



# **PROTOCOL FOR SUSTAINABLE DEVELOPMENT OF LAKE VICTORIA BASIN**

**SIGNED ON 29<sup>TH</sup> NOVEMBER 2003**

**EAST AFRICAN COMMUNITY**

# **PROTOCOL FOR SUSTAINABLE DEVELOPMENT OF LAKE VICTORIA BASIN**

## **PREAMBLE**

**WHEREAS** the Republic of Kenya, Republic of Uganda and the United Republic of Tanzania (hereinafter referred to as the Partner States) enjoy close historical, commercial, industrial, cultural and other ties and have signed a Treaty for the Establishment of the East African Community on 30<sup>th</sup> November 1999;

**RECOGNISING** the need for increased investment in the field of energy, transport, communications, infrastructure, tourism, agriculture, fisheries, livestock, forestry, mining and other areas of social and economic endeavour to spur development and eradicate poverty in the Lake Victoria Basin;

**AND WHEREAS** the Partner States recognize in the Treaty that development activities may have negative impacts on the environment leading to degradation of the environment and depletion of natural resources and that a clean and healthy environment is prerequisite for sustainable development;

**RECOGNISING** that water is a finite and vulnerable resource essential to sustain life, development and the environment and must be managed in an integrated and holistic manner, linking social and economic development with protection and conservation of natural ecosystems;

**RECOGNISING** that water is an economic good having social and economic value, whose utilization should give priority to most economic use taking cognizance of basic human needs and the safeguarding of ecosystems;

**RECIGBUSING FURTHER** that the Treaty obliges the Partner States to cooperate in relation to Lake Victoria Basin in a co-ordinated and sustainable manner and that the Partner States have agreed to negotiate as a bloc on issues relating to the basin;

RECOGNISING the need to develop and implement measures to enhance safety of life, navigation and preservation of aquatic environment of the Lake Victoria Basin; and

AWARE that Partner States have designated the Lake Victoria Basin as an economic growth zone, established a Sectoral Council and agreed to establish a body for the management of Lake Victoria;

**NOW THEREFORE**, the Partner States determined to address issues to sustainable development of Lake Victoria Basin;

**“AGREE AS FOLLOWS”**

**ARTICLE 1**

**Definitions**

1) Unless the context otherwise requires, the terms used in this Protocol shall have the same meaning as ascribed to them in the Treaty for the Establishment of the East African Community.

2) Without prejudice to paragraph 1 of this Article:

“Basin” means the Lake Victoria Basin;

“Commission” means the Lake Victoria Basin Commission established under Article 33 of this Protocol.

“Community” means the East African Community established under the Treaty for the Establishment of the East African Community signed at Arusha on 30<sup>th</sup> November, 1999;

“Council” means the Council of Ministers of the East African Community;

“Emergency” means a situation that causes or poses an imminent threat of causing serious harm to a Partner State or other States and that results suddenly from natural causes, such as floods, droughts, landslides or earthquakes, or from human conduct, such as industrial accidents or inland water transport accidents;

“Lake” means Lake Victoria;

“Lake Victoria Basin” means that geographical areas extending within the territories of the Partner States determined by the watershed limits of the system of waters, including surface and underground waters flowing into Lake Victoria;

“Navigation” means a nautical art or science of conducting a vessel from one place to another;

“Nile River Basin” means that geographical areas extending across the territories of various States drained by the River Nile and its tributaries and determined by the watershed limits of the system of waters, including surface and underground waters flowing into the river Nile system and eventually into the Mediterranean Sea;

“Partner States” means parties to the Treaty for the Establishment of the East African Community namely, the Republic of Kenya, the Republic of Uganda and the United Republic of Tanzania;

“Partnership Agreement” means the agreement signed between the East African Community and the Development Partners interested in promoting sustainable development of Lake Victoria Basin signed on 24<sup>th</sup> April 2001;

“Secretary General” means the Secretary General of the East African Community;

“Secretariat” means the Secretariat of the East African Community;

“Stakeholder” means all persons, legal or natural and all other entities being governmental or non-governmental, residing, having interest or conduction business in the Basin;

“Sustainable Development” means development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs;

“Sustainable Utilization” means use of resources by present generation, which does not impair the right of future generations to use the same to meet their needs;

“Treaty” means the Treaty for the Establishment of the East African Community signed at Arusha on 30<sup>th</sup> November 1999;

“Water Resources” means all forms of water on the surface and in the ground including the living and non-living resources therein.

