

## THE CONTRACTING PARTIES

The Governments of the Republic of Kenya, the United Republic of Tanzania and the Republic of Uganda, referred to below as the Parties;

Recognizing the efforts made by the three States to strengthen regional cooperation in the spirit of the Agreement for the Establishment of a Permanent Tripartite Commission for the Cooperation among them signed in Arusha on 30th November, 1993;

Aware of the environmental importance of Lake Victoria and its significance to the sustainable development of the three riparian countries;

**Concerned** that the present level of exploitation of the fisheries resources of Lake Victoria may be close to the limits of the sustainable yield of the lake fishery;

**Further concerned** that increased agricultural and urban runoff, discharge of domestic and industrial waste into Lake Victoria adversely affects the ecological system of the Lake;

**Recognizing** that the conversion of wetland areas around Lake Victoria for agricultural and/or other uses may have a detrimental effect on the lake ecosystem;

**Noting** that significant changes have occurred as regards fish stocks within Lake Victoria with some of the indigenous species facing depletion;

**Agreeing** that regional cooperation is an essential component of the environmental management of the Lake, and being in the process of establishing the Lake Victoria Fisheries Organization to jointly manage the fishery resources of the Lake;

**Recognizing** that poverty is both a cause and a consequence of environmental degradation and must therefore be addressed adequately in order to enhance equitable and sustainable development among riparian communities;

**Recognizing** that participation of local communities, research scientists, the private sector and non-governmental organizations is crucial to sustainable management of Lake Victoria and shall therefore be addressed adequately;

**Desirous** to maximize the benefits accruing to the riparian countries from integrated and sustainable utilization of Lake Victoria resources and the conservation of a global natural heritage;

**Recognizing** that integrated management of the various resources which constitute the lake environment, is essential;

**Accepting** that the environmental management of Lake Victoria will require a sustained long term effort based on a comprehensive programme addressing the various problems; and to this end requires national capacity building by using and strengthening existing institutions to conduct on a sustainable basis ongoing and additional functions under a regional programme;

## HAVE AGREED AS FOLLOWS

### *Article 1: Programme Components and Tasks*

1. The Parties agree to initiate and implement a five-year programme to strengthen regional coordination in the management of Lake Victoria resources, including fisheries, water, and other resources as set out in Attachment 1.
2. The preparation of the programme shall follow the action plan as presented in Attachment 5.

### *Article 2: Organisational Arrangements*

1. The Parties shall establish a Regional Policy and Steering Committee, to be assisted by a Regional Secretariat, and two Regional Task Forces with Terms of Reference as specified in Attachment 2.
  - (a) The Regional Policy and Steering Committee shall be headed by a Chairperson to be elected by that Committee from among its membership at its first meeting and thereafter on an annual rotation, and shall include a maximum of three representatives of each Party led by an officer at permanent secretary level. The Executive Secretary, to be appointed by the Regional Policy and Steering Committee, at its first meeting, shall as head of the Regional Secretariat be responsible for monitoring progress, preparing review meetings, and compiling the preparation report.
  - (b) One regional task force shall address fisheries management, and control of water hyacinth and other invasive weeds (Regional Task Force 1). The Lake Victoria Subcommittee of the Committee on Inland Fisheries in Africa (CIFA) would undertake these functions. Once established, the Executive Committee of the proposed Lake Victoria Fisheries Organisation would assume these functions from the CIFA Subcommittee.
  - (c) Another regional task force shall address management of water quality and land use, including wetlands (Regional Task Force 2).
2. The regional task forces shall be composed of members from national working groups as established by the Parties.
3. The Executive Secretary, referred to under paragraph 1.(a) above, with the approval of the Policy and Steering Committee, shall make the necessary arrangements for recruitment of staff, experts, and other personnel to assist the Regional Task Forces in performing their functions. The experts recruited shall include, but not be limited to, the list of expertise contained in Attachment 3, and that the terms and conditions of service for the members of staff shall be in accordance with the guidelines set out by the Regional Policy and Steering Committee.

