Mheshimiwa Waziri hoja imetolewa na imeungwa mkono *over warmly*, tunakushukuru sana Mheshimiwa Waziri.

*(Hoja ilitolewa lamuliwe)
(Hoja iliamuliwa na Kuafikiwa)*

SPIKA: Katibu!

NDG. ZAINABU ISSA - KATIBU MEZANI:

Muswada wa Sheria kwa ajili ya kusimamia na kuendeleza Uvuvi wa Bahari Kuu pamoja na kuweka masharti bora ya usimamizi, uhibititi na uhifadhi wa rasimali za uvuvi katika ukanda maalum wa uchumi wa bahari. *(A bill for an Act to make provisions for requirements of development management control and conservation officially resources in exclusive economic zone).*

(Kusomwa Mara ya Tatu)

SPIKA: Tumekwenda mbio kwelikweli kwasababu ya muda na futari hii imetupeleka. Sasa lazima niwahoji Waheshimiwa Wabunge kuhusiana na kupitisha Muswada huu wa Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu wa Mwaka 2020 *[The Deep Sea Fisheries Management and Development Bill, 2020]* na kwa kura zilizopigwa muswada huu umeungwa mkono sana kabisa na umepitishwa na Bunge hili. *(Makofi)*

Sasa baada ya kuungwa mkono na kupitishwa sasa ile mara ya tatu uisome tena. *(Makofi)*

NDG. ZAINABU ISSA – KATIBU MEZANI:

Muswada wa Sheria kwa ajili ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu pamoja na kuweka masharti

bora ya usimamizi udhibiti na uhifadhi wa rasilimali za uvuvi katika ukanda maalum wa uchumi wa bahari (*A bill for an Act to make provisions for requirements of development management control and conservation officially resources in exclusive economy zone*).

Muswada wa Sheria ya Kusimamia na Kuendeleza Uvuvi wa Bahari Kuu wa Mwaka 2020 (*The Deep Sea Fisheries Management and Development Bill, 2020*)

(Kusomwa Kwa Mara ya Tatu)

SPIKA: Ahsante, sasa *procedure* zote ndani ya Bunge zimekamilika kwa muswada wetu huu. Kwa kweli ni muswada ambao sisi wenyewe tuliomba, tukausukuma sana uje na Serikali imeuleta, tunashukuru sana Serikali zote mbili kwa jambo hili jema sana ambalo mmetufanyia. Tunawashukuru sana Kamati ya Kilimo ambao mmeupitia na kuuchambua vizuri sana, haya mengine ya humu ilikuwa ni kuweka sawa tu lakini ni kitu ambacho tulikuwa tumekubaliana tangu mwanzo na ule wasiwasi wa Wabunge kwamba jambo hili lisije tena likatetereka lakini kwa kweli tunawapongezeni, tunawashukuruni sana Mheshimiwa Waziri, Naibu Waziri, Mwanasheria Mkuu wa Serikali na Serikali kwa ujumla, Serikali ya Zanzibar, wataalam wote ambao mmekuja tunasema ahsanteni sana.

Sasa kwa dakika chache sana hapa mwishoni nimuombe Waziri wa Kilimo kama ana neno fupi kuhusiana na ombi letu la juzi, karibu sana Mheshimiwa Waziri.

WAZIRI WA KILIMO: Mheshimiwa Spika, kwanza nashukuru sana kwa kupewa hii nafasi ili kuweza kutoa maneno machache kuhusiana na hoja iliyotolewa na Mheshimiwa Juma Nkamia, Mbunge wa Chemba.

Mheshimiwa Spika, kama Waheshimiwa Wabunge walioelezwa na Bunge lako tukufu lilivyoelezwa siku ile kwamba kumekuwa na sintofahamu katika baadhi ya mikoa katika mfumo wa stakabadhi ghalani. Na sisi kama Serikali

tuliahidi mbele ya Bunge hili kwamba tungekutana na baadhi ya Wabunge hasa katika wale wanaotoka katika mikoa inayotoa ufuta.

Mheshimiwa Spika, kikao hicho kilika jana, tulikutana na Wabunge wengi walihudhuria na walitoa maoni mengi mazuri sana. Na moja ya mambo yaliyojitokeza ni kwamba mkulima anatafuta eneo la kulima, pembejeo, analima, anapalilia, anavuna na anauza yeye mwenyewe. Sasa inapokuja kufikia kipindi cha kwenda kuuza hapo ndiyo kidogo pamekuwa na mchanganyiko.

