

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

PREAMBLE

The East African Community Partner States, hereinafter referred to as the “Contracting Parties”

Recognizing and acknowledging the efforts already made by the East African Community Partner States to strengthen regional cooperation in the management and development of both fisheries and aquaculture;

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

Recognizing that the East African Community Partner States share an interest in the well-being of the the East African Community water bodies and their living resources, and in the rational management and sustainability of those living resources for the benefit of present and future generations;

Recognizing that the quantity and value of fish caught from the East African Community water bodies increased substantially during the past decade but are now on the decline, and that there is a need to ensure the sustainability of yields;

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

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

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

Recognizing the continuing need to increase scientific understanding of the aquatic resources, the ecosystem, and the impact of climate change on fisheries resources and aquaculture, human populations and settlement, non-indigenous wildlife and industrialization;

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

Appreciating past efforts of nationals and institutions of each of the Contracting Parties in partnership with international organizations and foreign governments in fostering a better understanding of fish, fisheries products and aquaculture in clarifying the choices that need to be made about these living resources in the future;

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

Being committed to continued cooperation with respect to the sustainable utilization of East African Community water bodies, their resources generally and their living resources in particular;

Have agreed as follows:

ARTICLE I

Definitions

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

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

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

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

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

Words importing the masculine gender include the feminine gender.

ARTICLE II

Establishment, Objectives, Functions and Responsibilities

1. The Contracting Parties hereby establish the Lake Victoria Fisheries Organization (herein referred to as “the Organization”).
2. The objectives of the Organization shall be to foster cooperation among the Contracting Parties, harmonize national measures for the sustainable utilization of the fisheries and aquaculture resources of the East African Community water bodies and to develop and adopt conservation and management measures.
3. To achieve these objectives, the Organization shall have the function and responsibility to:
 - (a) promote the proper management and optimum utilization of the fisheries and other resources of the East African Community water bodies;
 - (b) enhance capacity building of existing institutions and develop additional institutions dedicated to, or likely to contribute to, the purposes of this Convention in cooperation with existing institutions established in or by the Contracting Parties and with such international, regional or non-governmental organizations as may be appropriate;
 - (c) provide a forum for discussion of the impacts of initiatives dealing with the environment and water quality in relation to fisheries and aquaculture resources of the East African Community;
 - (d) provide for the conduct of research concerning the fisheries and aquaculture resources and related activities;
 - (e) encourage, recommend, co-ordinate and, as appropriate, undertake training and extension activities in all aspects of aquaculture and fisheries;
 - (f) consider and advise on the effects of the direct or indirect introduction of any non-indigenous aquatic animals or plants into the East African Community water bodies 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 fish, fisheries and aquaculture products, and promote the dissemination of information, without prejudice to industrial

- property rights, by any appropriate form of publication;
- (h) in respect of any or all of the foregoing, adopt budgets, seek funding, formulate plans for financial management and allocate funds to activities of the Organization, or to such activities of the Contracting Parties as it may determine to be in furtherance of the purposes of this Convention;
 - (i) undertake such other functions as it may determine to be necessary or desirable in order to achieve the purposes of this Convention.

ARTICLE III

Seat

1. The seat of the Organization shall be in the Republic of Uganda. The Host State undertakes to accord, in respect of the Organization, its staff and its property, the privileges, immunities and facilities set out in the Annex to this Convention.
2. The Sectoral Council of Ministers may authorize the establishment of centres of the Organization in the territory of any of the Contracting Parties and may authorize the Organization to enter into agreements for this purpose with the State on whose territory such centres are to be located. Any agreement concluded with such a host State shall include all the provisions contained in Part A of the Headquarters Agreement annexed to this Convention.

ARTICLE IV

The Organs of the Organization

1. The organs of the Organization are:
 - (a) the Sectoral Council of Ministers;
 - (b) the Coordination Committee;
 - (c) the Senior Officials;
 - (d) the Fisheries Management Technical Committee, the Scientific Technical Committee, and such other committees, sub-committees and working groups as may be established;
 - (e) the Permanent Secretariat.
2. The Sectoral Council of Ministers may set up such committees or other subsidiary bodies as it may deem necessary for the performance of the functions of the Organization.
3. The Senior Officials may set up such Technical committees or working groups as it may deem necessary for the work of the Technical committees or the Senior Officials itself.