## **ARTICLE 2**

### **Application of the Protocol**

This Protocol shall govern the Partner States Cooperation in the Sustainable Development of Lake Victoria Basin.

## **ARTICLE 3**

### **Scope of Co-operation**

The Partner States have agreed to cooperate in the areas as they relate to the conservation and sustainable utilization of the resources of the Basin including the following:

- a. Sustainable development, management and equitable utilization of water resources;
- b. Sustainable development and management of fisheries resources;

- c. Promotion of sustainable agricultural and land use practices including irrigation;
- d. Promotion of sustainable development and management of forestry resources;
- e. Promotion of development and management of wetlands;
- f. Promotion of trade, commerce and industrial development;
- g. Promotion of development of infrastructure and energy;
- h. Maintenance of navigational safety and maritime security;
- i. Improvement in public health with specific reference to sanitation;
- j. Promotion of research, capacity building and information exchange;
- k. Environmental protection and management of the Basin'
- l. Promotion of Public participation in planning and decision-making;
- m. Integration of gender concerns in all activities in the Basin; and
- n. Promotion of wildlife conservation and sustainable tourism development.

## **ARTICLE 4**

### **Principles**

1. The Partner States shall manage the resources of the Basin in accordance with the principles set out in Articles, 5, 6, 7 and 8 and other provisions of the Treaty.

2. Without prejudice to the generality of 1 of this Article, the management of the resources of the Basin shall be guided by the following principles:
  - a. The principle of equitable and reasonable utilization of water resources;
  - b. The principle of sustainable development;
  - c. The principle of prevention to cause harm to members whereby Partner States shall individually and jointly take all appropriate measures to prevent environmental harm rather than attempting to repair it after it has occurred;
  - d. The Principle of prior notification concerning Planned measures whereby each of the Partner States shall notify other Partner States of planned activities within it's territory that may have adverse affects upon those other States;
  - e. The principle of Environment Impact Assessment and Audit'
  - f. The precautionary principle whereby each Partner State shall take the necessary measures to prevent environmental degradation from threats of serious or irreversible harm to the environment, despite lack of full scientific certainty regarding the nature and extent of the threat;
  - g. The 'pollute pays' principle whereby the person that causes the pollution shall as far as possible bear any costs associated with its;
  - h. The Principle of public participation whereby decisions about a project or policy take into account the views of the stakeholders;
  - i. The Principle of prevention, minimization and control of pollution of watercourses so as to minimize adverse effects on fresh water resources and their ecosystems including fish and other aquatic species and on human health;

- j. The principle of the protection and preservation of the ecosystems of international watercourses whereby ecosystems are treated as units, all of whose components are necessary to their proper functioning and that they be protected and preserved to the extent possible;
- k. The principle of community of interests in an international water course whereby all States sharing an international watercourse system have an interest in the unitary whole of the system;
- l. The principle of gender equality in development and decision-making;
- m. The principle that water is a social and economic good and a finite resource; and
- n. The principle of subsidiary.

## **ARTICLE 5**

### **EQUITABLE AND REASONABLE UTILISATION OF WATER RESOURCES**

The Partner States shall utilize the water resources of the Basin, in their respective territories in an equitable and reasonable manner.

1. The water resources shall be used and developed by Partner States with a view to attaining optimal and sustainable utilization and benefits there from, taking into account the interests of the Partner States;
2. Each Partner State is entitled to an equitable and reasonable share in the beneficial uses of the water resources of the Basin consistent with the principles enumerated in Article of this Protocol.
3. In ensuring that the utilization of the Basin water resource is equitable and reasonable, the Partner States shall take into account all relevant factors and circumstances, including but not limited to the following:-
  - a. Geographic, hydrographic, hydrological, climatic ecological and other factors of a natural character;
  - b. The social economic needs of each Partner States



- c. The population dependent on the water resources in each Partner States;
  - d. The effects of the use or uses of the water resources in one Partner State on other Partner States;
  - e. Existing and potential uses of the water resources;
  - f. Conservation, protection, development and sustainable use of the water resources and the costs of the measures taken to that effect;
  - g. The comparative costs alternative means of satisfying the economic and social needs of each Partner States; and
  - h. The availability of alternatives of comparable value to particular planned or existing use.
4. In determining what is reasonable and equitable use, all relevant factors shall be considered together and a conclusion reached on the basis of the whole. The weight of each factor shall be determined by its importance in comparison with that of other relevant factors.
  5. The Partner States shall, in their respective territories, keep the status of their water of their water utilization under review in light of substantial changes and relevant factors and circumstances.
  6. In view of the relationship between the Lake Victoria Basin and the Nile River Basin, the Partner States shall cooperate with other interested parties, regional or international bodies and programmes and in so doing, the Partner States shall negotiate as bloc.

