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THE EAST AFRICAN COMMUNITY

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THE EAST AFRICAN COMMUNITY

THE EAST AFRICAN COMMUNITY TRANSBOUNDARY
ECOSYSTEMS MANAGEMENT BILL, 2010

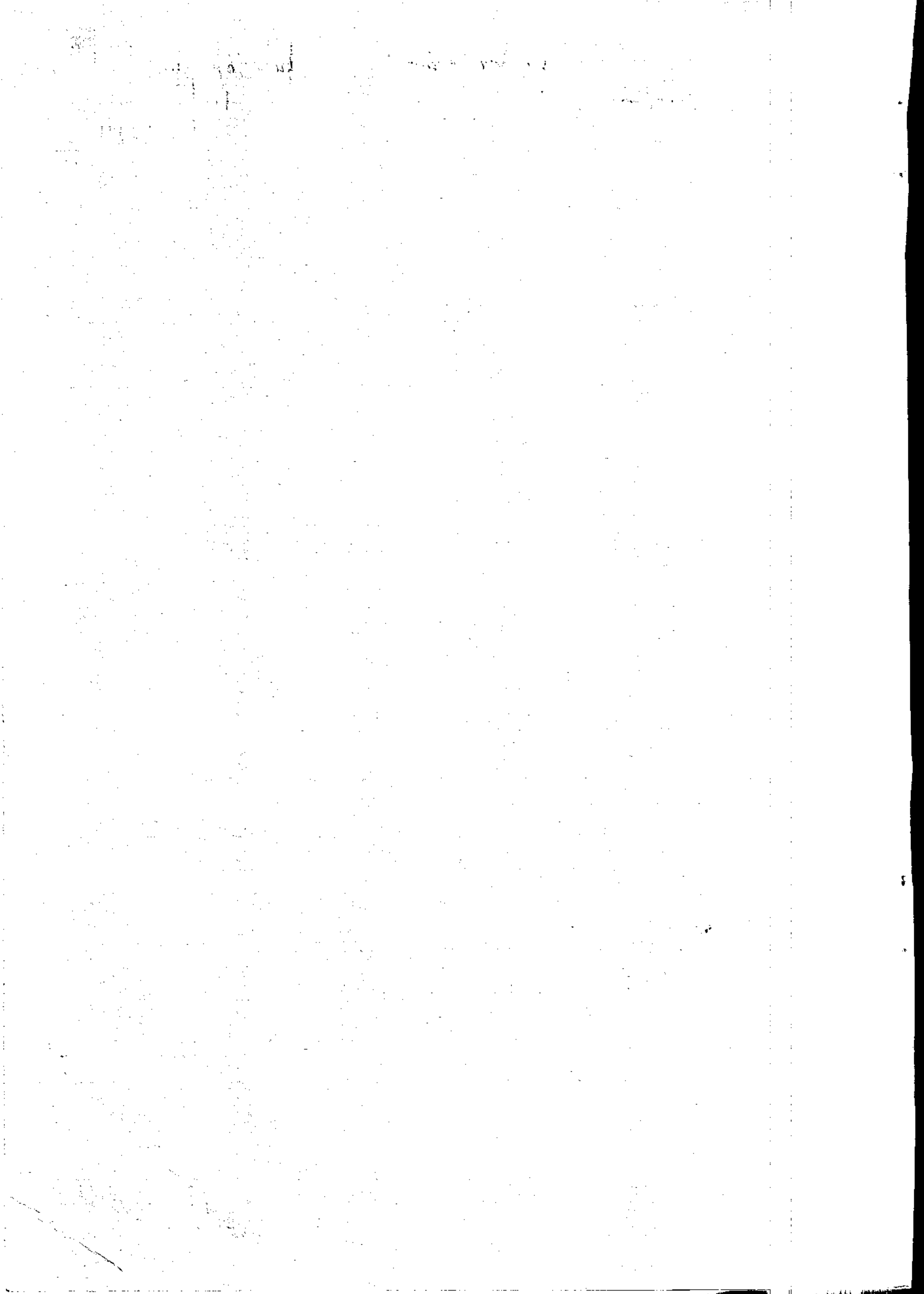
MEMORANDUM.

The Treaty for the Establishment of the East African Community in Articles 111 and 112 enjoins the Partner States to cooperate in all issues of Environment and Natural Resources Management.

The Object of this Bill is to provide for a legal framework to effectively streamline the management of trans-boundary ecosystems with a view to enhancing the quality of the environment and also ensure sustainable utilization of shared natural resources in the East African Community.