Mheshimiwa Spika, moja ya mambo ambayo yalionekana yamejitokeza katika maeneo mengi pamoja na mfumo wa soko la umoja wa pamoja kuwepo lakini kuna mfumo wa pili ambao umeanzishwa ule wa stakabadhi ghalani ambao matokeo yake ni kwamba vyama vya ushirika vinatakiwa vikusanye mazao ya wakulima na baada ya kuyakusanya vinaenda kuuza kwenye minada na hatua ya mwisho ya kwenye minada.

Mheshimiwa Spika, sasa hivi tumekuja na soko la bidhaa ambalo tunaita *TMX* ambalo lenyewe linafanya minada badala ya ile minada ya kawaida ya wanunuzi kukutana pamoja na kununua pale, sasa tunauza kwenye mtandao na kwenye mtandao anapatikana mshindi na hatimaye anatangazwa na wanaulizwa wale wakulima kama wanaridhika kuuza kwa bei hiyo au hawaridhiki.

Mheshimiwa Spika, sasa ili mfumo wa stakabadhi ghalani uweze kufanyika, kuna mambo ambayo ni ya msingi ambayo lazima yawe yamekaa vizuri:-

Mheshimiwa Spika, jambo la kwanza, ili mfumo huo ufanye kazi maeneo yote, lazima pawepo na vyama vya ushirika vilivyosajiliwa katika eneo husika, kama ni eneo la kijiji hasa tunapendelea kwenye eneo la kijiji lakini chama cha ushirika baada ya kusajiliwa lazima pia pawepo na ghala lililosajiliwa na ambalo lina muendeshaji anayetambulika kisheria. Jambo la tatu lazima elimu iwe imetolewa ya kutosha

kwa wale wanunuzi na wauzaji wa namna mfumo utakavyoweza kufanya kazi.

Mheshimiwa Spika, jana baada ya majadiliano ya muda mrefu imeonekana kuna baadhi ya mikoa mfumo huu wa stakabadhi ghalani umeshafikia hatua nzuri sana, unaeleweka vizuri lakini kuna baadhi ya mikoa ambayo vyama vya ushirika bado havijaanzishwa bado mfumo huu hawajauelewa vizuri.

Mheshimiwa Spika, sasa kutokana na hilo Waheshimiwa Wabunge wametoa maoni mengi na sisi kama Serikali tukayachukua tukaenda kuyafanyia kazi na mpaka sasa hivi tunaendelea kwenye *consultation* na tuliwapa hata baadhi ya nyaraka ambazo tunafikiri kwamba Serikali itaenda kutoa maelezo kwenda kutoa kama waraka ili kama wana maoni waweze kuyatoa.

Mheshimiwa Spika, kwa hiyo, mpaka sasa hivi wanaendelea kutuletea maoni na sisi ndani ya Serikali tunaendelea na mawasiliano ya kujadiliana ili kuhakikisha kwamba yale maelekezo tutakayoyotoa basi ya-*fit* katika mazingira yote kwa kuzingatia uhalisia wa wananchi wetu na kwa kuzingatia mazingira.

Mheshimiwa Spika, baadhi ya mambo ambayo yanatakiwa kuzingatia pia ni pamoja na kwamba kama Mheshimiwa Rais alivyotuagiza kwamba watu wakafanye kazi wakalime kule vijijini. Lakini pili alituagiza kwamba mwananchi au mkulima anaposafirisha mazao yake ambayo hayazidi tani moja haitakiwi yatozwe tozo ya aina yoyote.

Mheshimiwa Spika, Jambo lingine ni kwamba tunataka tutengeneze mazingira mazuri ambayo yatamuwezesha Mtanzania ajisikie kufanya kazi yoyote ambayo ni halali na apate kipato ambacho ni halali na ajisikie kwamba yupo huru katika nchi yake.

Mheshimiwa Spika, sasa katika mazingira yote hayo tulikuwa tunaona bado kwasababu tunashauriana ndani ya

Serikali, tutatoa maelekezo baadaye kwa njia ya waraka baada ya kukubaliana kwasababu hii ina maslahi mapana sana kwa wananchi wetu, wakulima wote na Watanzania kwa ujumla. *(Makofi)*

Mheshimiwa Spika, nakushukuru sana kwa nafasi. *(Makofi)*

SPIKA: Ahsante sana Mheshimiwa Waziri wa Kilimo...

MHE. MOHAMED O. MCHENGERWA: Mwongozo

SPIKA: Tunakushukuru sana kwa majibu hayo mazuri kwa wakati muafaka kupitia utaratibu ambao Mheshimiwa Waziri ameelezea na Waheshimiwa Wabunge waraka huo tutakapopata basi tutasambaziwa ili kusaidia kuelimisha pia kwa watu wetu kwa hiyo, tunalimaliza sisi kwa maana ya hapa Bungeni tumelimaliza, ninyi endeleeni na taratibu zenu Kiserikali. Mheshimiwa Mchengerwa nimekusikia kwa dakika chache sana.