## **ARTICLE 6**

### **PROTECTION AND CONSERVATION OF THE BASIN AND ITS ECOSYSTEMS**

1. The Partner States shall take all appropriate measures, individually or jointly and where appropriate with participation of all stakeholders to protect, conserve and where necessary rehabilitate the Basin and its ecosystems in particular by;

- a. Protecting and improving water quantity and quality within the Basin;
  - b. Preventing the introduction of species, alien or new into the Basin's water resources which may have effects detrimental to the ecosystems of the Lake;
  - c. Identifying the components of and developing strategies for protecting and conserving biological diversity within the Basin;
  - d. Conserving migratory species of wild animals;
  - e. Conserving endangered species of wild fauna and flora;
  - f. Protection and conserving wetlands within the basin;
  - g. Restoring and rehabilitating degraded natural resources; and
  - h. Conserving fisheries Resources.
2. The Partner States shall through the institutional framework established under this Protocol, take steps to harmonize their laws and policies in relation to 1 of this Article.

## **ARTICLE 7**

### **SUSTAINABLE DEVELOPMENT OF NATURAL RESOURCES**

The Partner States shall manage, develop and utilize the natural resources of the Basin in a sustainable manner.

## **ARTICLE 8**

### **SUSTAINABLE DEVELOPMENT AND MANAGEMENT OF FISHERIES RESOURCES**

The Partner States shall manage, develop and utilize Fishery resources of the Basin in accordance with the Convention establishing the Lake Victoria Fisheries Organization.

## **ARTICLE 9**

### **SUSTAINABLE AGRICULTURE AND LAND USE PRACTICES**

The Partner States shall promote sustainable agriculture and land use practices in order to achieve food security and rational agricultural

production within the Basin in accordance with the provisions of Article 105, 106, 107, 108, 109 and 110 of the Treaty.

## **ARTICLE 10**

### **TOURISM DEVELOPMENT**

The Partner States shall undertake to develop a collective and coordinated approach to the promotion of and marketing of sustainable tourism with the provisions of Article 115 and 116 of the Treaty.

## **ARTICLE 11**

### **PROMOTION OF TRADE, COMMERCE AND INDUSTRY**

The Partner States shall undertake to promote Trade, Commerce and Industry in the Basin in accordance with the relevant provision in the Treaty.

## **ARTICLE 12**

### **ENVIRONMENT IMPACT ASSESSMENT**

1. The Partner States shall develop national laws and regulations requiring developers of projects to undertake environmental impact assessment of planned activities, which are likely to have a significant impact on the resources of the Basin.
2. The Significance of the impact under paragraph 1 of this Article shall be determined in accordance with the procedures and guidelines development through a process of public participation by the Secretariat, and approved by the Council.
3. Where pursuant to an environmental impact assessment, a Partner State determines that a project is likely to have a significant transboundary effect on the resources of the Basin; such a State shall avail to other Partner States and the Secretariat, the environmental impact statement for comments.

4. In determining whether to approve an environmental impact statement for a project with transboundary effects, the Partner State in whose jurisdiction the project is proposed, shall take into account the comments of the other Partner States.
5. A Partner State, whose views on the environmental impact statement or report are not taken into account, may invoke the dispute settlement procedure under Article 46 of this Protocol by notifying the Partner State and the Secretariat of its intention.

## **ARTICLE 13**

### **PRIOR NOTIFICATION CONCERNING PLANNED MEASURES**

1. A Partner State shall notify other Partner States and the Secretariat of planned activities within its territory that may have adverse effects upon those other Partner States.
2. The notifying Partner State shall provide technical data and information concerning the planned project to enable the notified Partner States to evaluate the effects of the planned measures.
3. The notification shall be followed by consultation among the Partner States in respect of the planned measures.
4. The notifying Partner State shall take into account the interest of the other Partner States in developing the planned measures.

