



Nile Basin Initiative

Nile Equatorial Lakes Subsidiary
Action Plan

Kagera Transboundary Integrated
Water Resources Management and
Development Project

Development of a
Kagera River Basin
Transboundary
Cooperative Framework
and Management
Strategy in the Four
Riparian Countries of
Burundi, Rwanda,
Tanzania and Uganda

Final Report

Volume 2: Draft Cooperative
Framework Agreement and Set Up of
KBMU

February 2009



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Table of Contents

List of Abbreviations and Acronyms		ii
1	Recommended Management Strategy: A Kagera Basin Management Unit (KBMU)	5
1.1	Introduction	5
1.2	Objective of the KBMU	5
1.3	Functions of the KBMU	6
1.4	Institutional Arrangements for KBMU	10
1.5	Relationships with other Organisations	15
2	Proposed Cooperative Framework Agreement	19

Table of Appendices

Appendix A: Initial Budget and Operational Strategy [Consolidated]*
Appendix B: Initial Staffing and Organisational Structure [Consolidated]*
Appendix C: List of Transboundary Projects

List of Tables

Table 1.1: Proposed Staffing of the KBMU	12
Table 2.1: Annual Budget Estimate for the Sub-Basins Secretariat	39

List of Abbreviations and Acronyms

Abbreviation / Acronym	Meaning
BCM	Billion cubic metres (m ³)
CBSIP	Confidence Building and Stakeholder Involvement Project
CEPGL (Burundi; D.R. Congo; Rwanda)	Communauté Economique Des Pays Des Grands Lacs
CSO	Civil Society Organisation
CWB	Central Water Board (Tanzania)
DGHER (French)	General Department of Water Resources and Energy
DRC	Democratic Republic of Congo
DWD	Directorate of Water Development (Uganda)
DWNR	Department of Water and Natural Resources (Rwanda)
EAC	East African Community
EANWCC	East African Nile Waters Coordinating Committee
EIA	Environmental Impact Assessment
ENCOM	Eastern Nile Council of Ministers
ENSAP	East Nile Subsidiary Action Program
ENTRO	Eastern Nile Technical Regional Office
EWURA	Energy and Water Utilities Regulatory Authority (Tanzania)
FAO	(United Nations) Food and Agriculture Organisation
GDP	Gross Domestic Product
ha	Hectares
HDI	Human Development Index
HDR	Human Development Ranking / Report
HIV/AIDS	Human Immunodeficiency Virus / Acquired Immunodeficiency Syndrome
IBA	Important Bird Area
IBWC	International Boundary and Water Commission United States and Mexico
IGADD	Inter-Governmental Agency for Drought and Desertification
IGEBU (French)	Institut Géographique de Burundi

Abbreviation / Acronym	Meaning
ILA	International Law Association
ILC	International Law Commission
IWRM	Integrated Water Resources Management
IUCN	World Conservation Union
KBO	Kagera Basin Organization
KRB	Kagera River Basin
KTIWRMDP	Kagera Transboundary Integrated Water Resources Management and Development Project
LVBC	Lake Victoria Basin Commission
LVBWO	Lake Victoria Basin Water Office (Tanzania)
LVFO	Lake Victoria Fisheries Organisation
masl	Metres above sea level
MINECOFIN (Acronym)	Ministry of Finance and Economic Planning (Rwanda)
MINIRENA (Acronym)	The former Ministry of Energy, Water and Natural Resources (Rwanda)
MINITERE (Acronym)	Ministry of Land, Environment, Forest, Water and Mines (Rwanda)
MINISANTE (Acronym)	Ministry of Health (Rwanda)
MoH	Ministry of Health (Uganda)
MoU	Memorandum of Understanding
MOWLD	Ministry of Water and Livestock Development (Tanzania)
MTEF	Medium Term Expenditure Framework
MWE	Ministry of Water and Environment (Uganda)
NATO	North Atlantic Treaty Organisation
NAWAPO (Acronym)	National Water Policy (Tanzania)
NBA	Niger Basin Authority
NBD	Nile Basin Discourse
NBI	Nile Basin Initiative
NEL-COM	Nile Equatorial Lakes Council of Ministers
NEL-CU	Nile Equatorial Lakes Coordination Unit
NELSAP	Nile Equatorial Lakes Subsidiary Action Program
NEL-TAC	Nile Equatorial Lakes Technical Advisory Committee
NEMA	National Environment Management Authority (Uganda)
NEMC	National Environment Management Council (Tanzania)
NFPO	National Focal Point Office
NGO	Non-governmental Organisation
Nile-COM	Nile Basin Commission