MHE. MOHAMED O. MCHENGERWA: Mheshimiwa Spika, kwa misingi ya Kanuni ya 68(7) kwa kuwa jambo hili limetokea hapa Bungeni siku ya leo, nikuombe wewe ni muasisi wa Serikali kuhamia Dodoma, tukitambua mchango wako mkubwa sana na ulifanikisha uletwaji wa Sheria na kupitishwa kwa Sheria ya Serikali hapa Dodoma.

Mheshimiwa Spika, kwa misingi ileile ya kikanuni, Kanuni zetu za Bunge zinatambua kwa Ofisi ya Bunge ipo Dodoma, Dar es Salaam pamoja na Zanzibar. Kwa misingi hiyohiyo tunatambua kwamba japokuwa shughuli za Bunge zitavunjwa hivi karibuni lakini tunatambua pia Ibara ya 90 ya Katiba, Bunge linaweza kuitishwa wakati wowote na likaendelea na shughuli zake kwa misingi hiyohiyo ya Ibara ya 90.

Mheshimiwa Spika, baadhi ya Wabunge wako hapa leo wamepokea barua kutoka kwa Mtendaji Mkuu wa *TBA* kwa maelekezo ya Mheshimiwa Waziri wa Ujenzi na Uchukuzi

kwamba waondoke haraka kwenye nyumba za Serikali ambazo wanakaa za maeneo mbalimbali.

Mheshimiwa Spika, sasa tuombe mwongozo wako kwa misingi ileile, Wabunge hawa ni sawasawa na ma-*Principal Officer* wa Serikali na kazi wanazofanya kwa kweli ni kazi ngumu sana. Kazi hizi wakati mwingine zinahatarisha hata usalama wetu na wakati mwingine baadhi ya Wabunge wengine ni viongozi katika Bunge hili la Jamhuri ya Muungano wa Tanzania na ambao baadhi yao wengi wameshapewa barua kutaka kuondoka haraka kwenye nyumba za Serikali na wamepewa muda mfupi tu wahakikishe kwamba wameshaondoka.

Mheshimiwa Spika, asilimia 99 karibu Wabunge hawa ambao wamepokea barua na watakaopewa wengine ni Wabunge wa Chama Tawala, Chama Cha Mapinduzi.

Kwa hiyo, nikuombe kwa namna hiyohiyo kwa kutambua kazi kubwa kwamba Wabunge wanayofanya na kwa kutambua nafasi ya Bunge na kama Muhimili wa Bunge lakini pia kwa kutambua kwamba Bunge lipo Dodoma, shughuli za Kibunge zipo Dodoma kwa hiyo Wabunge wanastahili kuwa katika sehemu ambayo ni salama.

Mheshimiwa Spika, nikuombe umuombe Mheshimiwa Waziri wa Ujenzi atusaidie kwamba iwapo kama Serikali inataka kutekeleza jambo hili, basi pengine wasubiri mpaka uchaguzi wa mwezi Novemba utakapokamilika basi ndipo Waheshimiwa Wabunge waweze kupatiwa barua za kuhama kwenye nyumba. *(Makofi)*

Mheshimiwa Spika, nyumba hizi asilimia 99 ya Wabunge ambao wamepewa nyumba hizi, walipewa zikiwa mbovu kabisa, wamezikarabati kwa kutumia fedha zao. Wametumia zaidi ya milioni 5 wengine milioni 10 wamezikarabati zimekuwa katika hali nzuri kabisa. tumuombe Mheshimiwa Waziri wa Ujenzi na Uchukuzi atambue yeye ni Mbunge kama sisi, mamlaka aliyopewa na Mheshimiwa Rais ni ya kumsaidia tu Mheshimiwa Rais... *(Makofi)*

SPIKA: Asante sana kwa kifupi, umeshaeleweka Mheshimiwa...

MHE. MOHAMED O. MCHENGERWA: Mheshimiwa Spika, niombe mwongozo mwezi Novemba sote sisi tutakuwa Wabunge wa kawaida mpaka pale ambapo Mheshimiwa Rais atakapofanya uteuzi wa Baraza lake la Mawaziri. Nimuombe Mheshimiwa Waziri...

SPIKA: Kwa hiyo unaomba kwamba *extension* iwe ya miezi minne, si ndiyo? Baada ya hapo Wabunge watoke au *presentation* yako ni nini?