## **ARTICLE 14**

### **ENVIRONMENTAL AUDITS**

1. The Partner States shall adopt policies, laws and regulations within their respective jurisdiction to guide the operator's facilities likely to have a significant impact on the environment in undertaking environmental audits of existing activities.

2. The policies, laws and regulations under Paragraph 1 of this Article shall be developed in accordance with the guidelines developed through a process of public participation by the Secretariat and adopted by the Council.
3. The Partner States shall harmonize their laws and regulation to conform to the guidelines formulated by the Community.

## **ARTICLE 15**

### **PREVENTION OF SIGNIFICANT HARM TO NEIGHBOURS**

1. A Partner State shall, when utilizing the resources of the Basin in its jurisdiction, take all appropriate measures to prevent significant environmental harm to other Partner States.
2. A Partner State shall, in utilizing the natural resources of the Basin take into account the vital economic, social and cultural interest of other Partner States.

## **ARTICLE 16**

### **MONITORING AND PRECAUTIONARY MEASURES**

1. Each Partner State shall, within its jurisdiction, monitor activities and natural phenomena with a view to determining the potential risk they pose to the resources of the Basin and its people.
2. The Partner States shall adopt standardized equipment and methods of monitoring natural phenomena.
3. Where there is a threat to the environment, the Partner States shall undertake such precautionary and pre-emptive measures as may be in the circumstances.

4. The precautionary approaches to protect the environment provided for in this Article shall be undertaken by the Partner States, even where there is no scientific certainty, according to their capabilities.

## **ARTICLE 17**

### **APPLICATION OF THE “POLLUTER PAYS” PRINCIPLE**

1. The Partner State take necessary legal, social and economic measures to ensure that a polluter pays as near as possible the cost of the pollution resulting from their activities.
2. The costs recovered from the polluter shall be used for clean up operations and restorations by that Partner State.

## **ARTICLE 18**

### **APPLICATION OF THE “USER PAYS” PRINCIPLE**

1. The Partner States shall, jointly or individually, put in place measures for recovery of costs for the large-scale uses of the water resources of the Basin.
2. The Costs recovered from the users by each Partner State share be used by that Partner State in meeting costs of management operations and restoration in the Basin.

## **ARTICLE 19**

### **PREVENTING POLLUTION AT SOURCE**

1. The Partner State Shall:
  - a) Require developers of planned activities to put in place measures which prevent pollution, and where prevention is not possible, minimize pollution.

- b) Put in place measures that conduce operators of existing facilities to avoid, reduce, minimize and control pollution from such facilities.
  - c) To develop sustainable mining and mineral and processing methods.
2. The Partner States shall adopt those measures to economic realities of the Basin, including the ability of the owners of regulated entities to afford remedial measures provided that those realities are compatible with the long-term need of sustainable development.
  3. Partner States shall adopt measures to reduce municipal waste input into the Lake.

## **ARTICLE 20**

### **PREVENTION OF POLLUTION FROM NON-POINT SOURCES**

The Partner States shall take all appropriate legal, economic realities of the Basin, including the ability of the owners of the regulated entities to afford remedial measures provided that those realities are compatible with the long-term need of sustainable development.

- a) Sustainable forestry practices, agro-forestry, afforestation, reforestation and good pasture husbandry;
- b) Appropriate agricultural land use methods, soil conservation, control and minimization of the use of agricultural chemical inputs;
- c) General land use planning and enforcement of urban planning laws;
- d) Sanitation and hygiene in the Basin.

## **ARTICLE 21**

### **PUBLIC EDUCATION AND AWARESS**

1. The Partner States shall:
  - a. Promote and encourage awareness of the importance of, and the measures required for, the sustainable development of the Basin; and
  - b. Co-operate, as appropriate, with other States and international organizations in developing educational and public awareness programmes, with respect to conservation and sustainable use of the resources of Basin.
  
2. To achieve the objectives set out in paragraph 1 of this Article, the Partner States shall employ various strategies including the use of the media, and the inclusion of these topics in educational programmes.

## **ARTICLE 22**

### **PUBLIC PARTICIPATION**

The Partner States shall create an environment conducive for stakeholders' views to influence governmental decisions on project formulation and implementation.

## **ARTICLE 23**

### **MAINSTREAMING OF GENDER CONCERNS**

The Partner States shall promote community involvement and mainstreaming of gender concerns at all levels of socio-economic development, especially with regard to decision-making, policy formulation and implementation of projects and programmes.