ARTICLE V

The Sectoral Council of Ministers

1. The governing body of the Organization shall be the Sectoral Council of Ministers consisting of the Ministers responsible for fisheries and aquaculture of the Contracting Parties or their authorized representatives.
2. Each Contracting Party shall endeavour to ensure that the heads of the departments responsible

for aquaculture and fisheries management, research, and related activities are represented in its delegation.

3. The Sectoral Council of Ministers shall elect a Chairman, who shall serve for a one year term. The chairmanship of the Sectoral Council of Ministers shall rotate every year among the members of the Council in accordance with the alphabetical order of the names of the Contracting Parties.
4. The Sectoral Council of Ministers shall hold a regular session twice every year at such time and place as it shall determine. The Sectoral Council of Ministers may hold special sessions if it so decides or at the request of any Contracting Party. The Chairman shall inform the Contracting Parties of the date and place of any session. No session of the Sectoral Council of Ministers shall take place unless two thirds of all the Ministers or their authorized representatives from the Contracting Parties are present.
5. The Sectoral Council of Ministers shall adopt its own Rules of Procedure. As far as possible decisions of the Sectoral Council of Ministers will be taken by consensus. Where it is not possible to reach consensus the matter will be decided by majority vote. Each Contracting Party shall have one vote.

ARTICLE VI

Functions of the Sectoral Council of Ministers

1. The functions of the Sectoral Council of Ministers shall be:
 - (a) to review reports and recommendations submitted to it by the Coordination Committee concerning the situation on fisheries and aquaculture of the East African Community and, on this basis, to determine the policy of the Organization and approve its programme of work and its budget;
 - (b) to determine the contributions of the Member States as provided for in Article XV.1;
 - (c) to approve the report on the work of the Organization and the audited accounts referred to in Article X.3(a);
 - (d) to adopt the Financial Regulations of the Organization;
 - (e) to adopt the Rules governing the appointment of the Executive Secretary and the Deputy Executive Secretary;
 - (f) to appoint the Executive Secretary of the Organization in accordance with Article X.1;
 - (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 development, management and conservation measures, and to take such decisions as it may deem appropriate for the development, management and conservation of fisheries and aquaculture of the East African Community;
 - (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 Sectoral Council of Ministers may, within the limits determined by it, delegate any matter falling within its functions to the Coordination Committee with the exception, however, of the functions specified in subparagraphs (a), (b), (g) and (h) of paragraph 1 above.

ARTICLE VII

The Coordination Committee

1. The Coordination Committee shall consist of the Chief Executive Officers of the Ministries dealing with aquaculture and fisheries 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 Coordination Committee shall hold two regular annual sessions 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 Coordination Committee shall take place unless two thirds of all the Contracting Parties are represented.
4. The Coordination Committee shall elect a chairman, whose term of office shall be one year. The chairmanship of the Coordination 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 Coordination 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 Coordination 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 Coordination Committee shall be:
 - (a) to review reports and recommendations submitted to it by the Senior Officials concerning the situation of fisheries and aquaculture of the East African Community;
 - (b) to prepare the sessions of the Sectoral Council of Ministers;
 - (c) to review the activities of the Organization and report to the Sectoral Council of Ministers on the work of the Secretariat and of the various statutory bodies;
 - (d) to submit recommendations to the Sectoral Council of Ministers concerning the state of fisheries and aquaculture of the East African Community;
 - (e) to review proposals on management and conservation measures to be adopted by the Sectoral Council of Ministers;
 - (f) subject to endorsement by the Sectoral Council of Ministers, to establish general standards and guidelines for the management of the Organization;
 - (g) subject to endorsement by the Sectoral 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 Sectoral Council of Ministers;
 - (i) subject to endorsement by the Sectoral 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 Coordination Committee shall adopt a report, which shall be submitted to the Sectoral Council of Ministers at its next session.