The Bill makes provision for institutionalization of trans-boundary environmental impact assessment procedures, public participation, and adoption of common environmental standards and exchange of information among others.

HON. DR. GEORGE FRANCIS NANGALE,
*Member, Committee on Agriculture,
Natural Resources and Tourism.*



THE EAST AFRICAN COMMUNITY TRANSBOUNDARY
ECOSYSTEMS MANAGEMENT BILL, 2010.

Arrangement of Clauses

PART I—PRELIMINARY PROVISIONS

Clause

1. Short title and commencement
2. Interpretation
3. Objectives of the Act
4. Application

PART II—MANAGEMENT OF EAST AFRICAN
TRANSBOUNDARY ECOSYSTEMS

5. Establishment of Commission
6. Composition of Commission
7. Functions of Commission
8. Designation and functions of national focal points
9. Obligations of Partner States
10. Identification of East African transboundary ecosystems
11. Meetings of Commission

PART III—ENVIRONMENTAL IMPACT ASSESSMENT

12. Requirement for a permit
13. Determination of activities of significant impact on transboundary ecosystems
14. Environmental impact assessment procedures
15. Adoption of common standards and procedures
16. Content of environmental impact assessment report
17. Monitoring, auditing and enforcement of transboundary environmental impacts
18. Determination of costs

Clause

PART IV—FINANCIAL PROVISIONS

- 19. Funds of Commission
- 20. Accounts and audits
- 21. Annual report

PART V—GENERAL PROVISIONS

- 22. Settlement of disputes
- 23. Regulations
- 24. Savings

SCHEDULE 1 Potential activities and projects to be
 subjected to trans-boundary environment
 impact assessment in the Community

SCHEDULE 2 Identified and designated continuous trans-
 boundary ecosystems of the Community

**THE EAST AFRICAN COMMUNITY
TRANSBOUNDARY ECOSYSTEMS MANAGEMENT
BILL, 2010**

A Bill for an Act

ENTITLED

**THE EAST AFRICAN COMMUNITY
TRANSBOUNDARY ECOSYSTEMS MANAGEMENT
ACT, 2010**

An Act to provide for the management and regulation of transboundary ecosystems of the East African Community, to establish a commission for the management of transboundary ecosystems and to provide for other related matters.

ENACTED by the East African Community and assented to by the Heads of State.

PART I—PRELIMINARY PROVISIONS

1. (1) This Act may be cited as the East African Community Transboundary Ecosystems Management Act, 2010. Short title and commencement.

(2) This Act shall come into force on such a date as the Council may, by notice in the Gazette, appoint.

2. In this Act, unless the context otherwise requires— Interpretation

“affected Partner State” means a Partner State or States affected or likely to be affected by trans-boundary impact of a proposed project or activity;

“areas of influence” means all areas likely to have indirect relationships and impacts with core areas;

“Commission” means the East African Transboundary Ecosystems Management Commission established under section 5;

“core impact areas” means areas that constitute the aquatic and terrestrial ecosystems identified by Partner States as transboundary ecosystems;

“Council” means the Council of Ministers of the East African Community established under Article 9 of the Treaty;

“competent authority” means the national authority or authorities designated by a Party as responsible for performing the tasks covered by this Act or the authority or authorities entrusted by a Party with decision-making powers regarding a proposed activity;

“environmental impact assessment” means a technique and a process by which information about the environmental effects of a project is collected, both by the developer and from other sources and taken into account by the decision-making authority in forming a judgment on whether the development should proceed;

“impact” means any effect caused by an existing or proposed activity on the environment including human health and safety, flora, fauna, soil, air, water, climate, landscape and historical

monuments or other physical structures or the interaction among these factors; including effects on cultural heritage or socio-economic conditions resulting from alterations to those factors;

“Partner States” means the Republic of Burundi, the Republic of Kenya, the Republic of Rwanda, the United Republic of Tanzania and the Republic of Uganda, and any other country granted membership to the Community under Article 3 of the Treaty;

“Party of origin” means the Partner State or Partner States of the Community under whose jurisdiction an existing or a proposed project is planned to take place;

“proposed activity” means any activity or any major change to an activity subject to a decision of a competent authority in accordance with the provisions of this Act;

“Secretariat” means the Secretariat of the East African Community;

“transboundary impact” means any impact, not exclusively of a global nature, within an area under the jurisdiction of a Party, caused by a proposed activity, the physical origin of which is situated wholly or in part within the area under the jurisdiction of another Party;

“the public” means one or more natural or legal persons.