## **ARTICLE 24**

### **EXCHANGE OF DATA AND INFORMATION**



1. The Partner States shall, on a regulator basis, exchange readily available and relevant data and information on existing measures and on the condition of the natural resources of the Basin, where possible in a form that facilitates its utilization by the Partner States to which it is communicated
2. A Partner State that is requested by another Partner State to provide data or information which is not readily available, shall employ its best efforts to comply with the request but may condition its compliance upon payment by the requesting Partner State of the reasonable costs of collecting and, where appropriate, processing such data or information.
3. The Partner States shall also provide an environment that is conducive for facilitating collaboration in research and the exchange of data, report and information among stakeholders belonging to Partner States in the Basin through.
4. The exchange of information and data shall not extend to information protected under any law of a Partner State or an international treaty to which the Partner State is a party.

## **ARTICLE 25**

### **WATER RESOURCES MONITORING, SURVEILLANCE AND STANDARD SETTING**

1. The Partner States shall establish and harmonies their water quality standards.
2. The Partner States shall, in their respective territories, establish water quality and quantity monitoring and surveillance stations and water quality and quantity control laboratories.
3. The Partner States shall exchange water quality and quantity data in accordance with guidelines to be established by the Partner States.

## **ARTICLE 26**

### **Emergencies and Disaster Preparedness**

1. A Partner State shall, without delay and by the most expeditious means available, notify other potentially affected Partner States, the Commission and competent international Organizations of any emergency originating within its territory.
2. A Partner State within whose territory an emergency originates shall, in co-operation with potentially affected Partner States and, where appropriate, competent international organizations, immediately take all practicable measures necessitate by circumstances to prevent, mitigate and eliminate harmful effects of the emergency.
3. The Partner State shall jointly develop disaster preparedness plans for responding to emergencies on the Lake and its potentially affected states and competent international organizations.

## **ARTICLE 27**

### **Management Plans**

1. Each Partner State shall;
  - a) Develop national strategies, plans or programmes for conservation and sustainable use of the resources of the Basin or adapt for this purpose existing strategies, plans or programmes which shall reflect, inter alia, the measures set out in this Protocol; including the development of infrastructure, commerce and trade, tourism, research and development; and
  - b) Intergrate, as far as possible and as appropriate, the conservation and sustainable use of the resources of the Basin into relevant sectoral or cross-sectoral plans, programmes and policies.
2. The Commission shall develop a management for the conservation and the sustainable utilization of the resources of the Basin. The

management plan shall be harmonized with National Plans developed under paragraph 1 of the Article and approved by the Council.

## **ARTICLE 28**

### **Improvement of Security**

1. Partner States shall put in place national legislation to enforce maritime security.
2. The Partner States shall co-ordinate security arrangement and operations on the Lake aimed at controlling acts of piracy and banditry on the lake and its shores.
3. The Partner States shall collaborate and coordinate their policies and activities to curtail smuggling on the Lake.

## **ARTICLE 29**

### **Infrastructure and Services**

1. Partner States shall promote development of infrastructure and services in the Lake Victoria Basin in accordance with Articles 89, 90,91,93,94,95 and 100 of the Treaty.
2. The Partner States shall establish, develop, harmonise and improve infrastructure and services including:
  - a) Inland waterways and ports;
  - b) Telecommunications and postal services;
  - c) Roads and railways systems;
  - d) Air transport;
  - e) Meteorological services; and
  - f) Information and communication technologies.

## **ARTICLE 30**

### **Energy**

The Partner States shall co-ordinate the development of their energy policies and supply systems in the Basin in accordance with Article 101 of the Treaty.

## **ARTICLE 31**

### **Safety of Navigation**

The Partner States shall implement and review existing agreements relating to the promotion of safety of navigation on Lake Victoria by:-

- a) Implementing and where necessary, reviewing exiting agreements relating to the promotion of the safety of navigation, maritime safety and preservation of the marine environment; and
- b) Initiating and promoting programmes as well as establishing a mechanism that will establish a mechanism that will enhance maritime safety on the Lake.

## **ARTICLE 32**

### **Prohibition of Dumping of Waste**

The Partner States enact and harmonise laws and policies for:

- a) The prevention of pollution from vessels which dump wastes into the Lake; and
- b) Regulating the movement of hazardous wastes in the Basin.

