



LVFO/CM.2/REP

LAKE VICTORIA FISHERIES ORGANIZATION

SECOND REGULAR SESSION OF THE COUNCIL OF MINISTERS

**The Hilton Hotel, Nairobi-Kenya
Thursday, 12th November 1998**

**REPORT OF THE SECOND REGULAR SESSION OF
THE COUNCIL OF MINISTERS**



REPORT OF THE SECOND REGULAR SESSION OF THE LAKE VICTORIA FISHERIES ORGANIZATION COUNCIL OF MINISTERS

CM.2.1 Opening of the Session

The Second Session of the Council of Ministers of the Lake Victoria Fisheries Organization (LVFO), was held at Hilton Hotel in Nairobi, Kenya on 12th November 1998. The Republic of Uganda was represented by Hon. Fred Mukisa, M.P., Minister of State for Fisheries, who represented the out-going Chairperson, Her Excellency Dr. Speciosa Wandira Kazibwe, the Vice-President and Minister for Agriculture, Animal Industry and Fisheries. The Host country, Kenya, was represented by Hon. Francis Lotodo, EGH, M.P., Minister for Natural Resources. The United Republic of Tanzania was represented by Mr. Pillemon L. Luhanjo, Permanent Secretary of the Ministry of Natural Resources and Tourism, who represented Honourable Minister Zakia Meghji, M.P., Minister of Natural Resources and Tourism. The list of the participants comprising the delegates and observers of intergovernmental organizations and other entities invited to attend is attached as Annex 1

The opening ceremony speech was delivered by Hon. Mukisa on behalf of the out-going Chairperson. In her speech, H.E. the out-going Chairperson thanked the Government of Kenya for hosting the Session. She gave a brief background on the establishment of LVFO and also briefed the meeting on the activities of LVFO between 1996 and 1998. During this period LVFO recruited all the Secretariat staff, formulated a Strategic Vision (1998-2010) with strategies designed to appropriately address Lake Victoria issues and the needs of stakeholders, and initiated a number of linkages and partnerships with regional and international agencies. H.E. the Out-going Chairperson concluded her speech by outlining to the participants the challenges and the way forward for LVFO. H.E. Dr. Speciosa Wandira Kazibwe's speech is attached as Annex 2.

The Minister Hon. Lotodo, the in-coming Chairman, welcomed the honourable delegates from the sister States as well as observers. He thanked the delegates for electing him the next Chairman of the Council of Ministers of LVFO. Hon. Lotodo commended and thanked the out-going Chairperson for steering the initial establishment of LVFO. He appreciated the good relationship initiated between the LVFO and the EAC Secretariat. The speech of Hon. Lotodo is attached as Annex 3.

The Representative of the Director General FAO commended the efforts of the three Governments in establishing the LVFO and promised to continue offering the Organization technical assistance. The statement by Mr. Daniel Gustafson, FAO Representative in Kenya, was read on his behalf by Dr. E.P. Pallangyo. The statement is attached as an Addendum Annex.

CM.2.2. List of Documents

The list of documents of the Session (Document LVFO/CM.2/2) is attached as Annex 4.

CM.2.3 Adoption of the Agenda and Programme

The agenda and programme as shown in Annexes 5 and 6 respectively were adopted.

CM.2.4 Election of the Chairman and the Vice-Chairman of the Council of Ministers.

In accordance with Article V.3 of the Convention and Rule IV.1 of the Rules of Procedure of the Council of Ministers, Kenya was elected as Chairman of the Council of Ministers to serve for a two-year term until the Third Regular Session. Hon. Francis Lotodo, EGH, M.P., Minister for Natural Resources took the Chair. The Council of Ministers elected Tanzania as Vice-Chairman; Mr Phillemon L. Luhanjo, Permanent Secretary, Ministry of Natural Resources and Tourism of Tanzania took the Chair.

CM.2.5 Accommodation of the LVFO Secretariat and office equipment

- (a) The Council of Ministers was informed and noted that the Host State, in accordance with Part B, Section I, Part 1(a) and (c) of the Headquarters Agreement, the Fisheries Research Institute (FIRI), on behalf of the Uganda Government, has provided six rooms where the Secretariat is temporarily hosted. FIRI has also provided some office equipment and furniture.

- (b) The Council of Ministers was also informed and noted that, although the LVFO continues to share some office facilities and equipment with the Director of FIRI, the Organization has purchased some office equipment, including filing cabinets, safes, a desktop computer, printer, fax machine, photocopier, typewriter and office furniture.
- (c) The Council of Ministers was also informed and noted that the Organization has also established its own communication links of Post Office Box Number 1625, Jinja; office telephone numbers 256-43-120205/120206; 120203 (at the Residence of the Executive Secretary); 120053 (at the Residence of the Deputy Executive Secretary); telefax no.: 256-43-130123 and e-mail LVFO@imul.com; and mobile telephones 077-506-478 (Executive Secretary) and 077-508-950 (Deputy executive Secretary).

CM.2.6 Renovation and extension of building at FIRI

- (a) LVFO has been allocated two plots within FIRI compound, namely Plot No. 2, Oboja Road and Plot No. 28, Kisinja Road, to develop as the Headquarters of its Permanent Secretariat.
- (b) Bids for the construction work to renovate and extend the existing structure were advertised in accordance with the World Bank procedures. The contract has been awarded and work will commence as soon as the procurement formalities are completed.
- (c) The Council of Ministers noted the above developments and commended the Government of Uganda for fulfilling her obligation as the Host State.

CM.2.7 Recruitment of Secretariat staff

Staff for the Organization have been recruited and have taken up their posts as follows:

- (a) The Executive Secretary, Prof. Micheni Japhet Ntiba, reported for duty on 1 July 1997.