Objectives
of the Act

3. The objectives of this Act are to—

- (a) establish an institutional framework for the management of trans-boundary ecosystems within and among Partner States;
- (b) establish procedures for carrying out environmental impact assessments in trans-boundary ecosystems of the Community;
- (c) maintain stable functioning relations between the living and non-living parts of the environment found in trans-boundary ecosystems of the Community through preserving biological diversity, and respecting the principle of optimum sustainable yield in the use of natural resources in those ecosystems;
- (d) reclaim lost trans-boundary ecosystems and where possible reverse the degradation of natural resources those ecosystems;
- (e) establish adequate environmental protection standards and monitor changes in environmental quality in trans-boundary ecosystems of the Community;
- (f) provide for the publication of relevant data on environmental quality and resource use in the Community's trans-boundary ecosystems;
- (g) require prior environmental assessments of proposed projects or activities which may significantly affect the environment or use of natural resources in trans-boundary ecosystems;

- (h) ensure environmental awareness on trans-boundary ecosystems is treated as an integral part of education in the Community at all levels;
- (i) ensure that true and total costs of environmental pollution of trans-boundary ecosystems in the Community are borne by the polluter; and
- (j) promote international cooperation between the East African Community and other regional organizations in the management of trans-boundary ecosystems.

4. This Act shall apply to all existing and proposed activities in trans-boundary ecosystems within and among Partner States. Application

PART II—MANAGEMENT OF EAST AFRICAN TRANSBOUNDARY ECOSYSTEMS

5. (1) There is established a Commission known as the East African Transboundary Ecosystems Management Commission. Establishment of Commission

(2) The Commission shall be accountable to the Council.

6. (1) The Commission shall be composed of eight members selected and appointed as follows— Composition of Commission

- (a) heads of the national environment agencies, one from each Partner State;
- (b) one representative of the private sector;
- (c) one representative of civil society organizations, and

(d) the Director responsible for environment at the Secretariat, who shall be an ex officio and Secretary to the Commission.

(2) Members of the Commission shall be appointed by the Council.

(3) The Commission may co-opt such experts to its meetings as it may from time to time determine and consult them on technical matters concerning management of trans-boundary ecosystems of the Community.

Functions of
Commission

7. (1) The functions of the Commission shall be to—

(a) coordinate, monitor and supervise the implementation of the East African Community policies relating to management of trans-boundary ecosystems;

(b) liaise with the private sector, intergovernmental organisations, nongovernmental organisations, and governmental agencies of other States outside the Community on issues relating to management of trans-boundary ecosystems;

(c) initiate policy and legislative proposals, standards and guidelines on trans-boundary ecosystems in accordance with this Act and in line with the provisions of the Treaty for the Establishment of the Community;

(d) direct the review and approval of environmental impact assessments and environmental impact statements submitted to it in accordance with this Act;

- (e) promote public participation in trans-boundary ecosystems management according to the provisions of this Act;
- (f) initiate studies and receive reports and recommendations on the management of the Community's trans-boundary ecosystems;
- (g) ensure observance of proper safeguards in the planning and execution of all development projects, including those already in existence that have or are likely to have significant impact on trans-boundary ecosystems;
- (h) mobilise, expedite and monitor resources for the management of trans-boundary ecosystems of the Community;
- (i) ensure that Partner States sharing trans-boundary ecosystems maintain a proper balance between resource development for a higher standard of living for their people and conservation and enhancement of the environment to promote sustainable development.
- (j) ensure that Partner States sharing trans-boundary ecosystems pursue and establish close cooperation with regard to the study and execution of all projects likely to have an effect on the regime of the trans-boundary ecosystems.
- (k) ensure that Partner States sharing trans-boundary ecosystems exchange available information and data regarding the hydrological, hydrogeological, meteorological and ecological condition of such ecosystems;

(l) ensure that Partner States utilise the shared trans-boundary ecosystems in an equitable manner; and that the shared trans-boundary ecosystems are used and developed by Partner States with a view to attaining optimum utilisation of the ecosystems and obtaining benefits from the ecosystems consistent with adequate protection of those ecosystems;

(m) implement decisions of the Summit of Heads of State regarding the management of trans-boundary ecosystems.

