
**CONVENTION FOR THE ESTABLISHMENT OF
THE LAKE VICTORIA FISHERIES ORGANIZATION**

**FINAL ACT OF THE CONFERENCE OF PLENIPOTENTIARIES ON THE ESTABLISHMENT OF
THE LAKE VICTORIA FISHERIES ORGANIZATION**

Kisumu, Kenya, 30 June 1994

1. In response to a request made by the CIFA Sub-Committee for the Development and Management of the Fisheries of Lake Victoria and confirmed by the Regional Meeting for the Management of the Lake Victoria and the Creation of the Lake Victoria Fisheries Commission held in Dar-es-Salaam (Tanzania) from 20 to 24 October 1992, and following a recommendation made by the Legal and Technical Consultation for the Establishment of the Lake Victoria Fisheries Organization also held in Dar-es-Salaam from 21 to 25 March 1994, the Director-General of the Food and Agriculture Organization of the United Nations convened a Conference of Plenipotentiaries at ministerial level to consider, with a view to its adoption, a draft Convention for the Establishment of the Lake Victoria Fisheries Organization.

2. Upon invitation of the Government of Kenya, the Conference of Plenipotentiaries on the Establishment of the Lake Victoria Fisheries Organization was held in Kisumu on 30 June 1994.

3. The Governments of the following States were represented:

Kenya: by The Honourable Noah Katana Ngala, Minister of Tourism and Wildlife

• **Tanzania:** by Mr. T. Maembe, Director of Fisheries, Ministry of Tourism, Wildlife and Environment

Uganda: by the The Honourable Henry Kyemba, Minister of State for Agriculture, Animal Industries and Fisheries

4. The following intergovernmental organizations and agencies were represented by an observer: The East African Development Bank, the European Economic Community and the United Nations Environment Programme.

5. The Director-General of the Food and Agriculture Organization of the United Nations was represented by Mr. B.F. Dada, Director, Fisheries Policy and Planning Division.

6. The Honourable John Kipkorir Sambu, EGH, M.P. Minister for Environment and Natural Resources addressed the Conference at its inaugural ceremony on behalf of The Honourable Prof. George Saitoti, Vice-President of the Republic of Kenya and Minister for Planning and National Development.

7. The Conference elected The Honourable Noah Katana Ngala, Minister of Tourism and Wildlife of Kenya as Chairman, The Honourable Henry Kyemba, Minister of State for Agriculture, Animal Industry and Fisheries of Uganda and Mr. T. Maembe, Director of Fisheries, Ministry of Tourism, Wildlife and Environment of Tanzania as Vice-Chairmen.

8. The draft Convention referred to in paragraph 1 of this Final Act had been prepared by the Secretariat of the Food and Agriculture Organization of the United Nations and, after discussion, was adopted by the Conference as reproduced in the Annex to this Final Act.

9. The Convention, as adopted by the Conference, was opened for signature in Kisumu on 30 June 1994.

IN WITNESS WHEREOF the duly authorized representatives of the Contracting Parties whose names appear hereunder have signed this Final Act.

For the Republic of Kenya: The Honourable Noah Katana Ngala

For the United Republic of Tanzania: T. Maembe

For the Republic of Uganda: The Honourable Henry Kyemba

Done in Kisumu, Kenya, this Thirtieth Day of June Nineteen Ninety Four, in a single copy in English.

The original text is deposited in the Archives of the Food and Agriculture Organization of the United Nations (FAO) in Rome.

ANNEX TO THE FINAL ACT

CONVENTION FOR THE ESTABLISHMENT OF THE LAKE VICTORIA FISHERIES ORGANIZATION

as amended by the Council of Ministers at its Second Session, 12 November 1998

PREAMBLE

The Governments of the Republic of Kenya, the Republic of Uganda and the United Republic of Tanzania, hereinafter referred to as the "Contracting Parties"

Recognizing and acknowledging the efforts already made by the three riparian States of Lake Victoria to strengthen regional cooperation in the spirit of the Agreement for the Establishment of a Permanent Tripartite Commission for cooperation among them signed in Arusha on 30 November 1993;

Recognizing that, as the riparian States of Lake Victoria, they share an interest in the well-being of the Lake and its living resources, and in the rational management and sustainability of those living resources for the benefit of present and future generations;

Recognizing that the quantity and value of landings from Lake Victoria fisheries have increased substantially during the past decade, and that there is a need to ensure the sustainability of yields;

Recognizing that introduced fish species, for example the Nile Tilapia and the Nile Perch, now dominate commercial catches and that some indigenous fish species have substantially declined, affecting the biodiversity of the Lake;

Recognizing the likelihood that management decisions relating to any portion of Lake Victoria within the territorial limits of any one of the Contracting Parties will affect those portions of Lake Victoria lying within the territorial limits of the other Contracting Parties, and the concomitant necessity that management decisions be made taking such effects into account;

Recognizing the continuing need to increase scientific understanding of Lake Victoria, its living resources, its ecosystem, and the impact on those resources of climate, human populations and settlement, non-indigenous wildlife and industrialization;

Being aware of the dangers of over-fishing and of other threats such as water hyacinth, pollution, eutrophication and climatic changes to the sustainability of yields;

Appreciating past efforts of nationals and institutions of each of the three Contracting Parties in partnership with international organizations and foreign governments in fostering a better understanding of Lake Victoria and its living resources and in clarifying the choices that need to be made respecting the Lake and its living resources in the future;

Being convinced that joint action by the Contracting Parties is essential, in order to develop uniform management measures to the extent appropriate, to be implemented by national laws and regulations, as well as to develop adequate scientific bases for such measures;

Being committed to continued cooperation with respect to the sustainable utilization of Lake Victoria, its resources generally, and its living resources in particular;

Have agreed as follows:

ARTICLE I

Definitions

"Executive Secretary" means the chief executive and legal representative of the Organization.