4. Each Party shall establish two National Working Groups and a National Secretariat to prepare national proposals for incorporation into regional programme components:

- (a) The two National Working Groups shall prepare national proposals for regional actions in respect of (i) fisheries management and control of water hyacinth and other invasive weeds, and (ii) management of water quality and land use, including wetlands. The membership shall include both administrative and scientific personnel, academic institutions, private sector parties and local non-governmental organisations, with a special effort to be made to incorporate local riparian community interests.
- (b) The National Secretariat in each country shall lend logistical support to the national working groups, integrate the findings of the working groups and prepare national documents for the regional deliberations. The heads of the national secretariats shall assist the Executive Secretary of the Regional Secretariat in preparing regional meetings and compiling the regional preparation report. The location of national secretariats in each country shall be determined by the Government.

5. The relationship between the organizational units established pursuant to Article 2 herein above shall be in accordance with Attachment 2, page 3.

*Article 3: Lead Responsibilities*

1. The lead responsibilities shall be distributed as follows: The Republic of Kenya shall be responsible for Regional Task Force 2 on Water Quality and Land Use, including Wetlands; The United Republic of Tanzania shall be responsible for the Regional Secretariat serving the Regional Policy and Steering Committee; and The Republic of Uganda shall be responsible for Regional Task Force 1 on Fisheries Management and Control of Water Hyacinth and other Invasive Weeds.

*Article 4: Financial Arrangements*

1. An estimate of the overall costs for programme preparation broken down by organizational entities is given in Attachment 4. The Parties shall establish mechanisms to (i) access and (ii) manage the financial resources required to implement the preparatory programme.

*Article 5: Final Clauses*

1. This Agreement shall enter into force on the date of tripartite signature thereof.
2. The Parties may adopt any amendment to this Agreement by mutual consent in writing.
3. The Secretary General of the United Nations shall assume the functions of Depository of this Agreement and any

subsequent agreement reached by the Parties hereto pursuant to this agreement.

In witness whereof, the undersigned, being duly authorized to that effect, have signed the Agreement this 5th day of August The Year One Thousand Nine Hundred and Ninety Four.

## ATTACHMENTS

*Attachment 1*

Components and Preparatory Activities for a Lake Victoria Environmental Management Programme

*Attachment 2*

Summary Terms of Reference for Organizational Entities

*Attachment 3*

Tasks and Inputs for Programme Preparation

*Attachment 4*

Estimate of Costs for Programme Preparation

*Attachment 5*

Action Plan for Programme Preparation

## ATTACHMENT 1 COMPONENTS AND PREPARATORY ACTIVITIES FOR A LAKE VICTORIA ENVIRONMENTAL MANAGEMENT PROGRAM

1. Lake Victoria is a shared water body. Resource use by one riparian state impacts the activities of the riparian partners. Hence, resource development and management by riparian Governments within national jurisdictions has to proceed and be coordinated within a regional cooperative framework backed by a strong political commitment from the partner countries. Strategies, policies and action plans need to be coordinated with reference to broad regional objectives and guidelines. Cooperation in research and monitoring will assist in joint strategy formulation and implementation.

2. Also, to be effective, the management of lake basin resources needs to be integrated across resources uses. That is, management decisions regarding land use and agricultural development in the riparian zone and the wider catchment and regulation of pollution into the lake have to consider the implications on the lake's fish and water resources and be coordinated with management decisions regarding the use of such resources. The regional cooperative framework for lake basin management should provide for riparian countries to implement integrated management programs covering the portion of the basin under their respective control.

3. It has been agreed that the regional cooperative frame-

work should initially focus on the following areas, grouped into two broad components: Component 1: Fisheries Management and Water Hyacinth Control, and Component 2: Management of Water Quality and Land Use (including Wetlands).