(2) The Commission shall ensure the utilisation of a shared trans-boundary ecosystem in an equitable manner within the meaning of sub paragraph (1) of this section and shall require taking into account all relevant factors and circumstances including—

- (a) geographical;
- (b) hydrographical;
- (c) hydrological;
- (d) biological;
- (e) environmental;
- (f) climatic including the future potential impacts of climate change;
- (g) any other factors of a natural character;
- (h) the social and economic needs of the Partner State concerned;
- (i) the effects of the use of a shared ecosystem in one State on another State;
- (j) existing and potential uses of the shared ecosystem;

- (k) guidelines and agreed standards to be adopted by the Community;
- (l) an interaction of any of these factors.

(4) The Commission may in the performance of its functions delegate any of the functions under sub section (1) to the Partner States' agencies responsible for environmental management.

8. (1) The national environment management authorities in the Partner States shall be the national transboundary ecosystems management focal points.

Designation and functions of national focal points

(2) The functions of national transboundary ecosystem management focal points shall be to—

- (a) consult and coordinate the participation of national institutions and agencies, including the private sector and nongovernmental organizations, on matters related to transboundary ecosystem management;
- (b) facilitate the exchange of information within the Community relating to this Act;
- (c) prepare such reports as may be necessary to enable the Commission perform its functions under this Act; and
- (d) perform such other functions as the Commission shall deem necessary.

9. (1) Partner States shall ensure that any person intending to use the shared trans-boundary ecosystems within their respective territories or who intends to set up a project in such ecosystems shall obtain a permit from the relevant competent authority within the Partner State.

Obligations of Partner States

(2) The permit under subsection (1) shall be granted only after such a Partner State has determined that the proposed project will not have a detrimental effect on the shared trans-boundary ecosystem.

(3) The Party of Origin shall in accordance with the provisions of this Act, make sure that an environmental impact assessment is undertaken prior to a decision to authorize or undertake a proposed activity listed in Schedule 1 that is likely to cause a significant adverse trans-boundary impact.

(4) At the initiative of any Party, parties may enter into discussions on whether one or more proposed activities not listed in Schedule 1 is or are likely to cause a significant adverse trans-boundary impact and should thus be treated as if it or they were so listed.

(5) The Party of Origin shall provide, in accordance with the provisions of this Act, an opportunity to the public in the areas likely to be affected to participate in relevant environmental impact assessment procedures regarding proposed activities and shall ensure that the opportunity provided to the public of the affected Party is equivalent to that provided to the public of the Party of origin.

(6) Environmental impact assessments as required by this Act shall, as a minimum requirement, be undertaken at the project level of the proposed activity, and to the extent appropriate, the parties shall apply the principles of environmental impact assessment to policies, plans and programmes that may have trans-boundary impacts.

(7) Partner States shall take all measures necessary to prevent the introduction of alien species of fauna and flora into the shared trans-boundary ecosystems, which may have a detrimental effect on those ecosystems.

(8) Partner States shall, within a period of 90 days notify the affected Partner State and other States of the Community as well as the Secretariat, of any impacts originating from their respective territories.

(9) Partner States shall ensure that they put in place adequate legal and institutional mechanisms to reclaim degraded trans-boundary ecosystems on their territories.

(10) Partner States shall ensure that environmental awareness on trans-boundary ecosystems is treated as an integral part of education in the Community at all levels in their jurisdictions.

(11) Partner States shall ensure that true and total costs of environmental pollution of trans-boundary ecosystems in the Community are borne by the polluters within their jurisdictions.

10. (1) Partner States sharing continuous ecosystems shall identify and designate such areas as trans-boundary ecosystems to be managed as such areas by the Community.

Identification
of East
African
trans-
boundary
ecosystems

(2) The identification and designation of shared continuous trans-boundary ecosystems by Partner States may be carried out with the knowledge and financial assistance of the Commission.

(3) The Commission may from time to time, with the approval of the Council amend the list of existing trans-boundary ecosystems specified in Schedule 2.

11. (1) The Commission shall meet quarterly every year.

Meetings of
Commission

(2) The Commission may, notwithstanding subsection (1) meet at any other time during the year to determine matters of urgency.

(3) The members of the Commission shall determine their own procedures for their meetings.

(4) The Commission shall submit to the Council an annual report.

PART III—ENVIRONMENTAL IMPACT ASSESSMENT

Require-
ment for a
permit

12. (1) Partner States shall require any person intending to use the shared trans-boundary ecosystems within their respective territories for purposes other than domestic use or who intends to set up a project in such ecosystems to obtain a permit from the relevant competent authority within the Partner State.