"Committee" means a committee established in accordance with Articles VIII.1 and VI. 1(k).

"Chief Executive Officer" means the Principal Secretary or the Permanent Secretary, as the case may be.

Words importing the masculine gender include the feminine gender.

ARTICLE II

Establishment, Objectives, Functions and Responsibilities

1. The Contracting Parties hereby establish the Lake Victoria Fisheries Organization (hereinafter referred to as "the Organization").

2. The objectives of the Organization shall be to foster cooperation among the Contracting Parties, harmonize national measures for the sustainable utilization of the living resources of the Lake and to develop and adopt conservation and management measures.

3. To achieve these objectives, the Organization shall have the function and responsibility to:

- (a) promote the proper management and optimum utilization of the fisheries and other resources of the Lake;
- (b) enhance capacity building of existing institutions and develop additional institutions dedicated to, or likely to contribute to, the purposes of this Convention in cooperation with existing institutions established in or by the Contracting Parties and with such international, regional or non-governmental organizations as may be appropriate;
- (c) provide a forum for discussion of the impacts of initiatives dealing with the environment and

water quality in the Lake basin and maintain a strong liaison with the existing bodies and programs;

(d) provide for the conduct of research concerning the waters of Lake Victoria, including without limitation the quality of such waters, in particular with respect to supporting the living resources of the Lake and the nature, extent and pathways of its pollution and other forms of environmental degradation;

(e) encourage, recommend, co-ordinate and, as appropriate, undertake training and extension activities in all aspects of fisheries;

(f) consider and advise on the effects of the direct or indirect introduction of any non-indigenous aquatic animals or plants into the waters of Lake Victoria or its tributaries and to adopt measures regarding the introduction, monitoring, control or elimination of any such animals or plants;

(g) serve as a clearing-house and data bank for information on Lake Victoria fisheries and promote the dissemination of information, without prejudice to industrial property rights, by any appropriate form of publication;

(h) in respect of any or all of the foregoing, adopt budgets, seek funding, formulate plans for financial management and allocate funds to activities of the Organization, or to such activities of the Contracting Parties as it may determine to be in furtherance of the purposes of this Convention;

(i) undertake such other functions as it may determine to be necessary or desirable in order to achieve the purposes of this Convention.

•

ARTICLE III

Seat

1. The seat of the Organization shall be in the Republic of Uganda. The Host State undertakes to accord, in respect of the Organization, its staff and its property, the privileges, immunities and facilities set out in the Annex to this Convention.

2. The Council of Ministers may authorize the establishment of centres of the Organization in the territory of any of the Contracting Parties and may authorize the Organization to enter into agreements for this purpose with the State on whose territory such centres are to be located. Any agreement concluded with such a host State shall include all the provisions contained in Part A of the Headquarters Agreement annexed to this Convention.

ARTICLE IV

The Organs of the Organization

1. The organs of the Organization are:

• (a) the Council of Ministers;

(b) the Policy Steering Committee;

(c) the Executive Committee;

(d) the Fisheries Management Committee, the Scientific Committee, and such other committees, sub-committees and working groups as may be established;

(e) the Permanent Secretariat.

2. The Council of Ministers may set up such committees or other subsidiary bodies as it may deem necessary for the performance of the functions of the Organization.

3. The Executive Committee may set up such sub-committees or working groups as it may deem necessary for the work of the committees or the Executive Committee itself.

ARTICLE V

The Council of Ministers

1. The supreme body of the Organization shall be the Council of Ministers consisting of the Ministers responsible for fisheries of the Contracting Parties or their authorized representatives.

2. Each Contracting Party shall endeavour to ensure that the heads of the departments responsible for fisheries management, fisheries research, environment, industry and tourism are represented in its delegation.

3. The Council of Ministers shall elect a Chairman, who shall serve for a two year term. The chairmanship of the Council of Ministers shall rotate every two years among the members of the Council in accordance with the alphabetical order of the names of the Contracting Parties.

4. The Council of Ministers shall hold a regular session once every two years at such time and place as it shall determine. The Council of Ministers may hold special sessions if it so decides or at the request of any Contracting Party. The Chairman shall inform the Contracting Parties of the date and place of any session. No session of the Council of Ministers shall take place unless all three Ministers or their authorized representatives are present.

5. The Council of Ministers shall adopt its own Rules of Procedure. As far as possible decisions of the Council of Ministers will be taken by consensus. Where it is not possible to reach consensus the matter will be decided by majority vote. Each Contracting Party shall have one vote.