#### COMPONENT 1:

### FISHERIES MANAGEMENT AND CONTROL OF WATER HYACINTH AND OTHER INVASIVE WEEDS

4. **Fisheries Management.** Substantial progress has been made in recent years towards the establishment of a regional fisheries research program and elaboration of strategies to manage the lake fishery. Most importantly, it has been agreed as a first step that such a program will involve the establishment of a regional fisheries management agency. A detailed proposal for such an entity is at an advanced stage of consideration at the highest level of Government in the three countries. It is expected to lead to the establishment of a Lake Victoria Fisheries Organization (LVFO) by early 1995.

5. The first and immediate priority is therefore to ensure that the proposed LVFO becomes operational, given a relevant work program and assured of the necessary funding through budgetary commitments by the three Governments and external sources as appropriate. A second priority is to facilitate regional fisheries policy making by initiating a prioritized fisheries-related research program to be managed by the proposed LVFO. Thirdly, it is accepted that the capacity of individual Governments to implement regional fisheries policies and programs (through legislation, enforcement and monitoring) need to be substantially strengthened and harmonized.

6. It has been agreed, therefore, that to meet these priorities the following preparatory tasks have to be undertaken:

- (a) Facilitate the arrangements with the host country for the proposed LVFO, and establish the operational procedures, work program, staffing and budget requirements for the organization.
- (b) Prepare a regional fishery management program (key elements of which would be implemented even before the proposed LVFO becomes operational) that addresses important policy issues, recognizing that (i) each country has a set of management policies/measures in place that need to be harmonized toward a regional objective and that (ii) certain policy measures can only be determined based on the results of an enhanced fisheries research program (see (c) below). Policy analysis in support of this task will need to include the social and economic consequences of various options on fishing communities, processors, transporters and sellers.
- (c) Prepare on the basis of existing information a priority research program for fisheries management embracing stock assessment, fisheries biology, limnology, biodiversity conservation and fish population genetics as

well as socio-economic analysis of policy options. This would involve determination of which part of the research agenda is expected to be covered under the proposed EC Lake Victoria Fisheries Research Project, Phase II. Proposals will need to be made for carrying out remaining research tasks.

(d) Prepare a program to harmonize national legislation and strengthen extension, monitoring and enforcement capabilities of national fisheries administrations. This would involve the following activities:

- (i) review existing fisheries legislation and recommend amendments to ensure consistency with regional policy;
- (ii) analyze existing and proposing optional arrangements for funding fisheries extension, monitoring and enforcement; and
- (iii) review existing national capacities and based on findings under (ii), prepare detailed proposals on how to strengthen such capacities, recognizing the objective of involving riparian communities in the design and securing their active participation in the implementation of such proposals.

7. **Control of Water Hyacinth.** The proliferation of water hyacinth on Lake Victoria poses an urgent management problem which needs joint attention of the three riparian countries and other neighboring countries. Despite numerous proposals little action has been taken at the national level and none at the regional level. It is recognized that such action, which is expected to include biological control methods, will need to proceed with due recognition of the environmental implications of biological control. Thus, it has been agreed that the implementation of control programs using biological agents is to proceed once the national authorities responsible for testing such agents are satisfied that the environmental risks of using such agents are acceptable.

8. To this end it has been agreed that based on the review of and as a follow up to the recommendations to be made on biological control (FAO-TCP/RAF/2371) and mechanical control (EC consultant) the following tasks need to be undertaken:

- (a) Prepare and initiate implementation of a detailed program for continuous monitoring of the distribution and effects of water hyacinth and the environmental impact of control measures being applied.
- (b) Initiate implementation of a program for biological control (focusing on the use of weevils and subject to the above mentioned provision) involving (i) setting up units for rearing of weevils; and (ii) distribution of weevils involving local communities.
- (c) Initiate implementation of a program for mechanical control.
- (d) Test the economic and technical feasibility of alternative uses of water hyacinth.