(2) The permit shall be granted only after such a Partner State has determined that the proposed project will not have a detrimental effect on the shared trans-boundary ecosystems.

(3) A Partner State shall, within thirty days of becoming aware, notify the affected Partner State and other States of the Community of any impact originating from its territory.

(4) Every project which by its nature, size or location is likely to have significant impact on the trans-boundary ecosystems shall be subjected to an environmental impact assessment.

Deter-
mination of
activities of
significant
impact on
trans-
boundary
ecosystems

13. (1) The activities specified in Schedule 1, which have or are likely to have significant trans-boundary impacts within and among the Partner States of the Community shall be determined by the Commission as activities, which shall not be carried out without an approved environmental impact assessment.

(2) The activities under subsection (1) shall include but will not be limited to plans, programmes and projects in any one Partner State, which are or are likely to involve or might lead to significant changes in land use and also cause trans-boundary impacts in other Partner States.

(3) An approved environmental impact assessment of any project in a trans-boundary ecosystem shall provide for—

- (a) measures to avoid impacts on the trans-boundary ecosystems; and
- (b) mitigation measures to be adopted by the developer of any plan, programme or project.

14. (1) The procedures for conducting transboundary environment impact assessments shall be in accordance with the guidelines developed by the Commission and shall include—

Environ-
mental
impact
assessment
procedures

- (a) preparation of a project brief
- (b) screening, which is the initial assessment to decide whether a project requires further investigation in an environmental impact assessment;
- (c) scoping, which is a technique for identifying the key impacts requiring further investigation and for preparing the terms of reference for the environmental impact assessment study;
- (d) terms of reference for the environmental impact assessment, which shall be prepared by the project proponent with the approval of the competent national authorities and the Commission;

- (e) the environmental impact assessment which is the systematic prediction, identification, analysis and evaluation of the significance of the impacts;
- (f) the report containing the results of the environmental impact assessment study in a usable format; and
- (g) public hearings.

Adoption of
common
standards
and
procedures

15. Partner States shall adopt common standards issued by the Council on the recommendation of the Commission.

Content of
environmental
impact
assessment
report

16. (1) The environmental impact assessment report shall contain the following—

- (a) an executive or non-technical summary;
- (b) an introduction;
- (c) descriptions of the aims of the project;
- (d) discussions of the relationship between the proposed project and the current land-use and other relevant policies for the area likely to be affected;
- (e) descriptions of the proposed project and alternatives
- (f) descriptions of the expected environmental conditions at the time of project implementation;
- (g) an evaluation of the impacts of each alternative, with clear information on the criteria used to design the significance;

(h) comparative evaluation of alternatives, covering significant adverse and beneficial impacts, mitigation and monitoring measures and identification of the environmentally preferred option, if possible, using a set of sustainability criteria; and an impact mitigation plan.

(2) The impact mitigation plan for the Community's trans-boundary ecosystems shall include—

- (a) implementation of mitigation measures;
- (b) monitoring and evaluation; and
- (c) revision of the plan.

(3) Monitoring of projects in trans-boundary ecosystems of the Community shall include—

- (a) compliance monitoring;
- (b) mitigation monitoring; and
- (c) impact monitoring.

(4) Review of environmental impact assessment reports shall include assessing the adequacy of the reports in the terms of the existing plans, policies and standards.

(5) Decision making shall include taking a decision whether the proposal can proceed and the conditions attached to such process.

17. (1) The developer shall be responsible for the production of a monitoring plan agreed upon at the project approval stage.

Monitoring,
auditing and
enforcement
of trans-
boundary
environ-
mental
impacts

(2) The competent authority of the country of origin and the country of impact shall be responsible for enforcing the monitoring and mitigation plans.

(3) The developer or in special circumstances, the competent authority in the country of origin shall be responsible for meeting the costs of auditing in that country of origin.

(4) The legal systems in the country of origin and the country of impact shall enforce the monitoring and mitigation plans.

Deter-
mination of
costs

18. Costs for undertaking environmental impact assessment for trans-boundary ecosystems shall be a responsibility of—

- (a) the project proponent including both local and foreign in one Partner State or Partner States where the proposed project is planned to take place;
- (b) the national government of the Partner State where the proposed project is to take place in case the government is the developer; or
- (c) the entire Community if all of the Partner States have an interest in the proposed project.

PART IV—FINANCIAL PROVISIONS

Funds of
Commission

19. (1) The sources of funding for the Commission shall be—

- (a) contributions by the Partner States;
- (b) resources mobilised by the Community;
- (c) any other source approved by the Council.