ARTICLE VI

Functions of the Council of Ministers

1. The functions of the Council of Ministers shall be:

- (a) to review reports and recommendations submitted to it by the Policy Steering Committee concerning the situation of Lake Victoria fisheries and, on this basis, to determine the policy of the Organization and approve its programme of work and its budget;
- (b) to determine the contributions of the Member States as provided for in Article XV.1;
- (c) to approve the report on the work of the Organization and the audited accounts referred to in Article X.3(a);
- (d) to adopt the Financial Regulations of the Organization;
- (e) to adopt the Rules governing the appointment of the Executive Secretary and the Deputy Executive Secretary;
- (f) to appoint the Executive Secretary of the Organization in accordance with Article X.1;
- (g) to adopt amendments to this Convention in accordance with Article XXI.3;

(h) to establish centres of the Organization;

(i) to set up such committees or other subsidiary bodies as it may deem appropriate for the performance of the functions of the Organization;

(j) to adopt management and conservation measures, and to take such decisions as it may deem appropriate for the conservation and management of Lake Victoria's fisheries;

(k) to perform such other functions as have been entrusted to it by this Convention or as may be appropriate to achieve the Organization's objectives.

2. The Council of Ministers may, within the limits determined by it, delegate any matter falling within its functions to the Policy Steering Committee with the exception, however, of the functions specified in subparagraphs (a), (b), (g) and (h) of paragraph 1 above.

ARTICLE VII

The Policy Steering Committee

1. The Policy Steering Committee shall consist of the Chief Executive Officers of the Ministries dealing with fishery matters in each of the Contracting Parties or their representatives. The Chief Executive Officers or their representatives may be assisted by such advisers and experts as they deem necessary.

2. The Steering Committee shall hold one regular annual session and such other special sessions as it may consider appropriate. A special session shall be called upon written request by any two Contracting Parties. The Executive Secretary of the Organization shall inform the Contracting Parties of the date and place of each session.

3. No session of the Steering Committee shall take place unless all of the Contracting Parties are represented.

4. The Policy Steering Committee shall elect a chairman, whose term of office shall be one year. The chairmanship of the Policy steering committee shall rotate every year among the members of the Committee in accordance with the alphabetical order of the names of the Contracting Parties.

5. The Policy Steering Committee shall adopt its own Rules of Procedure. As far as possible, decisions of the Committee will be taken by consensus. Where it is not possible to reach a consensus, the matter will be decided by majority vote. Each Contracting Party shall have one vote. The Rules of Procedure of the Policy Steering Committee shall provide for consultation by correspondence or any rapid means of written communication, if a matter of exceptional urgency requiring action by the Committee arises between two of its sessions.

6. The functions of the Policy Steering Committee shall be:

- (a) to review reports and recommendations submitted to it by the Executive Committee concerning the situation of Lake Victoria fisheries;

- (b) to prepare the sessions of the Council of Ministers;

- (c) to review the activities of the Organization and report to the Council of Ministers on the work of the Secretariat and of the various statutory bodies;

- (d) to submit recommendations to the Council of Ministers concerning the state of Lake Victoria fisheries;
- (e) to review proposals on management and conservation measures to be adopted by the Council of Ministers;
- (f) subject to endorsement by the Council of Ministers, to establish general standards and guidelines for the management of the Organization;
- (g) subject to endorsement by the Council of Ministers, to establish posts and determine the conditions of employment of the staff and adopt or amend the Staff Regulations of the Organization;
- (h) to give guidance to the Executive Secretary on the implementation of policy and decisions taken by the Council of Ministers;
- (i) subject to endorsement by the Council of Ministers, to conclude formal agreements or memoranda of understanding with other organizations or institutions referred to in Article XIX.1 and with governments, including any proposals for agreements to be concluded between the Organization and the States in which the seat of the Organization or the centres provided for in sub-paragraph (h) of Article VI.1 are situated.

7. At each session the Policy Steering Committee shall adopt a report, which shall be submitted to the Council of Ministers at its next session.

ARTICLE VIII

The Executive Committee

1. The Executive Committee shall consist of six members who shall be the heads of the departments responsible for fisheries management and the heads of the departments responsible for fisheries research in each of the three Contracting Parties, or their authorized representatives. The East African Cooperation Secretariat shall be represented on the Executive Committee without voting rights. The designated representatives of key regional projects on the Lake in the three Contracting States shall be invited as determined by the Executive Committee from time to time, to participate without voting rights, in sessions of the Executive Committee.
2. No session of the Executive Committee shall take place unless all of the Contracting Parties are represented.
3. At its first regular session, the Executive Committee shall select a Chairman from among the heads of the departments responsible for fisheries management. He shall hold office until the next regular session and thereafter the chairmanship of the Executive Committee shall rotate among the heads of the departments responsible for fisheries management in accordance with the alphabetical order of the names of the Contracting Parties. The Executive Committee shall adopt its own Rules of Procedure.
4. The Executive Committee shall hold one regular annual session and such other special sessions as it may determine. A special session shall be called upon request by any two Contracting Parties. The Executive Secretary of the Organization shall inform the Contracting Parties of the date and place of any session.
5. All decisions and recommendations of the Executive Committee shall be adopted by consensus. The Council of Ministers may establish rules whereby the Executive Committee may be consulted by correspondence or any rapid means of written communication, if matters of exceptional urgency requiring

action by the Executive Committee arise between two of its sessions.