- (b) The Deputy Executive Secretary, Mr. Kaitira Ibrahim Katonda, reported for Duty on 15 March 1998.
- (c) All the Professional Staff who were recruited in January 1998 have accepted and taken up their respective posts at the Secretariat. These are Dr. William Michael Kudoja (Senior Scientist), Ms. Caroline T. Kirema-Mukasa (Senior Economist), Mr. Samuel Luka Mukulu (Administrative Officer - Administration & Finance), Mr. Jacob Meme Ikilenya (Administrative Officer - Information & Database).
- (d) Although in the Headquarters Agreement Part B, Section 1, Part 2(e), the Host State had the obligation of funding for five General Service staff, including two Secretaries, one driver and two support staff, the Host State has been unable to fulfill this obligation. Due to this inability by the Host State and the need for these staff at the Secretariat, the Organization employed the four (4) General Staff using funds from the GEF/World Bank. The Scheme of Service used was adopted from the World Bank. The four Staff Members are Mrs. Ferry Kuzarwa Balirwa (Secretary), Mr. David Tenywa and George Kavuma (drivers) and Ms. Florence Magoba (Office Attendant).
- (e) The Council of Ministers noted the above developments and approved the action taken by the Secretariat to employ the General staff and the Scheme of Service used.

CM.2.8 Diplomatic Matters.

- (a) According to the Headquarters Agreement, the Host Country was to provide Diplomatic status to the Organization. This has since been done and LVFO is a recognized Diplomatic Mission (CD114) in the Republic of Uganda.
- (b) The Council of Ministers noted this development and thanked the Government of Uganda for offering LVFO this recognition.

CM.2.9 Ground Transport

- (a) The Director, FIRI, has allowed LVFO to continue using UV1328 (ISUZU TROOPER) until the Organization acquires another vehicle and on condition that IDEAL Project does not require the services of this vehicle. This is in accordance with the Headquarters Agreement.
- (b) LVFO has acquired one station wagon Nissan Patrol (Registration No. CD114 02U) through the GEF/World Bank funding. Two more cars (Double cabin pick-ups) will be supplied through the same source of funding.
- (c) LVFO does not have the Mission Representative vehicle ie CD114 01U and hence the need to set aside a budget for it amounting to US\$ 30,000.
- (d) The Council of Ministers noted the above developments and approved spending of US\$ 30,000 from 1997/98 outstanding country contributions to purchase the Mission Representative vehicle.

CM.2.10 House Rent Subsidy

- (a) The Host Country, in accordance to the Headquarters Agreement, Part B, Section 1, Part 2 (b) of the Convention, has assisted the LVFO staff to negotiate for suitable residential accommodation at reasonable terms in Jinja. The staff pay rent out of their consolidated salaries.
- (b) In 1998 house rents in Jinja escalated unprecedentedly due to influx of Multi-National companies engaged in various projects. Hence, LVFO staff were forced, either to pay the high rents or lease houses from areas of the town where rents were affordable but with high security risk.
- (c) Arising from the above developments, the Second Regular Session of the Executive Committee which was held in Nairobi, Kenya on 18 -19 May 1998, deliberated on this matter. However, during the Special Session of the Executive Committee, Nairobi, Kenya on 9-10 November 1998 it was noted that the salaries of

the LVFO staff are consolidated. It was therefore, recommended that a house rent subsidy be availed to the LVFO staff as a temporary measure to be revisited after two years, as follows:

<i>Consolidated salary (per annum)</i>	<i>Subsidy (per month)</i>
US \$ 35,000	US \$ 500
US \$ 30,000	US \$ 300
US \$ 25,000	US \$ 300
US \$ 20,000	US \$ 200

- (d) The house rent subsidy will be covered through the reallocation of the available resources in the budget.
- (e) The Council of Ministers considered and approved the provision of subsidy to the house rent in order to enable the staff live comfortably in Jinja.

CM.2.11 Fisheries Management Committee Meeting

- (a) The Fisheries Management Committee (FMC) of the LVFO, which met on 6th March 1998 in Jinja, Uganda, made the following recommendations:
 - (i) EU should be requested to assist the East African States in technical areas of capacity building and harmonization of fishing inspection and quality control.
 - (ii) In order to sustain the inspection and quality control system(s) once in place, it is recommended to the riparian Governments of Kenya and Uganda to set up a fund from the fish exports as is the case in Tanzania.
 - (iii) Each riparian state should have a Competent Authority, to be centralised and with a short chain of command, that will ensure that all regulations are met.
 - (iv) It should be ensured that only fish factories which meet the required standards are allowed to operate for export purposes.

- (v) The riparian Governments should establish storage facilities using their own resources for fish destined for export at Export Ports and especially airports of Mwanza, Entebbe and Eldoret.
 - (vi) Fish processing factories and infrastructure should be inspected regularly.
 - (vii) Each riparian state should urgently put in place a detailed fish quality assurance legislation.
- (b) The Council of Ministers noted the following developments:
- (i) The LVFO Secretariat is pursuing for implementation of the recommendations of the Fisheries Management Committee and will continue updating the Executive and the Policy Steering Committees accordingly.
 - (ii) The LVFO Secretariat will convene a meeting in consultation with Policy Steering Committee to work out the modalities of forming and launching National Committees of LVFO by April 1999.

CM.2.12 Fact Finding Mission to the Great Lakes of Canada and U.S.A.

- (a) A team from the LVFO made a fact finding tour to the Great Lakes with a general aim to review the experience of bilateral and trilateral commissions and research Institutes/Organizations from their experience.
- (b) The mission was successful, leading to the signing of a Memorandum of Understanding (M.O.U) between United Nations University for International Networking in Water, Environment and Health (UNU/INWEH) and the LVFO.
- (c) As a result of the above mission, a team from UNU/INWEH visited the LVFO Secretariat in Jinja and the East African region to acquaint themselves with the situations and on-going research and management activities in September 1998.