Abbreviation / Acronym	Meaning
NPCMWR	National Policy for the Conservation and Management of Wetland Resources (Uganda)
NTDA	National Transboundary Diagnostic Analysis
NUWA	National Urban Water Authority (Tanzania)
NWSC	National Water and Sewerage Corporation (Uganda)
NWSDS	National Water Sector Development Strategy (Tanzania)
OMVS (French)	Organisation pour la Mise en Valeur du Fleuve Sénégal
PEAP	Poverty Eradication Action Plan (Uganda)
PJTC	Permanent Joint Technical Commission
PGNRE	Projet de Gestion National des Ressources en Eau (Rwanda)
PNDE (French)	National Water Master Plan (Burundi)
ppm	Parts per million (= mg/l)
PPP	Public – Private Partnership
PRSP	Poverty Reduction Strategy Paper
REGIDESO (French)	Régie de Distribution d'Eau
REMA	Rwanda Environment Management Authority
RPSC	Regional Project Steering Committee
RTWSP	Rural Towns Water and Sanitation Programme (Uganda)
SAP	Subsidiary Action Program
SDBSP	Socio-economic Development and Benefits Sharing Project
SVP	Shared Vision Program
TAC	Technical Advisory Committee
TECCONILE	Technical Cooperation for the Promotion of the Development and Environmental Protection of the Nile River Basin
ToR	Terms of Reference
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNICEF	United Nations Children's Fund
WMO	World Meteorological Organisation
WPC	Water Policy Committee (Uganda)
WRM	Water Resources Management

1 Recommended Management Strategy: A Kagera Basin Management Unit (KBMU)

1.1 Introduction

This volume of the Report describes, in detail, the recommended institutional option together with an outline of action plans and provisional budgets for the recommended option for the Kagera Basin Cooperative Framework.

To reiterate the relevant recommendation of Volume 1 of this report, the preferred option is to institutionalise cooperation under the auspices of the LVBC and the EAC with ties to the NBI. This will have the advantages of:

- being part of an existing organisation with a strong legal basis and political support;
- operating on the lowest appropriate level in accordance the subsidiarity principle; and
- maintaining linkages with the larger Nile Basin organisations.

It is further envisaged that parallel organisations will be formed for the other transboundary Lake Victoria basins, i.e. Mara and Sio-Malakisi-Malaba. This will facilitate management by the LVBC as well as exchanges between the three sub-basins.

The following sections describe the proposed organisation.

1.2 Objective of the KBMU

The objective of the proposed organisation is to:

‘Promote the sustainable management and development of the water resources of the Kagera River basin’.

The work of the organisation will be based on IWRM principles and will be in line with the overall objectives of the EAC and the LVBC.

1.3 Functions of the KBMU

1.3.1 Main Functions

It is envisaged that the main functions organisation will be to:

- (a) Prepare integrated management plans for the Kagera River basin in cooperation with the riparian states and the Lake Victoria Basin Commission with the aim to facilitate the sustainable management and development of its water resources.
- (b) Coordinate hydrological and water quality monitoring in the basin.
- (c) Facilitate joint water resources development projects.
- (d) Collect and disseminate information on the water resources in the basin.
- (e) Participate in the development of common standards.
- (f) Develop or participate in the development of common guidelines for water resources activities or activities that affect water resources.
- (g) Organise and implement capacity building activities in the field of water resources management for the riparian states.
- (h) Assist the riparian states in harmonising policies and legal and institutional frameworks.
- (i) Assist the riparian states in finding solutions to shared problems that impact on water resources through exchange of information and joint projects.
- (j) Review and comment on EIAs on activities that significantly affect the water resources in the basin.
- (k) Mediate between riparian states in case of disputes.
- (l) Establish an informal network of technical working groups for specific issues.
- (m) Facilitate transboundary cooperation by assisting the formation of transboundary water resources committees at district-level and provide technical support.
- (n) Flood warning.

The functions are in line with obligations under the Convention on the Protection and Use of Transboundary Water Courses and International Lakes, Helsinki, 1992, as well as regional cooperation agreements. The functions are dis-

cussed in more detail below.

(a) Management Planning

The preparation of integrated river basin management plans is an important tool for planning and cooperation among the stakeholders. Basin management plans for the Kagera River basin should be coordinated with a similar plan for the entire Lake Victoria Basin, but the level of detail will be different.