6. The Executive Committee shall:

- (a) consider and agree on immediate and appropriate management measures to be implemented at national levels;
- (b) review the management and scientific activities of the Organization and make proposals for consideration by the Policy Steering Committee and the Council of Ministers;
- (c) monitor the implementation of management measures at national and regional levels and report periodically to the Policy Steering Committee and the Council of Ministers;
- (d) make recommendations to the Policy Steering Committee on any matter relevant to the functions of the Steering Committee or the Council of Ministers;
- (e) establish such sub-committees or working groups as it may deem appropriate in accordance with Article IV.3;
- (f) carry out any other functions entrusted to it by this Convention.

7. At each session the Executive Committee shall adopt a report, which shall be submitted to the Policy Steering Committee at its next session.

ARTICLE IX

The Committees, Sub-committees and Working Groups

1. There shall be a Fisheries Management Committee and a Scientific Committee, whose functions shall be to advise the Executive Committee on matters within their areas of competence.

2. The Fisheries Management Committee shall be constituted by the heads of the departments responsible for fisheries management of the three Contracting Parties or their authorized representatives.

3. The Scientific Committee shall be constituted by the heads of the departments responsible for fisheries research of the three Contracting Parties or their authorized representatives.

4. The Executive Committee shall determine from time to time the number and qualifications of other persons who may be members of the Fisheries Management and Scientific Committees.

5. The functions of the Fisheries Management Committee will be to:

- (a) review stock assessment, monitoring, harvest and enforcement data received and compiled by the Secretariat;
- (b) identify emerging problems in fisheries in terms, for example, of species, populations, over-harvest, primary production, habitat concerns and general ecosystem health, with a view to ensuring their long term sustainability;
- (c) develop objectives for constituent fish communities;
- (d) consider effects of proposed or accidental introductions and means for their management, control or eradication;

- (e) develop partnerships among the Contracting Parties of the Organization, their agencies and local communities;
- (f) ensure the conservation of indigenous species, including the use of refuge areas and sanctuary lakes;
- (g) develop management policies based on the biological, economic, social and environmental needs;
- (h) recommend measures for the management and conservation of the living resources of the Lake.

6. The functions of the Scientific Committee will be to:

- (a) identify requirements for applied and innovative research pertinent to the management of the living resources of Lake Victoria, including without limitation, the fields of fisheries biology, limnology, hydrology, botany, statistics, human and veterinary medicine, water pollution, toxicology and socio-economics;
- (b) develop and recommend to the Executive Committee research projects on Lake Victoria, to be carried out by agencies of the Contracting Parties, universities, regional and international organizations;
- (c) review the results of research programmes carried out on Lake Victoria;
- (d) develop and recommend common, harmonized and standardized data collection and statistical methods for biological, social, economic and environmental data, including the cross-calibration of scientific instruments and provide close supervision of their collection and compilation;
- (e) ensure members of the scientific community, the fishing industry and the public, likely to have an interest in a particular project under consideration, are made aware of the deliberations of the Scientific Committee and are given an opportunity to comment upon it.

7. Each committee shall have its own Rules of Procedure. These Rules of Procedure shall be adopted by the Executive Committee. The committees shall meet as and when the Executive Committee shall determine. The Chairmanship of the committees will rotate among the heads of the departments responsible for fisheries management and for fisheries research of the Contracting Parties respectively in alphabetical order of the names of the countries.

8. Except as otherwise provided by their own Rules of Procedure, decisions of the committees shall be taken by consensus.

9. The Fisheries Management and Scientific Committees may propose to the Executive Committee the establishment of such sub-committees or working groups as they consider necessary in accordance with Articles IV.3 and VIII.6(e).

10. After any meeting, the committees, sub-committees and working groups shall submit a report on their work to the Executive Committee. The report shall contain such recommendations as these bodies deem appropriate.

ARTICLE X

The Permanent Secretariat

1. The Organization shall have a Permanent Secretariat headed by an Executive Secretary who shall be

appointed by the Council of Ministers for a period of five years on such conditions as it may determine. The mandate of the Executive Secretary will be renewable once. The position of the Executive Secretary shall be subject to rotation among the three countries.

2. The Executive Secretary shall be the chief executive and legal representative of the Organization. He shall direct the work of the Organization in accordance with the policy and decisions adopted by the Council of Ministers and under the guidance of the Policy Steering Committee.

3. The Executive Secretary shall, through the Executive Committee and Policy Steering Committee, submit to the Council of Ministers at each regular session:

- (a) a report on the work of the Organization, as well as the audited accounts; and
- (b) a draft programme of work and a draft budget of the Organization.

4. The Executive Secretary shall organize the sessions of the Council of Ministers, the Policy Steering Committee, the Executive Committee, and meetings of all other bodies of the Organization. He shall provide the secretariat for such sessions and meetings and shall participate in them.

5. The Executive Secretary shall be assisted by a Deputy Executive Secretary appointed by the Council of Ministers. The mandate of the Deputy Executive Secretary shall be of five years, renewable once. The Deputy Executive Secretary shall be of a nationality different from that of the Executive Secretary.

6. If and for so long as the Executive Secretary is prevented from performing his duties, the Deputy Executive Secretary shall have the powers and duties entrusted to the Executive Secretary under this Convention.