20. (1) The Commission shall keep proper accounts and records of its transactions and affairs and ensure that the monies received are properly accounted for and that all payments out of its funds are correctly made and properly authorised. Accounts and audits

(2) The accounts of the Commission shall, in respect of each financial year, be audited by the Audit Commission.

(3) The Commission shall within four months after the end of each financial year submit the accounts to the Audit Commission for auditing.

(4) The Audit Commission shall within three months of submission of the accounts by the Commission—

- (a) audit the accounts of the Commission;
- (b) deliver to the Commission and the Council the audited accounts and report of the audit.

21. (1) The Commission shall, not later than six months after the end of each financial year, prepare and submit to the Council, an annual report in respect of that year containing— Annual report

- (a) the audited financial statement;
- (b) the report on the activities of the Commission; and
- (c) any other information the Council may deem appropriate.

(2) The Council shall cause the annual report to be laid before the East African Legislative Assembly within three months after receiving the report.

PART V—GENERAL PROVISIONS

Settlement
of disputes

22. (1) Where a dispute arises between two or more parties regarding the interpretation or application of this Act, parties to that conflict shall seek a solution by negotiation or by any other method of dispute settlement acceptable to the parties to the dispute.

(2) Parties may agree that a dispute not resolved under subsection (1) of this section be resolved through—

(a) arbitration in accordance with the procedure set out in Article 32 of the Treaty; or

(b) submission of the dispute to the East African Court of Justice.

Regulations

23 The Council may in consultation with the Commission make regulations for the better carrying into effect the provisions of this Act.

Savings

24. Partner States may continue to enter into new or implement existing bilateral or multilateral arrangements in order to give effect to the implementation of this Act.

SCHEDULE 1

Potential activities and projects to be subjected to trans-boundary Environment impact assessment in the Community

1. Crude oil refineries (excluding undertakings manufacturing only lubricants from crude oil) and installations for the gasification and liquefaction of 500 metric tons or more of coal or bituminous shale per day.
2. Thermal power stations and other combustion installations with a heat output of 300 megawatts or more and nuclear power stations and other nuclear reactors (except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load).
3. Installations solely designed for the production or enrichment of nuclear fuels, for the reprocessing of irradiated nuclear fuels or for the storage, disposal and processing of radioactive waste.
4. Major installations for the initial smelting of cast-iron and steel and for the production of non-ferrous metals.
5. Installations for the extraction of asbestos and for the processing and transformation of asbestos and products containing asbestos: for asbestos-cement products, with an annual production of more than 20,000 metric tons of finished product; for friction material, with an annual production of more than 50 metric tons of finished product; and for other asbestos utilization of more than 200 metric tons per year.
6. Integrated chemical installations
7. Construction of motorways, express roads and lines for long distance railway traffic and of airports with a basic runway length of 2,100 meters or more.

8. Large-diameter oil gas pipelines.
9. Trading ports and also inland waterways and ports for inland waterway traffic which permit the passage of vessels of over 1,350 metric tons.
10. Waste-disposal installations for the incineration, chemical treatment or landfills of toxic and dangerous wastes.
11. Large dams and reservoirs.
12. Groundwater abstraction activities in cases where the annual volume of water to be abstracted amounts to 10 million cubic meters or more.
13. Pulp and paper manufacturing of 200 air-dried metric tons or more per day.
14. Major mining, on-site extraction and processing of metal ores or coal.
15. Offshore hydrocarbon production.
16. Major storage facilities for petroleum, petrochemical and chemical products.
17. Deforestation of large areas.
18. Projects for the restructuring of rural land holdings.
19. Projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes.
20. Water management projects for agriculture, including irrigation and land drainage projects.
21. Intensive livestock installations (including poultry).
22. Initial afforestation and deforestation for the purposes of conversion to another type of land use.
23. Intensive fish farming.