## **ARTICLE 33**

### **Institutional Framework**

1. The Council of Ministers hereby establishes a body for the sustainable development and management of the Lake Victoria Basin to be known as the Lake Victoria Basin Commission.
2. The objectives of the Commission shall be to:-

- a) Promote equitable economic growth;
  - b) Promote measures aimed at eradicating poverty;
  - c) Promote sustainable utilization and management natural resources;
  - d) Promote the protection of the environment within the Lake Victoria Basin: and
  - e) Promote compliance on safety of navigation.
3. The broad functions of the Commission shall be to promote, facilitate and coordinate activities of different actors towards sustainable development and poverty eradication of the Lake Victoria Basin in the following manner;
- a) Harmonization of policies, laws, regulations and standards;
  - b) Promotion of stakeholders participation in sustainable development of natural resources;
  - c) Guidance on implementation of sectoral projects and programmes;
  - d) Promotion of capacity building and Institutional development;
  - e) Promotion of security and safety on the Lake;
  - f) Promotion of research development and demonstration;
  - g) Monitoring, evaluation and compliance with policies and agreed actions;
  - h) Prepare and harmonize negotiating positions for the Partners States against any other State on matters concerning the Lake Victoria Basins.

- i) Receive and consider reports from Partner States institutions on their activities relating to the management of the Basin under this Protocol.
- j) Initiation and promotion of programmes that target poverty eradication; and
- k) Performance any other functions that may be conferred upon it under this Protocol.

## **ARTICLE 34**

### **Organizational Structure**

The Lake Victoria Basin Commission shall be an institution of that East African Community as provided for in the Treaty and should operate within the following organizational structure:-

- a) The Sectoral Council;
- b) The Coordination Committee;
- c) The Sectoral Committee;
- d) The Secretariat of the Commission.

## **ARTICLE 35**

### **The Sectoral Council**

The Sectoral Council on Lake Victoria as established shall be responsible for matter created under this Protocol and shall perform the following functions:-

- a) Provide overall policy directions for the implementation of projects and programmes in the Lake Victoria Basin.

- b) Guide the implementation of development programmes in Lake Victoria Basin;
- c) Make regulations, issue directives, take decisions and make recommendations and give opinions in accordance with the provisions of this Protocol;
- d) Consider and approve measures that should be undertaken by Partner States in order to promote the attainment of the objectives of this Protocol;
- e) Formulate financial rules and regulations;
- f) Approve terms and conditions of service for the staff of the Commission;
- g) Adopt annual progress reports from the Coordinate Committee;
- h) Promulgates its own rules procedures of decisions making consistent with the Treaty; and
- i) Perform its functions as provided for in the Treaty.

## **ARTICLE 36**

### **Co ordination Committee**

- 1) The Co-ordination Committee for Lake Victoria Basin as established shall be responsible for matters created under this Protocol and shall perform the following functions:-
  - a) Submit reports and recommendations to the Sectoral Council on the implementation of this Protocol;
  - b) Implement the decisions of the Sectoral Council as may be directed from time to time;

- c) Receive and consider reports of Sectoral Committee;
  - d) Assign any Sectoral Committee to deal with any matter relevant to Lake Victoria Basin; and
  - e) Perform such other functions as may be conferred upon it by this Protocol or as may, from time to time, be directed by the Council.
- 2) Subject to any directions, which may be given by the Council, the Co-ordination Committee shall meet at least twice in each year preceding the meetings of the Council and may hold extra-ordinary meetings, as it deems necessary.
  - 3) The Co-ordination Committee shall determine its own Rules of Procedure to transact business consistent with the Treaty.

## **ARTICLE 37**

### **Establishment and Composition of Sectoral Committee**

- 1) The Co-ordination Committee shall recommend to the Council to establish such Sectoral Committee as are outlined in the Scope of Cooperation stated in Article 3 of this Protocol.
- 2) In so doing the Co-ordination Committee shall take cognizance of the existing sectoral bodies and seek to have operational linkages.
- 3) The Sectoral Committees shall be composed of Senior Officials of Partner States, Head of Public Institutions, representatives of Regional Institutions, representatives from sectors covered under Article 3 of this Protocol, business and industry and Civil Society.



- 4) The Partner States shall establish National Focal Points, which shall be responsible for coordinating national initiatives of the Lake Victoria Basin and share information with the Commission and other Stakeholders.