It is crucial that the plan focuses on the main issues and does not become too detailed or rigid. It should be realistic and implementable. The content could be:

- Status of water resources.
- Objectives for the water bodies.
- Strategies and measures, and
- Indicators for achievement and implementation.

The plans should be prepared with participation of riparian countries and other stakeholders.

To support the preparation of integrated management plans, the KBMU will use a suitable model or a *decision support system*. It is anticipated that this be developed in close collaboration with the LVBC and the NBI in order to avoid duplication of efforts and to facilitate data exchange.

(b) Monitoring

It is recommended that data collection in the field will be carried out by national organisations, but the KBMU will coordinate this work by reviewing the network of monitoring stations, the frequency of data collection and the parameters, procedures etc.

The KBMU should also consider designating key data collection and research stations as KBMU stations and enter into agreements with national institutions or the private sector regarding the operation and management of such stations.

In executing this role, the KBMU will work closely with the other parts of LVBC to ensure that monitoring activities, data formats etc. are streamlined within the Lake Victoria basin and are compatible with the requirements of the NBI organisations.

The data will also be used as inputs for modelling and decision support systems. Good quality data are essential for any modelling and for planning. Poor data will result in poor or even misleading predictions and thus poor planning. This is a long-term effort.

(c) Joint projects

The KBMU will facilitate joint water resources development projects and sharing of benefits. While such projects may contain elements of poverty alleviation, the main objective of such projects will be to address water resources issues and in order to maintain a clear focus, and in consideration of the resources expected to be available, the KBMU will not take on the wider development agenda, but leave that to other organisations.

KBMU will not implement large investment projects in water resources infrastructure as this is assumed to be better done by organisations set up specifically for such purposes by the countries concerned. The KBMU will therefore only will take on such work until the Feasibility Study Stage.

As concerns smaller projects dealing with the management of shared water bodies, the KBMU may either facilitate them or even take on the responsibility for their implementation. It will be decided on a case-by-case basis by the parties concerned, including the funding organisations.

A third group of projects are smaller water resources related projects that aim at finding solutions to common problems. It is proposed that the KBMU eventually gets a budget line that will enable it to fund such 'demonstration type' projects. The actual implementation of such projects will be done by national organisations or by project staff recruited for the purpose. The KBMU will facilitate the projects and it may help develop project ideas, but otherwise its role will be more that of supervisor or project coordinator; actual implementation will be outsourced.

(d) Information

It is recommended that the KBMU serves as a focal point for information regarding the water resources in the basin. This includes hydrological and water quality data as well as reports and other information.

It is envisaged that the riparian countries will be the primary custodians of data, but KBMU eventually maintains its own databases with data from stations designated as KBMU stations and perhaps copies of data from other stations.

The KBMU will disseminate such information to the riparian countries, the LVBC, and the NBI organisations and others.

In addition the KBMU will facilitate access to environmental information and prepare information materials for the general public.

(e) Common standards

The KBMU will not develop its own standards, but will work with other regional organisations to adopt common standards within its field. This will take place through the LVBC framework. Attention is also drawn to EAC Protocol on Environment and Natural Resources Management which is expected to be ratified in December 2007 and will set out binding standards.

(f) Guidelines

In some cases the KBMU may develop its own guidelines for activities that affect water resources, but in most in cases it will work with other organisations.

(g) Capacity building

An important activity of the organisation would be to organise and implement human resources development activities for the riparian states in the field of water resources management. Some of this may be done in cooperation with other LVBC units, NELSAP or other organisations.

The capacity building activities would focus on water resources management and would normally involve participants from several riparian states (for language reasons it may not always be practical to include all four states and it sometimes may be better to repeat the activity in English and French).

(h) Harmonisation

Harmonisation of the legal framework is a function of the EAC in the sense that laws enacted by the East African Legislative Assembly are binding for the Partner States and have to be transposed into national legislation where necessary. The KBMU can be a partner and facilitator as appropriate under the particular circumstances and could organise consultations, studies and workshops on particular issues. It is noted that the LVBC is considering employing a Legal Officer and KBMU activities in this field should obviously be coordinated with related work of the LVBC and the EAC Secretariat.

(i) Solutions to shared problems

Many of the problems related to water resources are the same or very similar in the four countries. The KBMU may therefore facilitate the exchange of experiences regarding such problems and, as mentioned above under (c), it may also implement studies or projects that address the issues and explore new approaches.

