

**EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY**



COMMITTEE ON AGRICULTURE, TOURISM AND NATURAL RESOURCES

**REPORT OF THE CONSIDERATION OF THE LAKE VICTORIA BASIN
COMMISSION BILL, 2019**

Clerk's Chambers
EALA Headquarters, 3rd Floor
EAC Headquarters
Arusha – TANZANIA

February 2020

1.0 Introduction

The Lake Victoria Basin Commission Bill, 2019 was initiated and submitted to the Assembly by the Council of Ministers in accordance with Paragraph 3 (b) of Article 14 and Article 59 of the Treaty for the Establishment of the East African Community (Treaty). The Bill was read for the first time on 20th June, 2019 and later referred to the Committee on Agriculture, Tourism and Natural Resources on 30th September, 2019.

The Lake Victoria Basin Commission (LVBC) is one of the specialized institutions of the East African Community established by the Council of Ministers in accordance with Article 33 of the Protocol for Sustainable Development of Lake Victoria Basin, 2003 (Protocol). The LVBC is responsible for the promotion of sustainable development in the Lake Victoria Basin. The broad functions of the LVBC as stipulated under Article 33 of the Protocol are to promote, facilitate and coordinate activities of different actors towards sustainable development and poverty eradication within the Basin.

2.0 Historical Background of the Lake Victoria Basin Commission Bill

On 21st June, 2007, the Council of Ministers introduced for the First Reading before the East African Legislative Assembly the Lake Victoria Basin Commission Bill, 2007¹. The Bill was referred to the Committee on Agriculture, Tourism and Natural Resources of the Second Assembly for consideration. After consultation with stakeholders, the Committee intended to propose the changes of the management structure of the LVBC by replacing the Sectoral Council on Lake Victoria with the governing board which excluded ministers and establishment of a stakeholder's advisory consultative committee.

The Bill came for second reading on 3rd February, 2011, however, the Council of moved a motion for the withdrawal of the Lake Victoria Commission Bill 2007. The then Chairperson of the Council of Ministers informed the House that the Bill was being withdrawn because of the disagreement between the Council and the Committee on the proposal to change the management structure of LVBC. Specifically, the Council informed the House that the proposed amendments such as the replacement of the sectoral committee with the governing board that excludes Ministers in its composition

¹ Hansard (The Official Report of the Proceedings of the East African Legislative Assembly of 21st June, 2007)

and the establishment of a stakeholder's advisory consultative committee were inconsistent with the provisions of the Protocol which is an integral part of the Treaty². The Bill was therefore withdrawn in accordance with Rule 34 of the Rules of Procedure of the Assembly.

3.0 The Lake Victoria Basin Commission Bill, 2019

The Lake Victoria Basin Commission Bill, 2019 is premised on Chapter Nineteen of the Treaty, particularly Article 114, under which the Partner States agreed to cooperate in the management of their water and marine resources, and specifically, to establish a body for the management of Lake Victoria. The object of the Bill is to provide for the Lake Victoria Basin Commission as an institution of the Community. The Bill is made up of 26 Clauses.

4.0 Methodology

In consideration of this Bill, the Committee employed the following methodology:

- i. Interactive meeting with the Secretariat of the LVBC led by the Executive Secretary, Dr. Ali Said Matano;
- ii. Interactive meeting with the Council of Ministers;
- iii. Considered various legal instruments and other documents relating to the Lake Victoria including the:
 - a. Treaty for the Establishment of the East African Community;
 - b. The Protocol on the Sustainable Development of the Lake Victoria Basin, 2003;
 - c. The Lake Victoria Transport Act, 2007;
 - d. The Laws of the Community (Interpretation) Act, 2003;
 - e. The Acts of the East African Community Act, 2003;
 - f. The Official Reports of the East African Legislative Assembly;
- iv. Conducted stakeholders public hearing;
- v. Consideration of the Bill Clause by Clause;

² Hansard (the Official Report of the Proceedings of the East African Legislative Assembly of 3rd February, 2007

- vi. Published the Bill on the LVBC and EAC websites and advertised on the East African Newspaper requesting stakeholders to access it and provide comments; and
- vii. Requested stakeholders to submit their written comments.

5.0 Comments from stakeholders

As stipulated above, the Committee received comments from stakeholders during the public hearings and through written submission. The Committee conducted public hearing in Kisumu and interacted with more than thirty stakeholders representing civil society organizations, academia, media and various associations.