24. Nuclear power stations and other nuclear reactors including the dismantling or decommissioning of such power stations or reactors (except research installations for the production and conversion of fissionable and fertile materials whose maximum power does not exceed 1 kilowatt continuous
25. Construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of 15 kilometers or more and other projects for the transmission of electrical energy by overhead cables.
26. Industrial installations for the production of electricity, steam and hot water.
27. Industrial installations for carrying gas, steam and hot water.
28. Surface storage of fossil fuels and natural gas.
29. Underground storage of combustible gas.
30. Industrial briquetting of coal and lignite.
31. Installations for hydroelectric energy production.
32. Installations for the harnessing of wind power for energy production (wind farms)
33. Installations, if so far not included for example:
 - (i) for the production or enrichment of nuclear fuel;
 - (ii) for the processing of irradiated nuclear fuel;
 - (iii) for the final disposal of irradiated nuclear fuel;
 - (iv) solely for the final disposal of radioactive waste;
 - (v) solely for the storage (planned for more than 10 years) of irradiated nuclear fuels in a different site than the production site; or
 - (vi) for the processing and storage of radioactive waste.

34. Quarries, open cast mining and peat extraction, as far as not included already.
35. Underground mining as far as not included already.
36. Extraction of minerals by marine or fluvial dredging.
37. Deep drillings (in particular geothermal drilling, drilling for the storage of nuclear waste material, drilling for water supplies), with the exception of drillings for investigating the stability of the soil.
38. Surface industrial installations for the extraction of coal, petroleum, natural gas and ores, as well as bituminous shale.
40. Integrated works for the initial smelting of cast iron and steel, as far as not included in already.
 - (i) installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting.
 - (ii) installations for the processing of ferrous metals (hot-rolling mills, smitheries with hammers, application of protective fused metal coats).
 - (iii) ferrous metal foundries.
 - (iv) installations for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes, as far as not included already.
 - (v) installations for the smelting, including the alloyage of non-ferrous metals excluding precious metals, including recovered products (refining, foundry casting, etc.), as far as not included in already.
 - (vi) installations for surface treatment of metals and plastic materials using an electrolytic or chemical process.
 - (vii) manufacture and assembly of motor vehicles and manufacture of motor vehicle engines.
 - (viii) shipyards.

- (ix) installations for the construction and repair of aircraft.
 - (x) manufacture of railway equipment.
 - (xi) swaging by explosives.
- 41. Installations for the roasting and sintering of metallic ores.
 - 42. Coke ovens (dry coal distillation).
 - 43. Installations for the manufacture of cement
 - 44. Installations for the manufacture of glass including glass fiber.
 - 45. Installations for smelting mineral substances including the production of mineral fibers.
 - 46. Manufacture of ceramic products by burning, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain.
 - 47. Installations for the production of chemicals or treatment of intermediate products, as far as not included already. Production of pesticides and pharmaceutical products, paint and varnishes, elastomers and peroxides.
 - 48. Installations for the storage of petroleum, petrochemical, or chemical products, as far as not included in already.
 - 49. Manufacture of vegetable and animal oils and fats.
 - 50. Packing and canning of animal and vegetable products.
 - 51. Manufacture of :
 - (i) dairy products.
 - (ii) brewing and malting.
 - (iii) confectionery and syrup manufacture.
 - (iv) installations for the slaughter of animals.
 - (v) industrial starch manufacturing installations.
 - (vi) fish-meal and fish-oil factories.
 - (vii) sugar factories.

52. Industrial plants for the production of pulp, paper and board, as far as not included in already.
- (i) plants for the pre treatment or dyeing of fibers or textiles.
 - (ii) plants for the tanning of hides and skins.
 - (iii) cellulose-processing and production installations.
 - (iv) manufacture and treatment of elastomer-based products.
 - (v) installations for the manufacture of artificial mineral fibers.
 - (vi) installations for the recovery or destruction of explosive substances.
 - (vii) installations for the production of asbestos and the manufacture of asbestos products, as far as not included in already.
 - (viii) knackers' yards, test benches for engines, turbines or reactors.
53. Permanent racing and test tracks for motorized vehicles.
54. Pipelines for transport of gas or oil, as far as not included in already.
55. Pipelines for transport of chemicals with a diameter of more than 800 mm and a length of more than 40 km.
56. Construction of railways and intermodal transshipment facilities, and of intermodal terminals, as far as not included in already.
57. Construction of tramways, elevated and underground railways, suspended lines or similar lines of a particular type used exclusively or mainly for passenger transport.