(j) Environment Impact Assessments (EIA)

Article 31 of the EAC Protocol on Environment and Natural Resources Management imposes the following obligations on EAC Member States:

- An obligation to harmonise and adopt common policies, laws and programmes requiring the conduct of environmental impact assessments for planned activities and projects which are likely to have significant adverse impacts;
- An obligation to plan at an early stage for transboundary activities and projects that may have significant adverse environmental impacts and to undertake comprehensive EIAs;
- An obligation to adopt common guidelines on EIAs in shared ecosystems; and
- An obligation to develop and adopt common guidelines and procedures for

periodic project environmental audits.

The KBMU will review and comment upon EIAs for projects that may significantly affect the water resources in the basin. The LVBC already has this responsibility. The interpretation of ‘significantly’ should be defined in an agreement between the EAC Partner States.

(k) Resolution of disputes

Some conflicts of interests will be addressed during the river basin management planning process, but there may still be disputes and new issues may arise. In the case of disputes among the riparian states regarding water resources issues, the KBMU will try to mediate.

If that does not succeed, the Parties may be referred to the existing EAC mechanisms and ultimately to the East African Court of Justice.

(l) Transboundary district-level committees

Some water resource issues are best addressed at basin level while others are better dealt with a local level. In accordance with the subsidiarity principle and the decentralisation process, the KBMU will work with the national focal points to help establish district-level transboundary water resources committees where this is deemed feasible. The KBMU may also provide technical support to such committees.

(m) Informal working groups

Many issues are best addressed by groups of technical specialists from the four countries. These should work as informally as possible and could be standing committees or ad-hoc groups. As an example, the KBMU could form a working group on hydrology that would review the monitoring networks, exchange experiences, identify needs and recommend solutions. The KBMU could support the working groups and coordinate their work, in cooperation with the national focal points. Some working groups could work on LVBC level where this is found more appropriate due to the nature of the issue.

(n) Flood warning

The KBMU will not operate a flood warning system, but will facilitate the exchange of hydrological data including information on water levels and flood warnings to downstream countries.

1.4 Institutional Arrangements for KBMU

1.4.1 Administration

The KBMU will be formed under LVBC and will adhere to LVBC administrative procedures. It will benefit from the established LVBC set up and will not be burdened by having to create its own administrative procedures.

At present the LVBC has a staff of 12 including: Executive Secretary; Deputy Executive Secretary (Administration & Finance); Deputy Executive Secretary

(Programmes); Project Development Officer; Maritime Safety Officer; Accountant; Accounts Assistant; two secretaries; two drivers; and one other support staff. It has recently been proposed to increase the staff to 23¹.

It is recommended that the KBMU be organised as a LVBC unit, but with a clearly identified budget and work programme approved by the LVBC Council.

It is recommended that the KBMU be headed by a Project Coordinator who reports to the LVBC head office.

It is further recommended that LVBC establishes a river basin unit in its head office to assist the Executive Secretary by coordinating and strengthening the three transboundary river basin management units.

The KBMU will submit regular progress reports to the LVBC Council. The LVBC Secretariat will approve the accounts audited in accordance with LVBC requirements.

1.4.2 Office

Initially the KBMU may work from the LVBC office (to be relocated to Kisumu, Kenya), but it is recommended that the KBMU establishes itself in a major city in the basin with good communication facilities.

Kigali has the advantages of being a capital with good communication links. It is centrally located in the basin and the largest portion of the basin is actually in Rwanda. Furthermore, the NELSAP-CU is based there, which would facilitate coordination.

Bukoba is another option. It is located near the mouth of the Kagera River. The Tanzanian Lake Victoria Basin Water Office is located in Mwanza, but has two technicians placed in the Regional Water Engineer's office in Bukoba.

1.4.3 Legal Status

The East African Legislative Assembly is considering a bill that would make the LVBC a corporate body.

As the KBMU will be part of LVBC it is not necessary to give it a special legal status.

The KBMU office will be an EAC office in a Member State and thus covered by existing EAC agreements. LVBC will make the necessary agreements with the host country.

¹ East African Community, Lake Victoria Basin Commission, Operational Strategy 2007-2010, Final Report, July, 2007, Cardno Agrisystems Africa Ltd.

1.4.4 Staffing

It is recommended to keep the KBMU organisation lean and to outsource many functions to private service providers, consultants or other partners. This will include technical functions such as monitoring or GIS where the KBMU could make contracts with a national institution or a university for specific services.

This could eventually lead to a network of topic centres in the countries similar to the network working with the European Environmental Agency.

The proposed staffing of the KBMU is composed of:

- A Project Coordinator.
- An Assistant Project Coordinator.