MHE. MOHAMED O. MCHENGERWA: Mheshimiwa Spika, kutokana na hadhi ya Kibunge wale Wabunge watakaopata nafasi ya kuendelea kuchaguliwa basi waendeleo kukaa katika nyumba hizi kutokana na nafasi na uwezo wao. (*Makofi*)

SPIKA: Lakini ni ishuru ni barua ambazo zipo hivi sasa mkononi, si ndiyo?

MHE. MOHAMED O. MCHENGERWA: Mheshimiwa Spika, ndiyo. Ahsante sana.

SPIKA: Nakushukuru sana, nafikiri umeeleweka. Bahati nzuri Mheshimiwa Waziri yupo anaweza kutumia dakika mbili tatu kulifafanua au kama unahitaji kuomba muda pia hatuna tatizo.

WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO: Mheshimiwa Spika, kwanza nimshukuru Mheshimiwa Mchengerwa kwa kutoa hii taarifa Bungeni lakini pia nilivyoingia Bungeni wapo Wabunge wachache ambao walikuja kunipa hii taarifa.

Mheshimiwa Spika, nianze kusema kwamba Wakala wa Majengo ya Serikali Tanzania ina kazi mbili; moja ni kutoa huduma kwa wananchi ambao wanahusiana na Serikali pamoja na Bunge lakini pili wanafanya biashara. Katika

mazungumzo ya Wabunge ambao nimekutana nao leo, wapo Wabunge ambao waliingia mikataba kwa makubaliano kwamba Bunge ndiyo litakalokuwa linawalipia kodi lakini wapo Wabunge ambao wameingia mikataba kwamba wao watalipa moja kwa moja.

Mheshimiwa Spika, sasa kwa sababu hili suala ni la kimikataba kwasababu Wabunge wale ambao wanalipiwa na Bunge ni kwamba Bunge litaisha mwezi wa sita kwa vyovyote vile kulikuwa na hoja kwamba hawa watu washtuke kwamba ule mkataba wake kwasababu baada ya mwezi wa sita Bunge halitakuwa na hela ya kuwalipia ndiyo maana wakajihami kufanya namna hiyo.

Mheshimiwa Spika, kwasababu ni suala la kimikataba, wale ambao hawalipiwi na Bunge si wajibu hiyo barua moja kwa moja kwa mtu waliyeingia naye mkataba kwa sababu ni suala la mikataba. Na mikataba wakati inaingiwa haikuletwa hapa Bungeni. Kwa hiyo, niwaombe tu Waheshimiwa Wabunge na mwenyewe nimo nimesaini mkataba lakini mkataba wangu ulikuwa ni wa kulipa mwenyewe moja kwa moja. Kwa hiyo, kama nitapata barua basi nitawajibu kwamba bado nipo na nitaendelea kulipa. Hili ni jambo dogo sana, ni suala la makubaliano kati ya *TBA* pamoja na wewe mteja ndani ya nyumba, siyo suala la kuleta hapa Bungeni. (*Makofi*)

MHE. MOHAMED O. MCHENGERWA: Mheshimiwa Spika, taarifa.

SPIKA: Ahsante sana, Waheshimiwa muda haupo upande wetu yaani mnachoambiwa Waheshimiwa Dodoma ndiyo Makao Makuu ya Nchi, Dodoma ni kwenu kila mmoja wenu kwa hiyo jengeni hakutaka tu kusema Mheshimiwa Waziri lakini ndiyo ujumbe wenyewe. Kwa anayekwama kiwanja basi muoneni Mheshimiwa Jafo, Manaibu Waziri wa TAMISEMI wapo hapa ndiyo wanaosimamia Jiji la Dodoma, Manispaa ya Jiji la Dodoma ipo chini ya TAMISEMI lakini pia mnaokosa viwanja yupo Mheshimiwa Lukuvi ndiyo mwenyewe kabisa mpima viwanja.

Sijui kwa nini safari hii imekuwa hivi, tulipoingia mwaka 2000 sisi kwa mara ya kwanza wale Wabunge wa mwaka 2000 wote tulikuwa tunagaiwa ofa za viwanja na Mheshimiwa Lukuvi akiwa yeye ndiyo ni Chief Whip, Mbunge kwa Mbunge wengine wengi wakakataa. Nakumbuka cha kwangu na mimi nilichukua majuzi hapa ndiyo nimeenda kwenye machaka nimekitafuta nikakuta kimeshavamiwa lakini nimeshakirudisha tena mikononi mwangu, tunakushukuru bwana.