- (d) The Council of Ministers noted the above development and endorsed the M.O.U.

CM.2.13 Visit to East African Co-operation (EAC) Secretariat, Arusha, Tanzania.

- (a) The Executive Secretary and his Deputy visited the East African Cooperation Secretariat in Arusha in April 1998 where they exchanged ideas on future collaboration and cooperation between the two Organizations.
- (b) The EAC requested to be involved in the activities of the LVFO especially being invited to meetings. The EAC also pledged to invite the LVFO to its meetings especially those related to the Lake Victoria basin.
- (c) The Council of Ministers noted the above developments.

CM.2.14 Executive Committee Meetings

- (a) During the period between December 1996 and October 1998, the Executive Committee convened the following meetings:

- (i) *First Regular Session of the Executive Committee:*

This session was held in Kampala on 20th December 1996. The Committee elected the first Chairman and discussed the report of the First Session of the Council of Ministers. The posts of Professional Officers of LVFO were divided among the Contracting Parties.

- (ii) *Executive Committee First Special Session:*

The session was held in Kisumu on 30th November 1997. The Executive Committee discussed the LVFO 1997/98 budget and procedures for interviewing candidates to be employed as Professional Staff of the Organization. The Committee recommended procedures to be followed in the interview and set dates for the interviews.

(iii) *Selection Interviews:*

Three selection interviews were held. The first one was held in Jinja on 13/1/98 to interview candidates for the posts of Administrative Officer (Finance & Administration) and Senior Economist. The second selection interview was held in Nairobi on 15th January 1998 to interview candidates for the post of Administrative Officer (Information & Database). The third selection interview was held in Dar es Salaam on 19th January 1998 to interview candidates for the post of Senior Scientist.

(iv) *Executive Committee Second Special Session:*

This Session was held in Dar es Salaam on 20th January 1998. The Committee discussed the Progress Report of LVFO, recruitment of General Staff and approved the Safari Day Allowance (SDA), Daily Subsistence Allowance (DSA) and per diem for the LVFO staff and the Executive Committee members as follows:

Personnel/Category	Safari Day Allowance (SDA) in Uganda	Daily Subsistence Allowance (DSA) in Uganda	Per diem out of Uganda	Per diem Outside East Africa
Executive Committee Member	100	100	200	240
Executive Secretary	15*	70	200	240
Deputy Executive Secretary	12	60	160	200
Professional Staff	10	50	150	180
Secretaries	6	40	60	-
Drivers	5	35	35	-
Supporting Staff	5	35	35	-

Figures quoted as US\$

NB: All are not-accountable

* Except during Executive Committee Meeting when half per diem rates apply

(v) *The Second Regular Session of the Executive Committee:*

This Session was held in Nairobi on 18th - 19th May 1998. The Committee discussed the 1998/99 Budget estimates, renovation of future LVFO Headquarters, work programmes for 1997/98 and 1998/99, recruitment of General Staff and diplomatic matters.

- (b) The Council of Ministers noted the developments and endorsed the decisions made.

CM.2.15 Logo for LVFO

- (a) LVFO invited interested members of the public from Kenya, Uganda and Tanzania through an advertisement in The East African Newspaper to enter for competition to produce suitable logos for the Organization. In total 39 entries were received.
- (b) The winning logo was that of Mr. Peter Mluhabi Kafure from Tanzania which was approved by the Executive Committee.
- (c) The Council of Ministers noted the above development and endorsed the decision taken.

CM.2.16 Memorandum of Understanding Between LVFO and the University of Zurich, Switzerland.

- (a) The University of Zurich, which has a programme on: "Use and Protection of Water Resources in Lake Victoria through Sustainable Management of Wetland Ecotones", agreed with LVFO to cooperate in expanding and cementing the relationship between the two institutions in their work and activities in Lake Victoria and its catchment.
- (b) A Memorandum of Understanding (M.O.U) was signed between the University of Zurich, Switzerland and the LVFO.
- (c) The Council of Ministers noted the development and endorsed the Memorandum of Understanding.

CM.2.17 Meetings, Workshops and Seminars

The Council of Ministers noted that the LVFO has participated in a number of regional and national meetings/seminars/workshops concerning Lake Victoria during the period between July 1997 and October 1998.

CM.2.18 Accounting Manual

The Organization is in the process of preparing an Accounting Manual to enhance good financial management. The Manual shall be ready by the end of January 1999. The Council of Ministers noted this development.

CM.2.19 Bank Accounts

LVFO has opened a Collection Foreign Currency Account at Bank of Baroda, Kampala and an Operational Local Currency Account at Bank of Baroda in Jinja. The Council of Ministers noted the above information.

CM.2.20 Member States' Annual Contributions

- (a) Member States agreed annual contribution for the years 1997/98 and 1998/99 to the Organization to-date are as follows:

Country	1997/98 Contribution (US\$)	1997/98 Arrears (US\$)	1998/99 Contribution (US\$)	1998/99 Arrears (US\$)	Total Arrears due (US\$)
Tanzania	70,000.00	0	70,000.00	0	0
Kenya	52,218.68	17,781.32	0	70,000.00	87,781.32
Uganda	21,000.00	49,000.00	0	70,000.00	119,000.00
TOTAL	143,218.68	66,781.32	70,000.00	140,000.00	176,781.32

- (b) The Council of Ministers:
- (i) Commended the Government of the United Republic of Tanzania for meeting her obligation towards funding LVFO.
 - (ii) Urged Member States with outstanding arrears to urgently update their accounts.