- (e) Prepare and initiate implementation of a program to build capacity at the community and Government levels for effective water hyacinth control, involving awareness creation and participation of riparian communities.
- (f) Through consultations with the Governments of Rwanda, Burundi and Zaire determine the scope for cooperation within the Kagera Basin Organization for water hyacinth control; such cooperation to *inter alia* include the surveying of extent of infestation in neighboring countries. Incorporate the conclusions from such consultations in the proposals for implementing a lake wide control program.

9. It has been agreed that all of the above tasks shall be undertaken by a regional task force on fisheries management and control of water hyacinth and other invasive weeds (Regional Task Force 1), based on the inputs from national working groups (Details in Attachment 2).

## COMPONENT 2: MANAGEMENT OF WATER QUALITY AND LAND USE (INCLUDING WETLANDS)

10. The need for effective management of water quality and reduction of the pollution levels within Lake Victoria has been repeatedly underlined as a serious problem by the three governments. Deteriorating water quality has reduced benefits to the riparian community and has become a health hazard to those using the lake as a source of drinking water supply. Its deteriorating water quality also presents a significant threat to fisheries and other living resources.

11. Much of the pollution originates in agricultural and other economic activities undertaken upstream. Agricultural runoff, transportation of nutrients and silt are aggravated through deforestation, soil erosion, and environmentally unfriendly agricultural practices. These are seen as key elements in the pollution and eutrophication processes.

12. Wetlands are a natural filter for nutrients and silt from agricultural land and water bodies, but the wetlands around Lake Victoria are increasingly unable to perform these functions as they are becoming converted to agricultural or other uses. Thus, land use in the catchment is a major issue in lake management.

13. In recognition of these existing problems the concerned governments have agreed to the preparation of a regional collaborative program that will assist in protecting the lake ecosystem and abating its pollution levels. To this end, it has been agreed that the preparatory tasks will focus on: (a) monitoring water quality; (b) harmonization of regulatory and incentive frameworks; (c) objectives and target standards for the release of effluents; (d) management of pollution from agricultural (land use) runoff within the catchment area; (e) management of pollution from urban areas; and (f) management of wetland areas.

14. **Monitoring Water Quality.** The preparation will focus on:

- (a) Defining monitoring objectives (parameters to be monitored, frequency, density of monitoring stations) and methods of analysis; identifying existing institutional responsibilities and building from national components an integrated monitoring program for the whole lake, redefining, where necessary institutional responsibilities and linking up wherever feasible with relevant international programs; identifying resource requirements for this purpose including strengthening of personnel development for laboratories, and to provide an inventory of existing initiatives upon which to build.
- (b) Monitoring objectives include review of existing research and identification of a priority research program on pollution including:
  - (i) In-lake issues, involving the quality of the Lake's waters and its capacity to absorb and/or biodegrade wastes and other types of pollutants: the circulation system and the transport of pollutants from one part of the lake to others; the sustainability of changes in land use and the impact of such changes on the Lake; the impacts of discharges associated with lake transport, container port and oil refinery operations; the prospects for alleviating the effects of such changes and impacts; and
  - (ii) Drainage basin issues, involving identification of primary point and non-point pollutant sources in the basin, and quantification of pollutant loads to the Lake;
- (c) The present capabilities of different research institutions and the need for institutional strengthening will be assessed, the sharing of responsibilities will be outlined, and the mechanisms for regional and international cooperation reviewed.
- (d) Identifying the need and proposing suitable arrangements for a central data base for the environmental management of Lake Victoria.