ARTICLE VIII

The Senior Officials

1. The Senior Officials shall consist of members who shall be the heads of the departments responsible for fisheries and aquaculture management and the heads of the departments responsible for fisheries and aquaculture research in each of the Contracting Parties, or their authorized representatives. The East African Community Secretariat shall be represented on the Senior Officials without voting rights. The designated representatives of key regional projects on fish, fisheries and aquaculture products in the Contracting Parties shall be invited as determined by the Senior Officials from time to time, to participate without voting rights, in sessions of the Senior Officials.
2. No session of the Senior Officials shall take place unless two thirds of all the Contracting Parties are represented.
3. At its first regular session, the Senior Officials shall select a Chairman from among the heads of the departments responsible for fisheries and aquaculture management. He shall hold office until the next regular session and thereafter the chairmanship of the Senior Officials shall rotate among the heads of the departments responsible for aquaculture and fisheries management in accordance with the alphabetical order of the names of the Contracting Parties. The Senior Officials shall adopt its own Rules of Procedure.
4. The Senior Officials shall hold two regular annual sessions 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 Senior Officials shall be adopted by consensus. The Sectoral Council of Ministers may establish rules whereby the Senior Officials may be consulted by correspondence or any rapid means of written communication, if matters of exceptional urgency requiring action by the Senior Officials arise between two of its sessions.
6. The Senior Officials 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 Coordination Committee and the Sectoral Council of Ministers;
 - (c) monitor the implementation of management measures at national and regional levels and report periodically to the Coordination Committee and the Sectoral Council of Ministers;
 - (d) make recommendations to the Coordination Committee on any matter relevant to the functions of the Coordination Committee or the Sectoral 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 Senior Officials shall adopt a report, which shall be submitted to the Coordination Committee at its next session.

ARTICLE IX

The Technical Committees, Sub-Technical committees and Technical Working Groups

1. There shall be a Fisheries and Aquaculture Management Technical Committee and a Scientific Technical Committee, whose functions shall be to advise the Senior Officials on matters within their areas of competence.
2. The Fisheries and Aquaculture Management Technical Committee shall be constituted by the heads of the departments responsible for fisheries management of the Contracting Parties or their authorized representatives.
3. The Scientific Technical Committee shall be constituted by the heads of the departments responsible for fisheries research of the Contracting Parties or their authorized representatives.
4. The Senior Officials shall determine from time to time the number and qualifications of other persons who may be members of the Fisheries Management and Scientific Technical Committees.
5. The functions of the Fisheries and Aquaculture Management Technical 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, overharvest, 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 in the East African Community water bodies;
 - (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 East African Community water bodies.
6. The functions of the Scientific Technical Committee will be to:
 - (a) identify requirements for applied and innovative research pertinent to the management of the living resources of East African Community water bodies, including without limitation, the fields of aquaculture, fisheries, biology, limnology, hydrology, botany, statistics, human and veterinary medicine, water pollution, toxicology and socio-economics;
 - (b) develop and recommend to the Senior Officials fisheries research related projects 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 the East African Community water bodies;
 - (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 Technical 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 Senior Officials. The Technical committees shall meet as and when the Senior Officials shall determine. The Chairmanship of the Technical committees will rotate among the heads of the departments responsible for fisheries aquaculture management and for 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 and Aquaculture Management and Scientific Technical Committees may propose to the Senior Officials the establishment of such sub-Technical committees or Technical working groups as they consider necessary in accordance with Articles IV.3 and VIII.6(e).
 10. After any meeting, the Technical committees, sub-Technical committees and Technical working groups shall submit a report on their work to the Senior Officials. 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 Sectoral Council of Ministers for a period of five years non-renewable on such conditions as it may determine. The position of the Executive Secretary shall be subject to rotation among the Contracting Parties.
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 Sectoral Council of Ministers and under the guidance of the Coordination Committee.
3. The Executive Secretary shall, through the Senior Officials and Coordination Committee, submit to the Sectoral 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 Sectoral Council of Ministers, the Coordination Committee, Senior Officials, 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 Sectoral Council of Ministers. The mandate of the Deputy Executive Secretary shall be of five years, non-renewable. 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 Senior Officials. 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 Coordination Committee, with the approval of the Sectoral 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 Fisheries, headed by the Chief Executive Officer of the ministry responsible for fisheries and aquaculture management, or his authorized representative, to serve as a forum for consultation, coordination and information on activities concerning fish, fisheries and aquaculture products.
2. Each National Committee for Fisheries shall be composed of, but not limited to, representatives from:
 - (i) the departments or various institutions responsible for fisheries and aquaculture, scientific research;
 - (ii) representatives of the private sector whose activities have an impact upon or derive benefit from East African Community water bodies' ecological systems.