CM.2.21 Other Contributions

- (a) The GEF and the World Bank through the LVEMP contribution for establishment of LVFO amounted to US\$ 412,000 and US\$ 385,300 in 1997/98 and 1998/99, respectively.
- (b) The EU Lake Victoria Fisheries Research Project (LVFRP) whose objectives are (i) to assist the newly established Lake Victoria Fisheries Organization in the creation and initial functioning of a viable management framework for the fisheries of Lake Victoria; and (ii) to create and develop the knowledge basis required for the rational management of the fisheries of Lake Victoria, has assisted LVFO and the research institutions in the region in capacity building. The total budget of the EU funded LVFRP amounts to US\$ 9.2 million for a period of 5 years.

The Project aims at establishing a fisheries management plan for the LVFO through assistance to the East African Fisheries Research Institutes and Fisheries Departments. Direct financial assistance to the LVFO is in the form of the publication and distribution of the *African Journal of Tropical Hydrobiology and Fisheries* and establishment of the Regional Fisheries Database. There are possibilities to assist the Organization in funding International Workshops.

- (i) Publication/distribution Journal - US\$ 220,000=
 - (ii) Database training in Greece - US\$ 7,000=
 - (iii) Other forms of assistance in kind.
- (c) The Council of Ministers thanked the GEF/World Bank for the grant and the EU Lake Victoria Fisheries Research Project for the assistance.

CM.2.22 DRAFT ACCOUNTS FOR THE FINANCIAL YEAR 1997/98

- (a) The draft accounts of LVFO for the Financial Year 1997/98 have been submitted to the Auditor General of Uganda for auditing.

- (b) The Council of Ministers directed the Executive Committee to receive and study the audited Accounts and report to the Council of Ministers through the Policy Steering Committee.

**CM.2.23 BUDGET ESTIMATES FOR THE YEARS 1998/99
AND 1999/2000**

- (a) The Budget Estimates for the Financial Year 1998/99 is US\$ 664,661.32 to be financed by the Member States (US\$ 210,000), and the GEF/World Bank through LVEMP (US\$ 385,300). In addition the LVFO expects to receive US\$66,781.32 as arrears/ recoveries from both Kenya and Uganda.
- (b) For 1999/2000, the budget estimates are based on an assumed 5% growth of the 1998/99 budget estimates.
- (c) In order to make the operations of LVFO sustainable it is desirable to explore other avenues of revenue generation e.g. the Fish Levy Trust under LVEMP.
- (d) The Council of Ministers approved the 1998/99 budget estimates and the 1999/2000 forward budget estimates.

CM.2.24 LVFO Work Programme for 1998/99

- (a) LVFO has prepared a detailed Work Programme for the year 1998/99 whose aim is to intensively promote LVFO's Vision Statement(s) amongst stakeholders in the Lake Victoria basin over the next year so that LVFO can start taking on a clear identity and assume a leadership role in identifying and addressing issues which impact the Lake Victoria and its fishery.
- (b) The Council of Ministers:
 - (i) Approved the 1998/99 Work Programme
 - (ii) Delegated to the Policy Steering Committee authority to approve the 1999/2000 Work Programme and Budget on its behalf.

CM.2.25 Strategic Vision

- (a) To fulfill its mandate and develop Programme of Action, the LVFO called a Stakeholders Workshop on 15 -16 July 1998, in Jinja, Uganda, to formulate a Strategic Vision (1998 -2010) for dealing with the Lake issues.
- (b) The Strategic Vision of LVFO contains the Goals, Objectives, Milestones, Strategies and Programmes including (i) Healthy Lake Victoria Ecosystem, (ii) Integrated Fisheries Management, (iii) Coordinated Research Programmes, (iv) Information Generation, Flow and Exchange, and (v) Institutional/Stakeholders Partnership.
- (c) The Strategic Vision of LVFO is being finalised.
- (d) The Council of Ministers took note of the above development.

CM.2.26 Information Dissemination

- (a) LVFO is mandated to establish an effective and efficient information flow and exchange mechanism for communicating research and management information to fishing communities, scientific resource managers, policy makers, other stakeholders and the general public. A number of activities are being undertaken as follows:
 - (i) The *African Journal of Tropical Hydrobiology and Fisheries* is now being published by the LVFO.
 - (ii) The European Union financed Lake Victoria Fisheries Research Project (LVFRP) will continue assisting the LVFO in the production of this Journal.
 - (iii) A representative from LVFO will be part of the team of seven East Africans sponsored by LVFRP to go to Athens, Greece in March 1999 to study and thereafter establish a regional fisheries database and information network for Lake Victoria.
 - (iv) LVFO has started a quarterly Newsletter named "Mputa". The first issue to be circulated by November 1998.

- (v) The UNU/INWEH will provide LVFO with a free Web Site for Internet services at the McMaster University, Ontario, Canada, and also software for a Geographic Information System (GIS) and Legacy Data for Lake Victoria.
- (b) The Council of Ministers noted the above developments.

CM.2.27 Amendments to the Convention establishing LVFO

- (a) The Council of Ministers, during the First Session, decided that it was necessary that the Permanent Secretaries of the Ministries responsible for Fisheries should be more closely associated with the work of LVFO. It was, therefore, proposed that the Convention establishing LVFO be amended, in accordance with its Article XX, to institute a *Policy Steering Committee* constituting of the Permanent Secretaries responsible for fisheries matters in the three Contracting Parties.
- (b) The Council of Ministers requested the Director General of FAO for assistance in amending the Convention establishing the LVFO and to associate regional projects and programmes in Lake Victoria in the work of the Organization. The Executive Committee, during its Second Regular Session considered the proposals for amendments to the Convention of LVFO as recommended by the Council of Ministers during its first session.
- (c) LVFO is one of the specialised institutions of the East African Cooperation in the Lake Victoria basin. In this regard there is need for the creation of legal protocols which will appear in the Convention of the LVFO and the Treaty of the EAC to formalize this linkage.
- (d) The amendments made in the Convention establishing the LVFO which include (i) Establishment of a Policy Steering Committee and (ii) The representation in the Executive Committee, without voting rights, of the EAC Secretariat and designated representatives of key regional projects on the lake in the three Contracting States.
- (e) The Food and Agriculture Organization (FAO), the Depository of the Convention has assisted the riparian States of Lake Victoria to make the amendments.