7. The professional staff of the Organization shall be appointed by the Executive Secretary on the proposal of a Selection Committee. The Selection Committee will be constituted by the members of the Executive Committee. The General Service Staff will be recruited and appointed by the Executive Secretary.

8. All staff members of the Organization shall be appointed in accordance with the policy, general standards and guidelines laid down by the Policy Steering Committee, with the approval of the Council of Ministers. In appointing the staff of the Organization, the Executive Secretary shall ensure the highest standards of efficiency, professional competence and integrity.

9. The staff of the Organization, wherever they may be posted, shall be responsible to the Executive Secretary. They shall not seek or receive instructions with regard to the performance of their duties from any authority external to the Organization.

ARTICLE XI

National Consultations

1. Each Contracting Party shall establish a National Committee for Lake Victoria Fisheries, headed by the Chief Executive Officer of the ministry responsible for fisheries management, or his authorized representative, to serve as a forum for consultation, coordination and information on activities concerning Lake Victoria.

2. Each National Committee for Lake Victoria Fisheries shall be composed of, but not limited to, representatives from:

- (i) the departments or various institutions responsible for fisheries, scientific research, environment, agriculture, forestry, water quality, planning industry, development, tourism and finance;
- (ii) representatives of the private sector whose activities have an impact upon or derive benefit from Lake Victoria ecological systems.

ARTICLE XII

Observers

1. States indirectly concerned with the living resources and the quality of the water resources of Lake Victoria may be granted observer status by the Council of Ministers. Observer States may participate, without right to vote, in meetings of all the statutory bodies of the Organization.

2. Any State interested in the activities of the Organization may, upon its request, be invited by the Policy Steering Committee to be represented by an observer at sessions of the Council of Ministers, the Policy Steering Committee or the Executive Committee. It may submit memoranda and, with the permission of the Chairman, participate without vote in the discussions.

3. The Policy Steering Committee and the Executive Committee may invite intergovernmental, non-governmental organizations or any other entity having special competence in the field of the Organization's activities to attend such sessions as the committees may specify.

ARTICLE XIII

National Measures

1. The Contracting Parties hereby agree to take all necessary measures including legislative measures when appropriate, in accordance with their respective constitutional procedures and national laws to implement the decisions of the Organization's Governing bodies.

2.

(a) Each Contracting Party shall enforce its national laws and regulations adopted pursuant to paragraph 1 of this Article:

- (i) in respect of its own territory and territorial waters;
- (ii) in respect of its own nationals, except where one or both of the other Contracting Parties asserting jurisdiction described in sub-paragraph (a) has already initiated and maintained enforcement action in respect of the same conduct; and
- (iii) in respect of fish landed in its territory;

• (b) except to the extent the Council of Ministers may decide otherwise, each Contracting Party shall remain free to impose such penalties in accordance with its national laws as it may determine to be necessary to fulfil its obligations.

3. The Contracting Parties hereby agree to adopt, enforce and maintain in effect laws and regulations prohibiting the introduction of non-indigenous species to Lake Victoria, other than in accordance with a

decision of the Council of Ministers pursuant to Article VI.1(j).

4. Subject to paragraph 1 of this Article, nothing in this Convention shall be interpreted as preventing a Contracting Party from exercising fully its sovereign powers in respect of any of the subject matters of this Convention. In particular, each Contracting Party shall remain free to adopt national laws and regulations more stringent or extensive than those required to fulfil its obligations.

5. Each Contracting Party shall provide the Organization with access to all laws, regulations and all documents, data and reports, pertaining to fish landings, stock assessments, living resources of Lake Victoria or any other matter which is the subject of resource management and utilization, and research pursuant to Article II.2, subject to reasonable and practical requirements.

6. The Executive Secretary shall, without undue delay, notify the Contracting Parties of any decision or recommendation adopted by the Council of Ministers.

7. The Executive Secretary shall, upon the direction of the Policy Steering Committee or upon the request of Observer States or organizations and subject to approval from the Policy Steering Committee, notify such Observer States, organizations or entities of decisions or recommendations adopted by the Council of Ministers.

8. Each Contracting Party shall transmit to the Organization an annual statement of the measures it has taken to implement the decisions of the Council of Ministers. Such statement shall be sent to the Executive Secretary not later than sixty days before the date of the next regular session of the Policy Steering Committee.

9. The Organization shall establish an appropriate system to keep under review the laws, regulations and other measures adopted by the Contracting Parties for implementation of the decisions taken by the Council of Ministers. It shall report regularly on the matter to the Contracting Parties and, at each of their sessions, to the Council of Ministers.

ARTICLE XIV

Research Access

1. Where a programme of research has been agreed under Article II.3(d), the Contracting Parties agree to facilitate access, in accordance with their national laws and regulations, by research teams, including any vessel and all equipment being used for that purpose, to their national territory and territorial waters.

2. The Organization shall inform the Contracting Party or Parties in whose territory or territorial waters any research has been authorized in accordance with Article II.3(d), of the fact of such authorization.

ARTICLE XV

Funding

1. The Council of Ministers shall approve the budget of the Organization which shall be supported in part by revenues received under paragraph 4 below and the remainder by equal contributions from the Contracting Parties. Each Contracting Party undertakes to contribute its share of the budget as approved by the Council of Ministers.