The **Project Coordinator** will have the overall responsibility for the management unit. S/he will be responsible for drafting and supervising agreements with consultants, service providers and key partner organisations. S/he will also take part in the technical work of the organisation. S/he will report to the LVBC head office.

The **Assistant Project Coordinator**, will report to the Project Coordinator, and will have specific responsibility for coordination, implementation, monitoring and evaluation of KBMU activities. KBMU activities will aim to promote co-ordination, cross learning and information exchange between the countries.

The specific activities will be determined after an assessment of existing needs at the basin level, the task of the coordinator will thus be to facilitate identification of synergies between the different national and district plans, support joint skills development or other activities on aspects of the projects that are similar and/or complimentary.

The staffing for the KBMU for the first 3 years of its operation is given below:

Table 1.1: Proposed Staffing of the KBMU

Position	Year 1	Year 2	Year 3
Project Coordinator	1	1	1
Assistant Project Coordinator		1	1
National Focal Point Institution			1
Secretaries	1	2	2
Accountant	1	1	1
Technical assistants		2	2
Drivers and other support staff	1	2	3
Total	5	11	13

1.4.5 Funding

Funding is needed for the basic operations of the organisation itself, for its regular work programme and for project activities.

Currently LVBC is funded through three channels: contributions by (a) Member States, (b) Partnership Fund, and (c) contributions by development partners outside the Partnership Fund.

The Partnership Fund has been established with support from Sweden, France, Norway and East African Development Bank and has been an important resource for the LVBC especially for funding small projects. Ongoing projects financed this way are:

- Strengthening the capacity of LVBC;
- Harmonization of Regional Policies, Laws, Regulations and Standards;
- Facilitation of Partnership Committee Meetings;
- Feedback for Lake Victoria Vision and Strategy Framework;
- Support for Investment Promotion in the Lake Victoria Basin;
- Support for Conflict Resolution and Negotiation Skill;
- Support for Participation in International Conferences; and Support to National Focal Points.

Activities supported by development partners outside the Partnership Fund include:

- NELSAP projects [Kagera River Basin Integrated Water Resources Management Project; Mara River Basin Transboundary Integrated Water Resources Management and Development Project; Nile Transboundary Environmental Action Plan (NTEAP); Sio-Malaba-Malakisi Catchments Transboundary Integrated Water Resources Management and Development Project; NELSAP Coordination Support Project (NEL-CU); Confidence Building and Stakeholder Involvement Project (CBSIP); Socio-economic Development and Benefits Sharing Project (SDBSP)],
- Kagera Transboundary Agro-Ecosystem Management Programme and Project (GEF);
- Lake Victoria Region Water and Sanitation Initiative (UN Habitat - LVWATSAN);

- Lake Victoria Region City Development Strategy: Cities Development Strategy for Improved Urban Environment and Poverty Reduction in the Lake Victoria Region (UN Habitat / SIDA);
- Lake Victoria Catchment Environmental Education Programme (WWF).

In order to bring in additional funds, the Operational Strategy Report suggests the creation of the (i) Lake Victoria Development Fund (LVDF), and (ii) Lake Victoria Basin Trust Fund as independent funds. The initial contributions to the Fund could come from existing trust funds. The Fisheries Levy Trust Fund is a means of mobilizing resources among the stakeholders in the fisheries sector and the report suggests that part of this be allocated to the proposed LVDF. A number of other trust funds are proposed. The second proposed fund would be a capital fund, the return of which could be used for operations leaving the capital intact.

It is expected that the core budget of the KBMU will be funded the same way through the LVBC using existing mechanisms.

In addition to this, it is proposed that the following options be explored:

- Charges for EIA applications for projects with potential transboundary impact. It is proposed to charge developers for the cost of processing applications, including necessary costs of external consultants. This will require changes to EAC legislation and subsequently to national legislation.
- Raw water charges. Some countries are using raw water charges as a means of financing water resources management and conservation. Raw water charges are payable by the water abstractors (mainly water works and industries as there often are exceptions for subsistence and agricultural use). Raw water charges are thus administratively fairly simple, but ultimately the water works will need to pass the expense on to consumers and, even with staged tariffs, that is politically difficult.
- Hydropower charges. A charge could be levied on hydropower production in the basin, the justification being that the organisation helps conserve the water resources.