- (f) The Council of Ministers:
- (i) Commended the continuing technical assistance of FAO to LVFO.
 - (ii) Adopted the amendments to the Convention (Annex 7). The amendments will enter into force thirty (30) days from the day of adoption.

CM.2.28 Specific Recommendations

The Council of Ministers commended the Governments of East Africa for their continued support to LVFO.

CM.2.29 Co-operation Agreement with FAO

Taking into account the excellent co-operation existing between LVFO and FAO and with a view to strengthen more this present co-operation, the Council of Ministers decided to propose to FAO that a Co-operation Agreement between the two Organizations be adopted under Article XIII of the FAO Constitution. The Council of Ministers directed the Executive Secretary to start discussion with the FAO Secretariat on the matter.

The draft Co-operation Agreement will have to be approved by the Policy Steering Committee before it is officially forwarded to FAO Statutory bodies for endorsement.

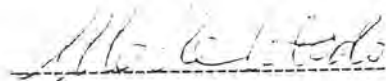
CM.2.30 Date and Venue of the next Regular Session

The Third Regular Session of the Council of Ministers will be held in Tanzania in 2000, at a date to be set by the Secretariat and venue to be communicated by the Government of the United Republic of Tanzania.

CM.2.31 Adoption of the Report by the Council of Ministers

The Report of the Second Regular Session was adopted by the Council of Ministers and was duly signed by the following Ministers on Thursday, the 12th November, 1998:

for Kenya



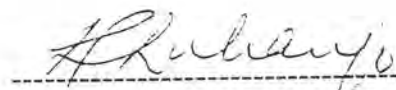
Hon. Francis Lotodo, EGH, MP.,
Minister of Natural Resources

for Uganda



Hon. Fred Mukisa, MP.
Minister of State for Fisheries,
Ministry of Agriculture, Animal Industry and Fisheries.

for Tanzania



for: Hon. Zakia Meghji, MP.,
Minister of Natural Resources and Tourism.

LIST OF PARTICIPANTS

DELEGATES

- Hon. F.P.L. Lotodo, EGH, MP - Minister for Natural Resources,
P.O. Box 30126,
Nairobi, Kenya.
- Hon. Fred Mukisa, MP - Minister of State,
Ministry of Agriculture, Animal and
Fisheries,
P.O. Box 102, Entebbe, Uganda.
- Mr. Phillemon L. Luhanjo - Permanent Secretary,
Ministry of Natural resources & Tourism,
P.O. Box 9372, Dar es Salaam, Tanzania.

IN ATTENDANCE

(a) *KENYA*

- Mr. Charles A. Mbaka - Permanent Secretary,
Ministry of Natural Resources,
P.O. Box 30126,
Nairobi, Kenya.
- Mr. Peter L.B. Kubebeka - Deputy Secretary,
Ministry of Natural Resources,
P.O. Box 30126,
Nairobi, Kenya.
- Mr. Fred Ole Pertet - Chairman, Executive Committee
Director, Fisheries Department,
P.O. Box 58187,
Nairobi, Kenya.
- Mr. Booker W. Oduor - Deputy Director of Fisheries
Fisheries Department,
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Mr. Samuel Otieno - KMFRI,
P.O. Box 58455, Nairobi, Kenya.
(Representing Dr. E. Okemwa,
Director KMFRI).

(b) TANZANIA

Mr. T. W. Maembe - Director of Fisheries Division
Ministry of Natural Resources &
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Prof. P.O.J. Bwathondi - Director General
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Amb. H. Sarakikya - High Commissioner Tanzania
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(c) UGANDA

Mr. Charles Kabunga - Permanent Secretary,
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Mr. Deo Mukiibi - Ag. Commissioner,
Fisheries Department,
Ministry of Agriculture, Animal Industry &
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P.O. Box 4, Entebbe, Uganda.

Dr. F.W. Bugenyi - Director,
Fisheries Research Institute, NARO
P.O. Box 343, JINJA, Uganda

Mrs S. Musisi-Mwanja - Ag. Uganda High Commissioner,
Uganda High Commissioner's Office,
Nairobi, Kenya.

d) **EAC SECRETARIAT**

Dr. N.C. Weggoro - Economist
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P.O. Box 1096,
ARUSHA, Tanzania.

e) **FAO**

Dr. E.P. Pallangyo - FAO Representation in Kenya,
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Mr. Denis Fadda - FAO Legal Officer,
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Mr. George Ssentongo - Fisheries Officer,
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f) **LVEMP SECRETARIAT**

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Dr. F.L. Orach-Meza - National Executive Secretary, LVEMP
P.O. Box 5
ENTEBBE, Uganda.

g) **LVFRP SECRETARIAT**

Mr. Martin van der Knaap - Project Co-ordinator
LVFRP •
P.O. Box 2145, Jinja, Uganda.

h) **LVFO SECRETARIAT**

Prof. M.J. Ntiba - Executive Secretary,
LVFO,
P.O. Box 1625, Jinja, Uganda

Mr K.i Katonda

- Deputy Executive Secretary
LVFO.
P.O. Box 1625 Jinja, Uganda

Mr. J.M. Ikilenya

- Administrative Officer (I & D)
LVFO.
P.O. Box 1625 Jinja, Uganda.