2. The Executive Secretary through the Policy Steering Committee shall submit a draft biennial budget of anticipated joint expenses to the Contracting Parties for approval by the following session of the Council of Ministers.

3. Contributions by the Contracting Parties shall be paid in freely convertible currency into an account or accounts established by the Organization in a banking institution of good standing.

4. The Organization may receive subventions, donations and legacies from any suitable body, whether governmental or non-governmental, provided that the terms of their use are compatible with the objectives of the Organization.

5. The Policy Steering Committee may determine from time to time procedures governing the disbursement of funds under the control of the Policy Steering Committee.

6. Unless otherwise determined by the Council of Ministers, funding shall be provided for the members from each Contracting Party to attend sessions of the Policy Steering Committee and the Executive Committee.

7. Members of the committees, sub-committees or working groups established by or pursuant to Articles VI.1(i) or VIII.6(e) shall be entitled to such allowances as may be determined from time to time by the Council of Ministers in relation to expenses incurred in their attendance at meetings of their respective committees, sub-committees or working groups, or otherwise in connection with the discharge of their responsibilities.

8. The Executive Secretary, through the Policy Steering Committee, shall submit annual audited accounts to the Contracting Parties not more than ninety days after the conclusion of the financial year to which they relate.

ARTICLE XVI

Annual Report

The Executive Secretary shall submit annually to the Contracting Parties a report on the discharge of the Organization's duties during the preceding year. The recommendations received by the Executive Committee from the committees, sub-committees and working groups during such year shall be appended to the annual report, along with an explanation of its response to each such recommendation.

ARTICLE XVII

Territorial Limits of Contracting Parties

Nothing in this Convention shall be interpreted as affecting the existing territorial limits of the Contracting Parties, or of their sovereignty in respect of the portions of Lake Victoria falling within their respective boundaries.

ARTICLE XVIII

Legal Status, Privileges and Immunities

1. The Organization shall be an independent intergovernmental organization having the capacity of a legal person to perform any legal act that is necessary or useful for the carrying out of its functions or for the exercise of its powers under this Convention. Without prejudice to the generality of the foregoing sentence and, within the limits of Article XV.4, the Organization shall have the capacity to contract, acquire and dispose of immovable and movable property and to be a party to legal proceedings.

2. Each Contracting Party shall grant:

- (a) to the Organization and its property, funds and assets such privileges, immunities and facilities as may be appropriate to enable the Organization to carry out its activities; and

- (b) to representatives of any State or intergovernmental organization performing official duties in connection with the work of the Organization, and to the Executive Secretary, the Deputy Executive Secretary and other staff of the Organization, such privileges, immunities and facilities as may be necessary to enable them to perform their official duties.

3. Disputes arising out of any agreement - including terms and conditions of employment - between the Organization and any natural person or legal entity which cannot be settled by negotiation or conciliation and in relation to which the Organization has not waived its immunity from legal process, shall, unless the parties to the dispute have agreed on some other mode of settlement, be submitted to arbitration in accordance with rules which shall be established by the Council of Ministers.

4. In any case where immunity conferred upon a person pursuant to this Article or to the Annex to this Convention would impede the course of justice and can be waived without prejudice to the interests of the Organization, such immunity shall be waived by a Contracting Party in the case of its representative, by the Council of Ministers or the Policy Steering Committee in the case of the Executive Secretary and the Deputy Executive Secretary of the Organization, and by the Executive Secretary in the case of other staff of the Organization.

ARTICLE XIX

Cooperation with Other Organizations and Institutions

1. The Organization shall cooperate with other intergovernmental organizations and institutions, especially those active in the sector of fisheries, which might contribute to the work and further the objectives of the Organization. To this end, the Executive Secretary, acting under the authority of the Policy Steering Committee, may establish working relations with such organizations or institutions and make such arrangements as may be necessary to ensure effective cooperation. Any formal agreements or memoranda of understanding proposed to be entered into with such organizations or institutions shall be concluded by the Policy Steering Committee subject to endorsement by the Council of Ministers.

2. The Organization will continue its working relationship with the Food and Agriculture Organization of the United Nations (FAO) and promote collaboration with other United Nations agencies.

ARTICLE XX

Signature, Ratification, Accession and Entry into Force

1. The riparian States of the Lake Victoria may become Parties to this Convention by:

- (a) signing this Convention followed by the deposit of an instrument of ratification; or
- (b) deposit of an instrument of accession.

2. This Convention shall be open for signature at Kisumu (Kenya) on 1 July 1994 and thereafter at the Headquarters of the Food and Agriculture Organization of the United Nations in Rome.

3. Instruments of ratification or accession shall be deposited with the Director-General of FAO.

4. This Convention shall enter into force on the date of the deposit of the third instrument of ratification or accession.

ARTICLE XXI

Amendment

1. Proposals for amendments to this Convention shall be made in writing by a Contracting Party to the Depositary, who shall notify the proposal to the other Contracting Parties and to the Executive Secretary of the Organization.

2. No proposal for amendment shall be considered by the Council of Ministers unless it has been notified by the Depositary to the Contracting Parties at least ninety days before the opening day of the Council of Ministers' session at which it is to be considered.

3. The Executive Secretary shall promptly notify the Depositary of the adoption of the amendment. Amendments shall be adopted by unanimous vote.