Also, the Committee requested for written comments from various individuals and organizations from within and beyond the EAC. On this the Committee posted an advertisement in “the East Africa” and published the Bill on the LVBC and EAC websites. Stakeholders were requested to provide their written comments to the Committee through the Office of the Clerk. As an outcome, the Committee received written comments from the following:

- i. Prof. Mattias Wengelin from the Department of Service Studies, Lund University, Sweden.
- ii. Uganda Coalition for Sustainable Development on behalf of other organizations (East African International Network for Sustainable Energy and East Africa Sustainability Watch Network);
- iii. the Village Association for Mutual Aid and Community Development (AVEDEC-Burundi)

The written comments are attached to this report as annexes. The following is the summary of all comments received from stakeholders:

- i. Lake Victoria Basin is an important resource for the entire East African Community which need to be jointly protect by the entire Community;
- ii. The LVBC like the other EAC institutions does not have enforcement powers, hence it depends on the goodwill of Partner States to implement various agreed policies and actions;

- iii. Stakeholders were concerned with the number of deaths that occur in the lake due to various reasons including accidents. It is estimate that around 5,000 people die every year in the lake;
- iv. LVBC should take up the implementation role of actions agreed for the Lake Victoria Basin;
- v. Partner States need to establish a mechanism to solve conflicts that occur in the Lake Victoria basin, especially the fishing areas like the Migingo Island;
- vi. Clause 11 (4) on National Focal Points need to be expounded further in conformity with the regionality of the LVBC and in support of local and national action that contribute to the regional cooperation on sustainable development of Lake Victoria in view of the regional and global challenges like climate change, pollution, and illegal fishing practices;
- vii. The functions of the Commission under Clause 6. (1) should include to promote stakeholder participation in sustainable development of the natural resources of the LVB;
- viii. The role of oversight for the Lake Victoria needs to be given more prominence and clear responsible institution; and
- ix. The Lake Victoria Bill is an important legal instrument which will support the activities of the Lake Victoria Basin Commission.

6.0 Observations of the Committee

The Committee made the following observations:

- i. The Lake Victoria Basin Commission Bill, 2019, is almost similar to the Lake Victoria Basin Commission Bill, 2007, which was introduced by the Council of Ministers in 2007 and later withdrawn by the same Council on 2011;
- ii. Most of the features and provisions of the Bill are taken from the Protocol, this is caused by the fact that the Protocol is detailed like a law;
- iii. There are many transboundary water bodies in the EAC that does not have specific EAC institutions to manage those resources;

- iv. The Indian Ocean which is also a transboundary water resource is facing several challenges similar to what Lake Victoria faces, however, the Ocean do not have specific institution of the Community to manage it;
- v. The Protocol was concluded in 2003, however, many changes and development occurred since 2003 which necessitates the review and amendment of the Protocol; and
- vi. There are mainly two benefits of enacting this Bill:
 - a. Establishment of the LVBC as a body corporate with perpetual succession and a common seal which will empower the LVBC to acquire and hold properties, sue and be sued in its corporate name and to do other things a body corporate may lawfully do; and
 - b. To enable the Council of Ministers to make regulations to give effect to the LVBC.

7.0 Recommendations

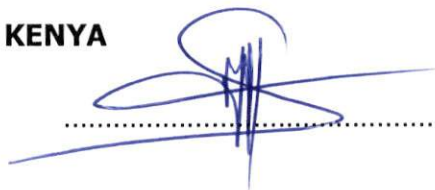
The Committee recommends the Assembly to:

- i. Consider and pass the Lake Victoria Basin Commission Bill taking into consideration the attached schedule of the proposed amendments prepared by the Committee;
- ii. Urge the Council of Ministers to review and amend the Protocol for Sustainable of the Lake Victoria Basin;
- iii. Urge the Council of Ministers to establish a specialized institution for the sustainable management of the Indian Ocean; and
- iv. Urge the Council of Ministers to consider expanding the mandate of LVBC to cover all the EAC water bodies.

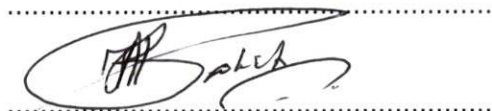
REPORT OF THE COMMITTEE ON AGRICULTURE, TOURISM AND NATURAL RESOURCES ON THE LAKE VICTORIA BASIN COMMISSION BILL, 2019

15TH – 19TH JANUARY 2020, KISUMU- KENYA

1. Hon. Mathias Kasamba



2. Hon. Adam O. Kimbisa



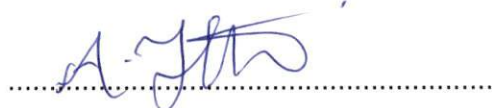
3. Hon. Alex Bahati



4. Hon. Alfred Ahingejeje



5. Hon. Chris Opoka-Okumu



6. Hon. Dr. Anne Itto Leonardo



7. Hon. Dr. Gabriel Garang Arol Aher



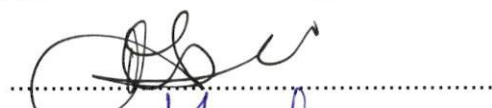
8. Hon. Dr. Oburu Oginga




9. Hon. Dr. Woda Odok Jeremiah



10. Hon. Eng. Mohamed H. Mnyaa



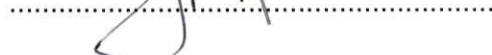
11. Hon. Fatuma Ibrahim Ali



12. Hon. Francoise Uwumukiza



13. Hon. Josephine S. Lemoyan



14. Hon. Mary Mugenyi



15. Hon. Mo-Mamo Karerwa



16. Hon. Nooru Adan Mohamed



17. Hon. Dr. Pierre Celestin Rwigema



18. Hon. Sophie Nsavyimana



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