## **ARTICLE 40**

### **The Functions of the Executive Secretary**

1. The Executive Secretary shall:-
  - a) Implement the Work of the Commission in accordance with the policy and decisions of the Sectoral Council;
  - b) Submit reports on the work of the Commission as well as the audited accounts to the Council;
  - c) Be the accounting officer of the Commission;
  - d) Carry out such other duties as are conferred by this Protocol or as may be directed by the Sectoral Council from time to time.
2. The Executive Secretary shall service a fixed five-year term.
3. The Executive Secretary shall be assisted by the Deputy Executive Secretary appointed by the Council who shall serve on a three year term renewable once on rotational basis. The Deputy Executive Secretary shall be of a national different from that of the Executive Secretary.

## **ARTICLE 41**

### **Other Officers of the Commission**

1. There shall be such other officers and staff in the service of the Commission as may be determined by the Sectoral Council.

2. All staff of the Commission shall be appointed on contract and in accordance with staff rules, regulations, terms and conditions of service of the Community.
3. The Terms and Conditions of Service of the Commission shall be determined by the Council.

## **ARTICLE 42**

### **Functions of the Secretariat**

1. The functions of the Secretariat shall be to:-
  - a) Coordinate all activities within the scope of the Protocol;
  - b) Initiate the coordination and harmonization of the policies and strategies related to the development of the Commission;
  - c) Establish a regional database and promote sharing of information and development of information systems and data exchange;
  - d) Convene meetings of Sectoral Committees of the Commission and other Working Groups;
  - e) Facilitate research and studies on sustainable development of the Basin;
  - f) Submit reports to the Sectoral Council through the Co-ordination Committee;
  - g) Generally undertake the administration and financial management of the Commission;

- h) Disseminate information on the Commission to Stakeholders and the international Community;
  - i) Mobilize resources for the implementation of the projects and programmes of the Commission;
  - j) Develop a sustainable funding mechanism for facilitating sustainable development in the Basin;
  - k) Implement the decisions of the Sectoral Council and;
  - l) Perform such other functions as may be conferred on it by or under this Protocol.
2. In coordinating the preparation, negotiation and implementation of national and regional programmes the Commission shall involve, as appropriate, other parties and relevant inter-governmental and non-governmental organizations in the implementation of this Protocol.

## **ARTICLE 46**

### **Dispute Settlement**

- 1) In the event of a dispute between Partner States concerning the interpretation or application of this Protocol, the Partner States concerned shall seek solution by negotiation.
- 2) If the Partner States do not resolve the dispute by negotiating, either Partner State or the Secretary General may refer such dispute to the East African Court of Justice in accordance with Articles 28 and 29 of the Treaty.
- 3) The decision of the East African Court of Justice on any dispute referred to it under this Protocol shall be final.

## **ARTICLE 47**

### **Relationship between this Protocol and the Treaty**

This Protocol shall upon entry into force be an integral part of the Treaty and in case of an inconsistency between this Protocol and the Treaty, the Treaty shall prevail.

## **ARTICLE 48**

### **Relationship with other Agreement on Lake Victoria**

- 1) The provisions of this Protocol shall take precedence over any other existing agreements relating to Lake Victoria and in case any other agreement is inconsistent with this Protocol, it shall be null and void to the extent of its inconsistency.
  
- 2) Where the exercise of rights and obligations originating from an existing agreement relating to the Lake, is likely to cause serious damage or threat to the Lake Victoria Basin and people, the Partner States shall as soon as practicable enter into negotiations or take other measures to remedy the situation.

## **ARTICLE 49**

### **Entry into Force**

This Protocol shall enter into force upon ratification and deposit of instruments of ratification with the Secretary General by all Partner States.

## **ARTICLE 50**

### **Accession**

- 1) A State, which becomes a party to the Treaty, may become a party to this Protocol by depositing an instrument of accession to the Protocol with the Depositary.

2) In cases of accession, the Protocol shall enter into force for the party acceding, thirty days after the date of the deposit of the instrument of accession.

## **ARTICLE 51**

### **Amendment**

This Protocol may be amended any time by the agreement of the Partner States in accordance with Article 150 of the Treaty.

## **ARTICLE 52**

### **Saving Provisions**

Institutions and programmes of co-operation existing prior to this Protocol shall be accommodated under the institutional framework of this Protocol.

**DONE** at Arusha, Tanzania on this 29<sup>th</sup> day of November in the year Two Thousand and Three.

**IN FAITH WHEREOF** the undersigned have appended their signatures hereto.