15. **Strengthening and Harmonization of Regulatory Frameworks.** Preparation would embrace the following activities:

- (a) Reviewing national legislation, institutional responsibilities and enforcement arrangements aiming at harmonizing regulation of discharges;
- (b) Reaching an agreement on objectives and target standards for the release of effluent, considering also the impact upon regulatees;
- (c) Recommending amendments to national legislation that will promote harmonization of regulations and incentives to avoid competitive distortions;
- (d) Preparing proposals for strengthening institutional capacity; and
- (e) Formulating an emergency/contingency plan for pollution disasters (including emergency or alert mechanisms).

16. **Identification of Investment Requirements.** The preparation will focus on:

- (a) Establishing appropriate technical standards for sewerage collection and treatment facilities (different types and quantities of sewerage from industry and local communities);
- (b) Taking stock (type and quantity) of different point and non-point sources of pollution, and waste management systems, at the national level;
- (c) Determination of resources required for following up the regional priority investment program that has been identified for pollution control in Lake Victoria as a whole; and
- (d) Prepare investment proposals addressing a few pollution "hot spots" in each country (to be realized during program implementation).

17. **Management of Pollution from Agricultural (Land Use) Runoff.** The aim of this subcomponent will be to promote surveys, research and monitoring to improve the information base on the quantities of nutrients, silt and toxic materials that enter the lake from agricultural areas in the catchment and contribute to eutrophication and other water-quality degradation, and to identify the main sources and movement of such pollutants. This will include monitoring of changes such as vegetative coverage and use of agricultural chemicals in the catchment, and review of development plans involving major changes of land use in the catchment. The preparation will focus on:

- (a) Surveys of existing information and research on the inflow of nutrients and silt to identify critical sources of such agricultural pollution;
- (b) Proposing a system for monitoring land use changes in the catchment;
- (c) Preparing investment proposals to deal with a few critical sources of agricultural pollution.

18. **Management of Pollution From Urban Areas.** Preparation would focus on:

- (a) Urban (land use) runoff. This program element will include promotion of surveys, research and monitoring to improve the information base on the quantities of nutrients and toxic materials that enter the Lake from urban areas, as well as to identify the main sources and movement of such pollutants in urban areas. This will include monitoring of changes in impermeable surfaces (streets, roofs, parking lots), and review of development plans involving major changes of land use in the catchment. Relevant activities will include:
  - (i) Surveys of existing information and research on the inflow of nutrients and toxic materials, to identify critical sources of such urban pollution; and
  - (ii) Preparing investment proposals to deal with a few critical sources of urban pollution.
- (b) Domestic and industrial discharges. This program element will include identification of the major point-source dischargers in the catchment area; the types and

quantities of pollutants being discharged; and the impacts of these discharges on the Lake.

19. **Management of Wetlands.** The wetlands program will focus on changes in wetland use and shall be closely coordinated with the efforts to define and implement national wetland policies. The preparation will focus on:

- (a) Surveying historical and planned changes in wetland use in the Lake catchment;
- (b) Undertaking a few case studies in each country on the local driving forces for changes in wetland use, and their consequences in terms of production, income and impact on the lake;
- (c) Reviewing past and ongoing research on impact of alternative wetland uses on local production, income (and sustainability thereof) and on the lake, and based thereon propose a priority wetlands research program; and
- (d) Reviewing national policies and programs in respect to wetland use, and propose revisions to such policies and programs (including pilot activities) required to harmonize national approaches to wetland management.

20. It has been agreed that all of the above tasks shall be undertaken by a Regional Task Force on Management of Water Quality and Land Use, including Wetlands (Regional Task Force 2), based on the inputs from National Working Groups (details in Attachment 2).