ADDRESS BY THE OUT-GOING CHAIRPERSON OF THE COUNCIL OF MINISTERS, H.E. THE VICE-PRESIDENT AND MINISTER OF AGRICULTURE, ANIMAL INDUSTRY AND FISHERIES, REPUBLIC OF UGANDA, DR. SPECIOSA WANDIRA KAZIBWE, M.P. WHO WAS REPRESENTED BY HON. FRED MUKISA, M.P. MINISTER OF STATE FOR FISHERIES AT THE OPENING OF THE SECOND REGULAR SESSION OF COUNCIL OF MINISTERS AT THE HILTON HOTEL, NAIROBI, KENYA 12 NOVEMBER 1998.

*CHAIRMAN
HON MINISTERS
YOUR EXCELLENCIES THE AMBASSADORS AND HIGH
COMMISSIONERS
DISTINGUISHED GUESTS
LADIES AND GENTLEMEN.*

I am happy today for being here with you at this Second Regular Session of the Council of Ministers to review the program of the Lake Victoria Fisheries Organization (LVFO) and to set Programmes for the next coming two years. I wish to recall that during the First Session in December 1996 in Kampala Uganda, a number of issues were deliberated upon which required follow up action. Since then a lot has happened, during that period under review. I have the pleasure therefore, to briefly mention major developments and challenges.

Mr. Chairperson,

You will recall at the First Council of Ministers the First Executive Secretary was appointed and it was hoped that he would take office within ninety days i.e. within three months. But this didn't happen as anticipated. It was not until July 1997 that he took office. Further more, the Deputy Executive Secretary who was also appointed at the same time, took office in March 1998. Last in line were the professional staff who are the backbone of the Organization's activities took office later. Despite the late reporting of the Organization's officials progress has been achieved. I wish therefore to congratulate the Executive Secretary together with his team for quick action they took in achieving this progress.

Mr. Chairperson,

The Executive Committee of the Organization also did tremendous work during the period under review. Some of the work that the Committee did include: Fact Finding Goodwill Mission to the Great Lakes of Canada and United States of America; the Review of the proposed Amendment of the Convention to include the Policy Steering Committee as directed by the last Council of Ministers; the appointment of the Senior officials of the Organization and last but not least the many meetings that were held to give guidance to the Organization. I wish therefore, to commend the Executive Committee for this achievement.

You may also recall that Fish Export from Lake Victoria had faced a ban by the European Union, I wish to report that the Fisheries Management Committee quickly responded to this ban by convening a meeting in Jinja to look into ways of improving fish quality from the Lake. Their efforts together with other efforts by the riparian Governments and other stakeholders in the sector bore fruit and the ban was lifted. The Committee came up with several useful recommendations which when implemented will enable the region keep a high quality of our fish for home and export markets.

In response to the Organization's objectives of involving the fishing communities in fisheries management the Organization involved the communities including NGOs, community based organizations and individuals in formulating the Strategic Vision for the Organization's further performance.

You will recall Mr. Chairperson that during the First Regular Session of the Council of Ministers a number of resolutions were made. These included among others the adoption of rules and procedures for the Council of Ministers the approval of the Organization's work plan and budget, the adoption of the financial regulations, appointment of the external auditor, the adoption of the general standards and guidelines, the proposition of staff regulations and the rules governing the appointments of the Senior staff of the Organization. I wish to report that these have since been accomplished.

For any Organization, Mr. Chairperson to be sustainable needs adequate funding and LVFO is no exception. The major source of funding of the Organization is expected to come from the riparian Governments. During the period under review the expected funding has not been fully released. I wish therefore to urge the Governments to look into this matter and find sources of additional funding for the Organization. At this juncture I wish to mention that the Global Environmental Facility (GEF/World Bank) through the Lake Victoria Environment Management Project (LVEMP) has assisted the Organization by financing more than half of the Organization's activities. Without this assistance the Organization would not be at the present level. Allow me on behalf of the Council of Ministers to thank the GEF/WB on your behalf. In the same tune I wish to mention that the Organization has been assisted by the European Union through the Lake Victoria Fisheries Research Project. The Food and Agricultural Organisation (FAO) has continuously assisted the Organization in the planning process and legal matters. I wish to thank these Organizations for their support.

Last but not least I wish to thank the National Government of the Republic of Kenya, the United Republic of Tanzania and the Republic of Uganda and their peoples for their commitment and continued support to the Organization.

Mr. Chairperson, I wish to observe that this progress so far achieved will continue for the good of the Organization. Ladies and Gentlemen I wish to thank you for your kind attention.

I thank you.

ADDRESS BY THE IN-COMING CHAIRMAN OF THE COUNCIL OF MINISTERS OF LVFO, HON. FRANCIS LOTODO, EGH, MP MINISTER FOR NATURAL RESOURCES, REPUBLIC OF KENYA AT THE OPENING OF THE SECOND REGULAR SESSION OF THE COUNCIL OF MINISTERS AT THE HILTON HOTEL, NAIROBI, KENYA ON 12th NOVEMBER, 1998.

The Outgoing Chairperson of LVFO Council of Ministers, Her Excellency Dr. Speciosa Wandira Kazibwe, Vice-President and Minister for Agriculture, Animal Industry and Fisheries for Uganda, Represented by Hon. Fred Mukisa, M.P., Minister of State for Fisheries,

Honourable Zakia Meghji, Minister for Natural Resources and Tourism for Tanzania, represented by Permanent Secretary, Ministry of Natural Resources and Tourism,

Permanent Secretaries,

Representatives of International Organizations,

Ladies and gentlemen.

On behalf of H.E. Daniel Toroitich arap Moi, President of the Republic of Kenya, the Government and the people of Kenya, it is my great pleasure to welcome you all to the Second Regular Session of the Council of Ministers for Lake Victoria Fisheries Organization.