ARTICLE XII

Observers

1. States indirectly concerned with the living resources and the quality of the water resources of the East African Community water bodies may be granted observer status by the Sectoral 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 Coordination Committee to be represented by an observer at sessions of the Sectoral Council of Ministers, the Coordination Committee or the Senior Officials. It may submit memoranda and, with the permission of the Chairman, participate without vote in the discussions.
3. The Coordination Committee and the Senior Officials may invite intergovernmental, non-governmental organizations or any other entity having special competence in the field of the Organization's activities to attend such sessions as the committees may specify.

ARTICLE XIII

National Measures

1. The Contracting Parties hereby agree to take all necessary measures including legislative measures when appropriate, in accordance with their respective constitutional procedures and national laws to implement the decisions of the Organization's Governing bodies.
2. (a) Each Contracting Party shall enforce its national laws and regulations adopted pursuant to paragraph 1 of this Article:
 - (i) in respect of its own territory and territorial waters;
 - (ii) in respect of its own nationals, except where one or both of the other Contracting Parties asserting jurisdiction described in sub-paragraph (a) has already initiated and maintained enforcement action in respect of the same conduct; and
 - (iii) in respect of fish landed in its territory;(b) except to the extent the Sectoral 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 the East African Community water bodies, other than in accordance with a decision of the Sectoral 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 fulfill 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 East African Community water bodies 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 Sectoral Council of Ministers.
7. The Executive Secretary shall, upon the direction of the Coordination Committee or upon the request of Observer States or organizations and subject to approval from the Coordination Committee, notify such Observer States, organizations or entities of decisions or recommendations adopted by the Sectoral 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 Sectoral 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 Coordination 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 Sectoral Council of Ministers. It shall report regularly on the matter to the Contracting Parties and, at each of their sessions, to the Sectoral 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 water any research has been authorized in accordance with Article II.3 (d), of the fact of such authorization.

ARTICLE XV

Funding

1. The Sectoral Council of Ministers shall determine 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 determined by the Sectoral Council of Ministers.
2. The Executive Secretary through the Coordination Committee shall submit a draft annual budget of anticipated joint expenses to the Contracting Parties for determination by the following session of the Sectoral 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 Coordination Committee may determine from time to time procedures governing the disbursement of funds under the control of the Coordination Committee.
6. Unless otherwise determined by the Sectoral Council of Ministers, funding shall be provided for the members from each Contracting Party to attend sessions of the Coordination Committee and the Senior Officials.
7. Members of the Technical committees, sub-Technical committees or Technical 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 Sectoral Council of Ministers in relation to expenses incurred in their attendance at meetings of their respective Technical committees, sub-Technical committees or Technical working groups, or otherwise in connection with the discharge of their responsibilities.
8. The Executive Secretary, through the Coordination 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 Senior Officials from the Technical committees, sub-Technical committees and Technical 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 the East African Community water bodies 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 Sectoral 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 Sectoral Council of Ministers or the Coordination 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 Coordination 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 Coordination Committee subject to endorsement by the Sectoral 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 East African Community Partner States 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.
5. For any East African Community Partner State that ratifies or accedes to the Convention after it has entered into force, the Convention shall take effect on receipt of the instrument of ratification or accession by the Depositary.

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 Sectoral 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 Sectoral 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 Sectoral Council of Ministers.

ARTICLE XXII

Withdrawal and Termination

1. The Convention shall remain in force unless two thirds 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 Sectoral 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.