## ATTACHMENT 2 SUMMARY TERMS OF REFERENCE FOR ORGANIZATIONAL ENTITIES

1. Regional Policy and Steering Committee
  - (a) Organize inception, midterm and final review meetings.
  - (b) Approve work programs and monitor progress of regional task forces.
  - (c) Prepare materials for midterm and final review meetings.
  - (d) Prepare project preparation report.
  - (e) Recommend policy changes to governments (e.g. on minimum fish sizes for processing).
  - (f) Initiate and recommend on the means of strengthening existing regional collaborative mechanism for future management of Lake Victoria and its resources.
2. Regional Task Force 1: Fisheries Management and Control of Water Hyacinth and Other Invasive Weeds
  - (a) Establishment of Lake Victoria Fisheries Organization.
  - (b) Prepare proposal on minimum fish size for industrial processing.
  - (c) Prepare priority program for research related to fisheries management, addressing important policy issues.
  - (d) Prepare a program to harmonize national legislation and strengthen extension, monitoring and enforcement of national fisheries administration.

- (e) Review funding options for fisheries extension, enforcement and monitoring.
- (f) Consider and comment on proposals from national working groups for strengthening extension, enforcement and monitoring (item 5 (c) below).
- (g) Prepare and initiate implementation of a detailed program for continuous monitoring of the distribution and effects of water hyacinth and the environmental impact of the control measures being applied.
- (h) Initiate implementation of a program for biological control, initiate implementation of a program for mechanical control and test the economic and technical feasibility of alternative uses of water hyacinth.
- (i) Prepare and initiate programs to build capacity at the government and community levels for effective water hyacinth control involving creation of the awareness and participation of riparian communities.
- (j) Through consultations with governments of Rwanda, Burundi and Zaire determine the scope for cooperation within the Kagera-Basin Organization for water hyacinth control.
- (i) Review historical and planned changes of land use in the catchment and propose a system to monitor such changes.
- (j) Identify critical sources of agricultural pollution.
- (k) Review existing research and propose priority research activities to determine the impact of agricultural pollution on Lake Victoria.
- (l) Survey historical and planned changes of wetland use.
- (m) Review research findings on impact of alternative wetland use and propose a priority research program.
- (n) Review national policies and programs related to wetlands use and propose appropriate changes.

#### 4. National Secretariats

- (a) Review, approve and monitor implementation of work programs for the National Working Groups (see below).
- (b) Provide logistics support to the National Working Groups.
- (c) Review the output of the National Working Groups and assist in preparing the national position on the issues under their respective mandates, and report this position to the Regional Secretariat.

#### 3. Regional Task Force 2: Management of Water Quality and Land Use (including Wetlands)

- (a) Review past and ongoing water quality monitoring programs and based thereon prepare proposals to improve such monitoring to meet the requirements for the lake and its tributaries.
- (b) Review the scientific understanding of the biodegradation, absorption and circulation of pollutants and propose a priority research program in these areas.
- (c) Reviewing and assessing the impacts of regulations and standards on regulatees.
- (d) Review the management programs for water pollution control and waste disposal.
- (e) Review the impacts of discharges associated with lake transport, container port and oil refinery operations.
- (f) Review national legislation and institutional capabilities to enforce regulations concerning industrial and municipal discharges.
- (g) Review and propose a program to tighten standards for industrial pollution.
- (h) Review and propose a program to improve standards for collection and treatment of sewerage.

#### 5. National Working Groups on Fisheries Management and Control of Water Hyacinth and Other Invasive Weeds

- (a) Review existing fisheries legislation.
- (b) Analyze existing and proposing optional arrangements for funding fisheries extension, monitoring and enforcement.
- (c) Prepare proposal for strengthening national monitoring (data collection of catches and efforts, processing and marketing etc.), extension and enforcement.
- (d) Interact with the Regional Task Force 1 and its specialized expertise on items 2 (b) and 2 (d) - (j) above.

#### 6. National Working Groups on Management of Water Quality and Land Use (including Wetlands)

- (a) Review and identify the deficiencies of the national programs for water quality monitoring.
- (b) Undertake a study of major sources of industrial and municipal pollution and prepare investment proposals.
- (c) Undertake studies of the impact of changes in wetland use.
- (d) Interact with Regional Task Force 2 and its specialized expertise on items 3 (a) - (n) above.