4. An amendment shall take effect thirty days after it has been adopted by the Council of Ministers.

ARTICLE XXII

Withdrawal and Termination

1. The Convention shall remain in force unless two of the Contracting Parties have withdrawn.

2. A Contracting Party may withdraw from this Convention at any time after the expiry of two years from the date upon which the Convention entered into force, by giving written notice of such withdrawal to the Depositary who shall immediately inform the other Contracting Parties. Withdrawal shall become effective at the end of the calendar year following that in which the notice of withdrawal has been received by the Depositary.

ARTICLE XXIII

Interpretation and Settlement of Disputes

Any dispute concerning the interpretation or application of this Convention which cannot be settled by negotiation, conciliation or similar means, shall be submitted to arbitration at the request of any Contracting Party. The parties to the dispute shall appoint one arbitrator each. The two arbitrators so appointed shall designate by mutual agreement the third arbitrator, who shall be the President of the Arbitral Tribunal. If one of the parties to the dispute does not appoint an arbitrator within two months of the appointment of the first arbitrator, or if the President of the Arbitral Tribunal has not been appointed within two months of the appointment of the second arbitrator, the Chairman of the Council of Ministers shall appoint the second arbitrator, or the President of the Arbitral Tribunal as the case may be. The decision of the Arbitral Tribunal shall be final.

ARTICLE XXIV

Depositary

1. The Director-General of the Food and Agriculture Organization of the United Nations shall be the Depositary of this Convention. The Depositary shall:

- (a) send certified true copies of this Convention to the Contracting Parties and to any other government which so requests;
- (b) arrange for the registration of this Convention, upon its entry into force, with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations;
- (c) inform the Contracting Parties of:
 - (i) the signing of the Convention and the deposit of instruments of ratification or accession in accordance with Article XX.1;
 - (ii) the date of entry into force of this Convention in accordance with Article XX.4;
 - (iii) proposals for amendments to this Convention and the adoption of amendments, in accordance with Article XXI;
 - (iv) notices of withdrawal from the Organization in accordance with Article XXII.2; and
 - (v) any other notification received from the Governments of the States participating in the Convention.

2. The original text of this Convention shall be deposited in the archives of the Food and Agriculture Organization of the United Nations in Rome.

ARTICLE XXV

Annex

The Headquarters Agreement which constitutes the Annex to this Convention is an integral part of the Convention.

Done at Kisumu on 30 June 1994 in a single copy in the English language.

HEADQUARTERS AGREEMENT

Recognition of the Lake Victoria Fisheries Organization and the granting of privileges and immunities by the Host State

INTRODUCTION

Pursuant to Article III.1 of this Convention, and without prejudice to Article XVIII.2, the present Annex relates to the additional rights and obligations of the Host State. It shall apply to the State referred to in Part B (the State of Uganda) for as long as that State is the Host State.

PART A - GENERAL PROVISIONS

Section 1: Privileges, immunities and facilities accorded to the Lake Victoria Fisheries Organization

1. Without prejudice to Article XVIII.2 of this Convention, the Host State undertakes to accord the following privileges, immunities and facilities to the Lake Victoria Fisheries Organization and to its property, funds and assets, wherever located in that State:

- (a) immunity from every form of legal process, except insofar as in any particular case the Organization has expressly waived immunity;
- (b) immunity from search, requisition, confiscation, expropriation and any other form of interference;
- (c) freedom to hold funds or currency of any kind, to operate accounts in any currency, to transfer funds or foreign currency within the Host State or abroad, and to convert any foreign currency into any other currency;
- (d) freedom from censorship of official correspondence and other official communications;
- (e) exemption from all direct and indirect taxes on the property, income and official transactions of the Organization, except taxes that are no more than charges for services rendered;
- (f) exemption from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Organization, or on publications issued by the Organization, for official purposes.

2. The Host State shall exercise due diligence to ensure that the security and tranquillity of the premises of the Lake Victoria Fisheries Organization are not in any way impaired and shall, at the request of the Executive Secretary of the Organization, provide adequate police protection where necessary.

3. The Lake Victoria Fisheries Organization shall enjoy for its official communications treatment not less favourable than that accorded to any other international organization or government, including the diplomatic missions of such other governments, in the Host State, in the matter of priorities and rates for mail, cables, telephone and other communications.

Section 2: Privileges, immunities and facilities accorded to official representatives, the Executive Secretary, the Deputy Executive Secretary and other staff of the Lake Victoria Fisheries Organization

1. Without prejudice to Article XVIII.2 of this Convention, the Host State undertakes to accord the following privileges, immunities and facilities:

- (a) to the representatives or delegates of any Member State of the Lake Victoria Fisheries Organization and of any international organization or institution with respect to the performance of their official duties in connection with the work of the Organization:

- (i) immunity from personal arrest or detention, except in the case of flagrancy, and from seizure of their personal baggage and, in respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process of any kind;

- (ii) inviolability for all papers and documents;

- (iii) exemption in respect of themselves and their spouses from immigration restrictions, alien registration or national service obligations;

- (iv) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;

- (b) to the Executive Secretary, the Deputy Executive Secretary and other staff of the Organization:

- (i) immunity from legal process in respect of words spoken or written and all acts done by them in their official capacity;

- (ii) exemption from taxation on the salaries and emoluments paid to them by the Organization;

- (iii) immunity, together with their spouses and dependents, from immigration restrictions and alien registration;

- (iv) together with their spouses and dependents, the same repatriation facilities in time of crisis as officials of comparable rank of diplomatic missions;

- (c) to the Executive Secretary, the Deputy Executive Secretary and professional staff, the right to import free of duty their furniture and effects, including one car, at the time of first taking up their post in the Organization, as well as replacements of such furniture and effects, including a car, at such intervals as may be agreed upon by the Organization and the Government of the Host State.