58. Construction of roads, including realignment and/or widening of any existing road, as far as not included in already.
59. Construction of harbors and port installations, including fishing harbors, as far as not included in already.
60. Construction of inland waterways and ports for inland-waterway traffic, as far as not included in already.
61. Trading ports, piers for loading and unloading connected to land and outside ports, as far as not included in already.
62. Canalization and flood-relief works.
63. Construction of airports and airfields.
64. Waste-disposal installations (including landfill), as far as not included in already.
65. Installations for the incineration or chemical treatment of non-hazardous waste.
66. Storage of scrap iron, including scrap vehicles.
67. Sludge deposition sit
68. Groundwater abstraction or artificial groundwater recharge, as far as not included in already.
69. Works for the transfer of water resources between river basins.
70. Waste-water treatment plants.
71. Dams and other installations designed for the holding-back or for the long-term or permanent storage of water, as far as not included in already.
72. Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defense works, excluding the maintenance and reconstruction of such works.

73. Installations of long distance aqueducts.
74. Programmatic activities
 - (i) forest management plants
 - (ii) instituting beach management units
 - (iii) creation of protected areas
 - (iv) water allocation
75. Marinas and industrial estate development projects.
76. Holiday villages and hotel complexes outside urban areas and associated developments.
77. Permanent campsites and caravan sites.
78. Theme parks.
79. Urban development projects.
80. Reclamation of land from the sea.
81. GMO – related projects
82. Projects involving introductions of exotics
83. Tourism/ Ecotourism

SCHEDULE 2

**Identified and Designated Continuous Trans-Boundary
Ecosystems of the Community**

- a. The terrestrial ecosystems comprising of:**
- i. The Albertine Rift ecoregion
 - ii. The Minziro-Sango Bay Swamp Forests in southern Uganda and north-western Tanzania;
 - iii. The Eastern Arc Mountains (Pare and Taita Mountains);
 - iv. Mount Elgon, Loima-Moroto hills;
 - v. the Serengeti-Mara, Kilimanjaro-Longido, Tsavo west-Mlomazi/Umba Ecosystems;
 - vi. Eastern Arc ecoregion: A forest system stretching from Central Tanzania and Kenya. An endangered ecosystem consisting of complex ranges and peaks of tropical and sub-tropical broadleaf forests.
 - vii. Ruvubu Park - Burundi & Rwanda
 - viii. Nyungwe/Kibira Park- Rwanda & Burundi
 - vix. Bugesera region- ecosystem between Rwanda & Burundi. Mainly savannah, woodland and rangelands. Also harbours Lake Rweru, Cyohoha and Rumiras
 - x. Akagera National Park-part of the wider Kagera basin ecosystem. Shared by Rwanda and Tanzania to protect the savannah, mountain and swamp eco-regions that are supported by the Kagera basin ecosystem.
- b. The Aquatic ecosystems including:**
- i. Lake Victoria;
 - ii. Lake Tanganyika;
 - iii. Lake Jipe;
 - iv. Lake Chala;
 - v. The Minziro-Sango Bay swamp;
 - vi. Kagera River basin-Burundi, Rwanda, Uganda, Tanzania
Rusumo Falls-Rwanda and Tanzania (part of Kagera Basin)

- Fed by three main tributaries:
 - * Nyabarongo River (name changes to Kagera at the outlet of L. Rweru)
 - * Akanyaru River
 - * Ruvubu River
 - vii. Bugesera region-Rwanda & Burundi. Mainly savannah, woodland and rangelands that contains these rivers
 - * Lake Rweru-Burundi & Rwanda
 - * Lake Cyohoha- Rwanda & Burundi
 - * Lake Rumira
 - viii. River Ruzizi-Burundi, Rwanda & DRC (flows from Kivu to Tanganyika)
 - ix. Lake Ihema-Rwanda and Tanzania (located in the Akagera National Park)
 - x. Lake Tanganyika-Burundi, Tanzania and DRC
 - xi. Lake Nyasa-Tanzania, Malawi, Mozambique
 - xii. Akanyaru Wetlands-Burundi & Rwanda including Lake Akanyaru
 - xiii. Mlagarazi Wetlands-Rwanda & Burundi
- c. The Marine coastal strip of the Indian Ocean of Kenya and Tanzania.
- d. The immediate impact areas comprising areas outside the core areas where human or natural activities are likely to impact directly on or may be impacted upon by the core areas. The immediate impact areas shall be defined by the water divide or water shed of the drainage basins of Lake Victoria, Lakes Natron and Jipe, Lake Tanganyika, the Pangani River, which shall define the outer limits of such areas hydrology.
- e. Areas of influence or extensions of habitats of protected trans-boundary ecosystems, which shall include all areas likely to have indirect relationships and impacts with core areas. These shall include areas outside the geographical natural spatial area of the core area or areas of immediate impact whose activities have, will have or are likely to have influence on shared trans-boundary ecosystems in the Community.