I feel honoured to be elected the Chairman of the Council of Ministers for Lake Victoria Fisheries Organization. I humbly accept this responsibility and on my own behalf and on behalf of the Kenya Government, I wish to thank the Council of Ministers for bestowing this honour on Kenya.

The Council could not have selected a better location for this Session. I can only implore you to take advantage of this in enriching your Session by visiting places of interest such as Nairobi National Park, and the National Museums of Kenya. Nairobi is a Habitat and Culture Centre and is known for its good cuisine and curios.

First and foremost, I wish to thank the Government of the Republic of Uganda for hosting the Secretariat, and for fulfilling the requirements of providing the

facilities and administrative support to the Secretariat in the spirit of the Headquarters Agreement as sated in the Convention.

I wish to commend and thank the outgoing Chairperson, Her Excellency Dr. Speciosa Wandira Kazibwe, for steering the establishment of Lake Victoria Fisheries Organization Secretariat Headquarters in Jinja.

Your vision, commitment, dedication and stewardship has enabled this Organization to set up a fully functional Secretariat; develop a number of linkages and partnerships locally and internationally.

I am challenged by my predecessor to perform beyond her achievement. I wish to assure the Council of Ministers that I will uphold the Convention of the Lake Victoria Fisheries Organization and ensure that its strategic vision stays on course.

The main challenges to Lake Victoria Fisheries Organization include but are not limited to:

1. Uncoordinated and uncontrolled fishing activities such as:
 - illegal fishing
 - theft of fishing gears
 - post harvest losses
 - declining biodivesity
2. Pollution originating from agricultural, domestic and industrial sources.
3. ~~Problem of invasive aquatic weeds such as the Water Hyacinth.~~
4. The need to establish fish and fish quality assurance acceptable to both domestic and international standards.
5. The need to establish and harmonize information networking and data gathering.

To address these challenges, and in order for the vision of Lake Victoria Fisheries Organization to be realised, the member states should show

commitment by making their annual contributions on time. In this regard, I wish to express my appreciation to the Global Environmental Facility (GEF) for their support to the Lake Victoria Fisheries Organization through the Lake Victoria Environmental Management Project.

I therefore, wish to appeal to other friendly Organizations and partners and in particular those Organizations that have interest in the lake problems and its fisheries to support the activities of Lake Victoria Fisheries Organization.

I also wish to acknowledge the assistance of The Food and Agricultural Organization and the European Union for their continuous support to the Lake Victoria Fisheries Organization.

I am encouraged to note the progress made by the Organization since the First Session of the Council of Ministers and urge the Executive Committee of the Lake Victoria Fisheries Organization, the Secretariat and its partners to continue working for the benefit of peoples of East African and the global community.

In conclusion, I wish to appeal to our member states to remain united, committed and focused on matters of fisheries management for the benefit of our future generations, in the context of East African Co-operation.

I thank you for your attention.

- Adhere to international standards for fish quality assurances for export fish products;
- Establish legislation to enable implementation of fish restrictions;
- Control pollution, waste dumps and siltation around the lake;
- Enhance the fight against the water hyacinth weed; and
- Apply and implement the FAO code of Conduct for Responsible Fisheries on the basins of FAO Technical guidelines for Inland Fisheries and agriculture.

Before closing I should like to state that FAO has in the past supported the contracting States of Lake Victoria and FAO will continue to provide technical support to the three riparian States of Lake Victoria. Furthermore, the riparian countries are members of FAO Committee for Inland Fisheries of Africa and will continue to benefit from its FAO and its regional mechanisms, based in Accra, Ghana and the sub-regional Officer for Southern and Eastern African based in Harare, Zimbabwe as well as the FAO Representations in Kenya, Tanzania and Uganda.

FAO of the United Nations wishes to place on record the good collaboration with the European Union which supports research on Lake Victoria for the benefit of the three countries; and the Lake Victoria Environmental Management Programme (funded by the World Bank, UNDP and the GEF partners) which has facilitated the Lake Victoria Fisheries Organization in supporting the programmes for fisheries and the control of Water hyacinth.

Finally, I would like, once again to express the gratitude of FAO and, through you, the Honourable Minister for Natural Resources of Kenya, to His Excellency, President Daniel arap Moi and to the Government and people of Kenya for their hospitality.

ADDRESS BY DANIEL GUSTAFSON, THE FAO REPRESENTATIVE IN KENYA, WHO WAS REPRESENTED BY DR. E.P. PALLANYGO AT THE OPENING OF THE SECOND REGULAR SESSION OF THE COUNCIL OF MINISTERS AT THE HILTON HOTEL, NAIROBI, KENYA ON 12th NOVEMBER, 1998.

Honourable Ministers,

Excellencies,

Distinguished Delegates and Observers,

Ladies and Gentlemen,

It gives me great pleasure to convey to you, Honourable Ministers, and to the Government and people of Kenya, the warm greetings of the Director-General of FAO, Dr. Jacques Diouf, and his best wishes for a successful Second Regular Session of the Council of Ministers of the Lake Victoria Fisheries Organization (LVFO).

Honourable Ministers, co-operation between Kenya, Tanzania and Uganda is the management and development of shared African fisheries resources is one of the oldest in the African continent. As early as 1928, it was recommended that a unified lake-wide authority for regulation and for the collection of fisheries statistics be established for Lake Victoria. With the establishment of East African Freshwater Fisheries Research Organization (EAFFRO) in 1947 prior to independence, this co-operation was solidified and thereafter intensified with the formation of the East African Community in 1967 after the independence of the three sister States.