2. In addition to the privileges and immunities referred to in paragraph 1, the Executive Secretary, the Deputy Executive Secretary and other staff of the Organization, shall be granted the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions.

3. Subject to the application of measures for the maintenance of public health and security agreed upon between the Host State and the Organization, the Host State shall impose no impediment on the entry into, sojourn in and departure from its territory of the representatives of the Member States of the Organization and of international organizations or institutions referred to in paragraph 1(a), and their spouses, or of the Executive Secretary, the Deputy Executive Secretary and other staff of the Organization, and their spouses and dependents, or of any person visiting the Organization in connection with its work.

4. Any visa required for any person referred to in paragraph 3 shall be granted or extended promptly and without charge.

Section 3: Enforcement of the law of the Host State

The Lake Victoria Fisheries Organization shall cooperate with the appropriate authorities of the Host State to facilitate the proper administration of justice, secure the observance of police regulations, and prevent the

occurrence of any abuses in connection with the privileges, immunities and facilities conferred pursuant to Article XVIII.2 of this Convention or to the present Annex. The Organization shall promptly examine requests for a waiver of immunity made by the Host State.

Section 4: Amendment of this Part

1. Subject to paragraph 2, the present Part A of this Annex may be amended in the manner set out in Article XXI of this Convention.
2. Notwithstanding any other provision of this Convention, including the present Annex, no amendment to this Part may be adopted unless the Host State has expressly consented thereto.

PART B - SPECIFIC PROVISIONS CONCERNING THE STATE OF UGANDA

Section 1: Premises of the Lake Victoria Fisheries Organization and related facilities

1. The seat of the Lake Victoria Fisheries Organization shall be located in Jinja.
2. In fulfilment of its obligations in accordance with Article III.1 of the Convention, the State of Uganda undertakes to arrange for:
 - (a) provision to the Organization for its exclusive use appropriately furnished premises with an area of 250 sq. metres adapted to the needs of the Organization, and including a conference room, a library, eight offices and other facilities;
 - (b) assisting the Executive Secretary, the Deputy Executive Secretary and the international staff of the Organization, to lease upon reasonable terms, suitable residential accommodation;
 - (c) responsibility for installation and maintenance costs and provision of electricity and water needed for the use of the office premises;
 - (d) provision to the Organization of office equipment, fax, telex, telephone and administrative support facilities;
 - (e) funding of five General Service staff, including two secretaries, one driver and two support staff.
3. The provisions of sub-paragraphs (c), (d), (e) of paragraph 2 above shall be subject to review after three years.
4. At the request of the Lake Victoria Fisheries Organization, the State of Uganda shall undertake at its own expense all necessary repairs to the premises referred to in paragraph 2(a) with the exception of those which can be considered as day-to-day maintenance of the said premises.

Section 2: Privileges, immunities and facilities

1. The taxes referred to in Section 1, paragraph 1(e), of Part A shall include customs duties and dues on motor vehicles, furniture and equipment. Likewise, legacies and donations, including anything considered necessary by the Lake Victoria Fisheries Organization for its establishment or for attaining its objectives,

shall also be exempt from such taxes and dues.

2. Any funds or property transferred to the Lake Victoria Fisheries Organization, for its functions, by any natural person or by any non-profit organization shall be exempt from the payment of taxes.

3. Staff members of the Lake Victoria Fisheries Organization, including the Executive Secretary and the Deputy Executive Secretary, shall, provided that they are not nationals of the State of Uganda, be permitted to maintain assets outside the State of Uganda and be exempt from any form of taxation on income derived from sources outside the State of Uganda or on property outside the State of Uganda. They shall furthermore be exempt from national service obligations.

4. The State of Uganda shall adopt the legislation necessary to give effect to the legal capacity of the Lake Victoria Fisheries Organization and to the privileges, immunities and facilities referred to in this Convention, including the present Annex.

Section 3: Amendment of this Part

1. Subject to paragraph 2, the present Part B of this Annex may be amended in the manner set out in Article XXI of this Convention.

2. Notwithstanding any other provision of this Convention, including the present Annex, no amendment to this Part may be adopted unless the State of Uganda has expressly consented thereto.

Done in Kisumu, Kenya, this Thirtieth Day of June Nineteen Ninety Four, in a single copy in English.

IN WITNESS WHEREOF the duly authorized representatives of the Contracting Parties whose names appear hereunder have signed the present Convention.

FOR THE REPUBLIC OF KENYA: The Honourable Noah Katana Ngala

FOR THE UNITED REPUBLIC OF TANZANIA

FOR THE REPUBLIC OF UGANDA: The Honourable Henry Kyemba

CERTIFIED TRUE COPY



A handwritten signature in black ink, appearing to read 'Donata Rugarabamu', is written over the printed name.

Donata Rugarabamu

Legal Counsel