Kwa hiyo, wale ambao kwa kweli *seriously* mnataka kujenga hamna viwanja Dodoma hata Spika muoneni, wale ambao *seriously* mnataka sio *speculators*. Hiyo ndiyo sijui tuiteje, *solution* ya muda mrefu kwa tatizo la makazi hapa Dodoma na watu wanajenga kwelikweli Dodoma, sijui kama mnapata muda wa kuzunguka, jaribuni kuzunguka muone tena nyumba za aina kwa aina, nyumba nzuri sana zinazopendeza.

Mimi ningewashauri sana Wabunge ni vizuri kuwa hivyo na ndivyo ilivyo; Wabunge wenzetu tuseme wa Uganda hamalizi mtu Ubunge Uganda hana nyumba Kampala, haifanyiki hivyo; hamalizi Ubunge Kenya Mbunge hana nyumba Nairobi, atachukua *mortgage* atafanya hivi atakuwa na nyumba Nairobi hata kama hatachaguliwa Ubunge atabaki kule Mkoani lakini kuna kodi ambayo kila mwezi inamfuata mkoani kule inaendeshea maisha. Ni moja ya uwekezaji ambao Waheshimiwa Wabunge wenzetu wanafanya sana na mimi ningependa kuwatia moyo Waheshimiwa na hasa kwasababu keshokutwa tunapofunga Bunge tarehe 19 Mungu akipenda tukijaaliwa na Mheshimiwa Rais akitukubalia mambo mswanumswanu kwa Waheshimiwa, mnaondoka vizuri kwa hiyo ni vizuri kuacha kamsingi kidogo kanapandapanda hivi. (*Makofi*)

Waheshimiwa Wabunge nawashukuru sana.

WAZIRI WA ARDHI, NYUMBA NA MAENDELEO YA MAKAZI: Taarifa kidogo ingawa Mwenyekiti hutakiwi kupewa taarifa.

SPIKA: Ndiyo Mheshimiwa Waziri wa Ardhi nakupa...

WAZIRI WA ARDHI, NYUMBA NA MAENDELEO YA MAKAZI: Mheshimiwa Spika, kama ulivyosema Jiji la Dodoma wamejitahidi sana, wamepima viwanja zaidi ya 10,000; tumeuza mpaka hapa kila mtu hapa anajua, tumetoa taarifa. Naibu Waziri wangu alikuwa na fomu hapa anagawa kila siku mpaka hapa ndani nasoma bajeti ya mwaka juzi wakaniomba ni-*extend* walipewa miezi mitatu, nikatoa na *extension* watu wamenunua viwanja vitatu, vinne, vitano.

Mheshimiwa Spika, Leo nataka kukwambia wale wenye mawazo yako wana *guest house, apartment* nazijua hapa watu wanafanya biashara. Kwa hilo unalosema ni kweli na nataka kukuhakikishia hata anayetaka kiwanja leo aende Jiji akikosa aje anione mimi, vipo viwanja vya kumwaga; hapa ndiyo mahali pale. Kwa vyovyote vile kwa Mtanzania wa kawaida kiongozi kama wewe hapa *is a second home*. Nashukuru sana. (*Makofi*)

WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO:
Mheshimiwa Spika, taarifa.

SPIKA: Ooh, Mheshimiwa Waziri malizia.

WAZIRI WA UJENZI, UCHUKUZI NA MAWASILIANO:
Mheshimiwa Spika, nilipewa ofa nikalipia viwanja viwili siku hiyohiyo shahidi Naibu Waziri Ofisi ya Waziri Mkuu, mpaka leo sijapata kiwanja; tena ni Waziri, nimeongea kwa Mkuu wa Mkoa, Mkurugenzi na Naibu Waziri huyu Mheshimiwa Mavunde sijapata kiwanja mpaka leo, nimelipa hela zote. (*Makofi/Kicheko*)

SPIKA: *Very interesting*, hicho kiwanja Mheshimiwa Waziri nitafuatilia nitahakikisha unapata kiwanja. Ahsante sana kwa kutupa taarifa hiyo muhimu Mheshimiwa. (*Kicheko*)

Basi Waheshimiwa Wabunge tumemaliza Bunge letu vizuri sana kwa maelewano mazuri, naomba radhi sana kwa muda ambao tumezidisha kidogo hasa kwa wale ambao

wamefungua hatutafanya kuwa ni kawaida, ni kwasababu tu ya hali halisi ambayo imeendelea hapa lakini yote ni mema.

Kwa jinsi hiyo basi naomba niahirishe shughuli za Bunge hadi kesho Saa Nane Kamili Mchana.

(Saa 12.41 Jioni Bunge liliahirishwa hadi Siku ya Alhamisi, Tarehe 21 Mei, 2020 Saa Nane Mchana)