Lake Victoria has at present the highest magnitude of freshwater fish production in African. However, the environment of Lake Victoria has changed dramatically since the 1980's. The lake shore-based cities and towns have expanded with various industries which discharge their waste products and effluent into the Lake, thereby increasing pollution hazards. In an effort to promote increased production of food and cash crops, the use of agrochemical, land clearing, vegetation burning and deforestation have unfortunately enchanted environmental degradation.

Kenya, Tanzania and Uganda face the difficult task of eliminating or reducing the dangerous water hyacinth weed which has spread fast around the Lake.

This weed is dangerous to fisheries, it chokes bays, inlets and channels which are breeding areas for many fish depletes oxygen from the areas colonised and also interferes with fishing activities and transport as well as recreation activities.

Honourable Ministers, your Excellencies, distinguished Delegates and Observers, the Lake Victoria Fisheries Organization was launched on the 19 December 1996 in Kampala, Uganda when the First Session of the Council of Ministers met to elect the Executive Secretary and the Deputy Executive Secretary, approve the Legal Instruments and work programme and budget of Organization.

At its First Session the Council of Ministers requested the Director General of FAO to assist the Contracting States of Lake Victoria in amending the Convention and provide for the Organ of a Policy Steering Committee as well as to involve the East African Corporation and regional fisheries projects and Programmes in the activities of the Lake Victoria Fisheries Organization (LVFO).

It is a pleasure to inform you, Honourable Ministers that the task has been accomplished and that this Second Session will adopt the amendments to the Convention.

It is the sincere hope of FAO that with the strengthening of the Lake Victoria Fisheries Organization, Kenya, Tanzania and Uganda will make concerted efforts to implement the following immediate management measures and activities:

- strengthen research programmes around the Lake;
- Safe guard and monitor water quality changes in the lake basin;
- introduce by legislation, measures for the protection of native fish species;
- prohibit and control further introduction of exotic fishes and plants;
- enhance effort to inform people on the economic value of Lake Victoria s a source of food, recreation and export fish products;

- protect endangered species and where possible rehabilitate depleted tilapias and other fishes.

- adhere to international standards for fish quality assurances for export fish products.

- establish legislation to enable implementation of fish restrictions;

- control pollution, waste dumps and siltation around the lake

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Finally, I would like, once again to express the gratitude of FAO and, through you, the Honourable Minister for Natural Resources of Kenya, to His Excellency, President Daniel arap Moi and to the Government and people of Kenya for their hospitality.

LAKE VICTORIA FISHERIES ORGANIZATION

SECOND REGULAR SESSION OF THE COUNCIL OF MINISTERS

The Hilton Hotel, Nairobi-Kenya, 12th November 1998

LIST OF DOCUMENTS

1.	Draft Agenda	-	LVFO/CM.2/1
2.	Report of the First Regular Session of the Council of Ministers, Kampala, Uganda 19 th December 1996.	-	LVFO/CM.2/2
3.	Report of the Policy Steering Committee to the Council	-	LVFO/CM.2/3
4.	LVFO Staff Rules and Regulations	-	LVFO/CM.2/4
5.	Audited Final Accounts for 1997/98	-	LVFO/CM.2/5
6.	LVFO Budget Estimates for 1998/99	-	LVFO/CM.2/6
7.	Report of the Fisheries Management Committee Meeting	-	LVFO/CM.2/7
8.	Report of the Fact Finding Mission to the Great Lakes	-	LVFO/CM.2/8
9.	LVFO Work Programme for 1998/99	-	LVFO/CM.2/9
10	LVFO Strategic Vision	-	LVFO/CM.2/10
11	Ad hoc Committee Report	-	LVFO/CM.2/11
12	LVFO Logo	-	LVFO/CM.2/13
13	M.O.U. between University of Zurich and LVFO	-	LVFO/CM.2/14
14	LVFO Convention	-	LVFO/CM.2/15
15	Rules of Procedure of the Council of Ministers	-	LVFO/CM.2/16

LAKE VICTORIA FISHERIES ORGANIZATION

SECOND REGULAR SESSION OF THE COUNCIL OF MINISTERS

**The Hilton Hotel, Nairobi - Kenya
Thursday, 12th November 1998**

AGENDA

- 1. Opening of the Session**
- 2. Adoption of the Agenda**
- 3. Consideration of the report to the Council of Ministers**
- 4. A.O.B.**

LAKE VICTORIA FISHERIES ORGANISATION
SECOND REGULAR SESSION OF THE COUNCIL OF MINISTERS
AMBOSELI ROOM, NAIROBI HILTON HOTEL, NAIROBI - KENYA

Thursday, 12 November 1998

THE MINISTERS SESSION

PROGRAMME

- 09.00 - 09.30 hrs : MEMBER STATE CONSULTATIONS
- 09.30 - 10.00 hrs : MINISTERS CONSULTATIONS
- 10.00 - 10.30 hrs : TEA/COFFEE BREAK
- 10.30 - 11.30 hrs : OPENING OF THE SESSION
- Consideration and Adoption of Agenda and Programme
 - Election of Chairperson and Vice-Chairperson
 - Speech by out-going Chairperson.
 - Speech by the in-coming Chairman.
 - Statement by the Representative of the Director General, FAO.
- 11.30 - 12.00 hrs : PRESENTATION OF THE POLICY STEERING COMMITTEE TO THE COUNCIL OF MINISTERS
- 12.00 - 13.00 hrs : DELIBERATIONS ON THE REPORT
- 13.00 - 14.30 hrs : *LUNCH*
- 14.30 - 16.30 hrs : PREPARATION OF THE REPORT OF THE COUNCIL OF MINISTERS
- 16.30 - 17.00 hrs : ADOPTION OF THE REPORT AND CLOSURE OF THE SESSION
- 19.00 - 22.00 hrs : *COCKTAIL PARTY*

**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 sub-paragraphs (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 subparagraph (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.

ANNEX TO THE CONVENTION

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.I 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