

**No. 32987. Kenya, Uganda and
United Republic of Tanzania**

CONVENTION FOR THE
ESTABLISHMENT OF THE LAKE
VICTORIA FISHERIES ORGANIZATION.
KISUMU, 30 JUNE 1994 [*United Nations,
Treaty Series, vol. 1930, I-32987.*]

AMENDMENTS TO THE CONVENTION FOR THE
ESTABLISHMENT OF THE LAKE VICTORIA
FISHERIES ORGANIZATION. NAIROBI,
29 JANUARY 2016*

Entry into force: 28 February 2016 , in
accordance with Article XXI of the
Convention

Authentic text: English

**Registration with the Secretariat of the
United Nations:** Food and Agriculture
Organization of the United Nations,
22 March 2017

**No UNTS volume number has yet been determined for this
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**N° 32987. Kenya, Ouganda et
République-Unie de Tanzanie**

CONVENTION PORTANT CRÉATION DE
L'ORGANISATION DES PÊCHES DU LAC
VICTORIA. KISUMU, 30 JUIN 1994
[*Nations Unies, Recueil des Traités, vol. 1930,
I-32987.*]

AMENDEMENTS À LA CONVENTION PORTANT
CRÉATION DE L'ORGANISATION DES PÊCHES
DU LAC VICTORIA. NAIROBI, 29 JANVIER
2016*

Entrée en vigueur : 28 février 2016 ,
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Convention

Texte authentique : anglais

**Enregistrement auprès du Secrétariat des
Nations Unies :** Organisation des Nations
Unies pour l'alimentation et l'agriculture,
22 mars 2017

**Aucun numéro de volume n'a encore été attribué à ce
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d'information.*

**CONVENTION FOR THE ESTABLISHMENT OF THE LAKE VICTORIA FISHERIES
ORGANIZATION
PROPOSED BY THE REPUBLIC OF KENYA¹**

PREAMBLE

The Governments of the Republic of Kenya, the Republic of Uganda and the United Republic of Tanzania, East African Community Partner States, hereinafter referred to as the “Contracting Parties”

Recognizing and acknowledging the efforts already made by the ~~three riparian States of Lake Victoria~~ East African Community Partner States 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 management and development of both fisheries and aquaculture;

Recognizing that there are other organizations responsible for the coordination of activities in some of the shared the East African Community water bodies and the need to collaborate;

Recognizing that, as the riparian States of Lake Victoria, they the East African Community Partner States share an interest in the well-being of the the East African Community water bodies Lake and their 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 fish caught landings from the East African Community water bodies Lake Victoria fisheries have increased substantially during the past decade but are now on the decline, and that there is a need to ensure the sustainability of yields;

Recognizing that there is potential in developing and promoting aquaculture to meet the increased demand in the national, regional and international markets;

Recognizing that introduced fish species, for example the Nile Tilapia and the Nile Perch in Lake Victoria, now dominate commercial catches and that some indigenous fish species have substantially declined, affecting the biodiversity of the Lake East African Community water bodies;

Recognizing the likelihood that management decisions relating to any portion of Lake Victoria the East African Community water bodies within the territorial limits of any one of the Contracting Parties will affect those portions of Lake Victoria the East African Community water bodies 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 of the aquatic resources, its the ecosystem, and the impact on those resources of climate change on fisheries resources and aquaculture, 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 fish 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 fish; fisheries products and aquaculture in clarifying the choices that need to be made respecting the Lake and its about these 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,

¹ Deletions appear as ~~strike through~~ and insertions as underlined italics.

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~~ East African Community water bodies, ~~its~~ their resources generally and ~~its~~ their living resources in particular;

Have agreed as follows:

ARTICLE I

Definitions

“East African Community Partner States” means the Republic of Kenya, the Republic of Uganda and the United Republic of Tanzania and any other country granted membership to the East African Community under Article 3 of the Treaty for the Establishment of the East African Community.

“East African Community water bodies” means the water bodies found among the East African Community Partner States.

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

“Committee” means a committee established in accordance with Articles ~~VIII.1~~ IV.3 and ~~VI.1(k)~~ VIII.6 (e).

“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 (herein 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 fisheries and aquaculture resources of the East African Community water bodies~~ 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 East African Community water bodies;
 - (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 relation to fisheries and aquaculture resources of the East African Community ~~the Lake basin and maintain a strong liaison with the existing bodies and programs~~;
 - (d) provide for the conduct of research concerning the fisheries and aquaculture resources and related activities ~~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 *aquaculture and* fisheries;
- (f) consider and advise on the effects of the direct or indirect introduction of any non-indigenous aquatic animals or plants into the *East African Community* waters *bodies 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 on fish, fisheries and aquaculture products*, 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 *Sectoral* 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 *Sectoral* Council of Ministers;
 - (b) the ~~Policy Steering~~ *Coordination Committee*;
 - (c) the ~~Executive Committee~~ *Senior Officials*;
 - (d) the Fisheries Management *Technical* Committee, the Scientific *Technical* Committee, and such other committees, sub-committees and working groups as may be established;
 - (e) the Permanent Secretariat.
2. The *Sectoral* 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~~ *Senior Officials* may set up such *Technical* sub-committees or working groups as it may deem necessary for the work of the *Technical* committees or the ~~Executive Committee~~ *Senior Officials* itself.

ARTICLE V

The *Sectoral* Council of Ministers

1. The ~~Supreme governing~~ body of the Organization shall be the *Sectoral* Council of Ministers consisting of the Ministers responsible for fisheries and aquaculture of the Contracting Parties or their authorized representatives.
2. Each Contracting Party shall endeavour to ensure that the heads of the departments responsible for *aquaculture and fisheries* management, ~~fisheries research, environment, industry and tourism and related activities~~ are represented in its delegation.
3. The *Sectoral* Council of Ministers shall elect a Chairman, who shall serve for a ~~two-one~~ year term. The chairmanship of the *Sectoral* 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 *Sectoral* Council of Ministers shall hold a regular session ~~twice once~~ every ~~two~~-years at such time and place as it shall determine. The *Sectoral* 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 *Sectoral* Council of Ministers shall take place unless ~~two thirds of all three-the Ministers~~ or their authorized representatives *from the Contracting Parties* are present.
5. The *Sectoral* Council of Ministers shall adopt its own Rules of Procedure. As far as possible decisions of the *Sectoral* 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 *Sectoral* Council of Ministers

1. The functions of the *Sectoral* Council of Ministers shall be:
 - (a) to review reports and recommendations submitted to it by the ~~Policy-Steering Coordination~~ Committee concerning the situation of ~~Lake Victoria fisheries on fisheries and aquaculture of the East African Community~~ 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;