1.5 Relationships with other Organisations

The organogram for the proposed KBMU is given below:

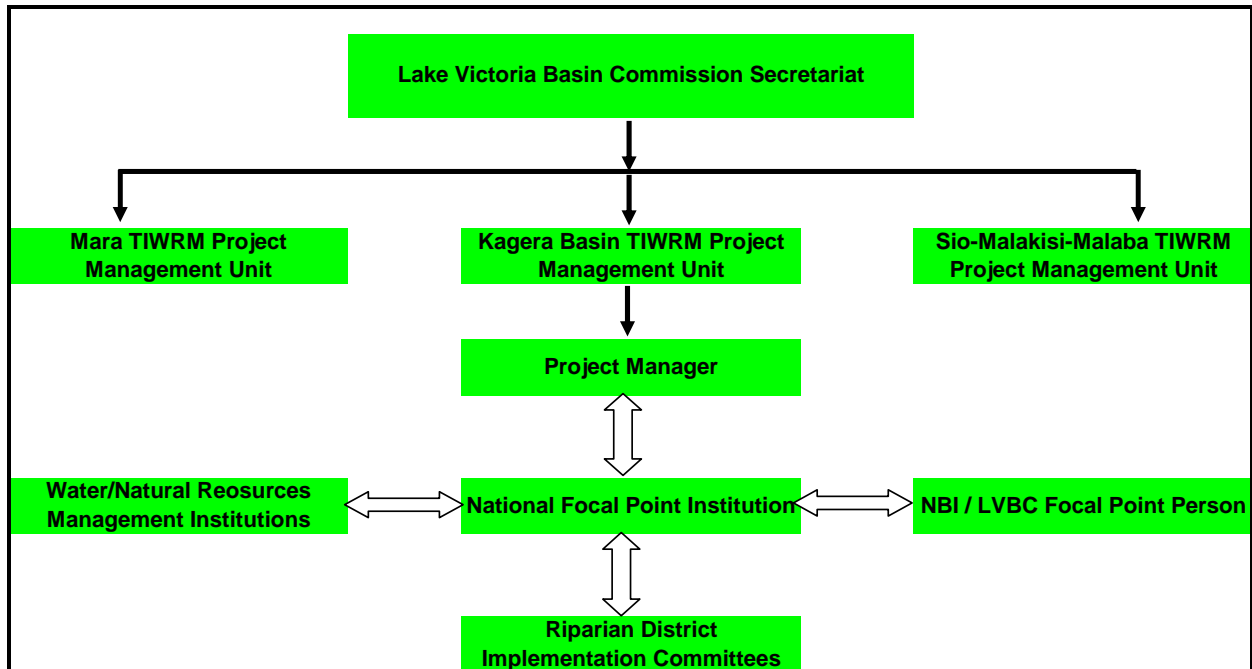


Figure 1.1: Proposed Organogram for the BMU under LVBC

1.5.1 Riparian States

National Institutions

The KBMU will work with a national institution that will be selected by each Member State. It is at the discretion of each country to select the institution. The criteria to select the institution should include the following:

- The institution should be a national one in its mandate and operations.
- The institution should deal with aspects of water and natural resources management.
- This institution should have a clearly defined mandate to handle transboundary issues, including the Kagera Basin area. In this way, it will be guaranteed that the institution will provide time, skills and human resources required to work with the KBMU.
- Where such an institution does not have specific capacity to handle transboundary related issues, support should be provided to develop this capacity, through providing training to key identified personnel.

LVBC and NBI National Focal Points

In each Member state, the focal point ministry has nominated a Focal Point Of-

ficer for LVBC. The LVBC Focal Officer is of a level that he/she is able to easily communicate, coordinate, reach, contact, or work with other stakeholders in government, private sector and civil society. The NFPO is responsible to the Permanent Secretary of the focal point ministry.

NBI also has National Focal Points whose key role is to coordinate and implement activities of NBI at national level. According to the Draft NBI Cooperative Framework Agreement (S.32.2), “the function of National Nile Focal Point Institutions is to serve as national focal points for the Nile Commission with regard to matters within the competence of the Nile Commission.” This description of function provides wide latitude, and it can be argued that the broad functions of the NBI National LVBC National Focal Point Officers.

National Focal Point Officers provide liaison between LVBC and the different government ministries on common issues of the basin development. They also facilitate stakeholder involvement in the development process, coordinate the activities of the LVBC at country level, and seek to harmonise the implementation of programmes and projects within the Lake Victoria Basin.

The functions of the NFP² are:

- Serving as a reference centre for all the activities of the LVBC in the country;
- Liaising with government ministries whose mandates cut across the Lake Victoria Basin in all matters relating to their activities and those of the NGOs within their sectors;
- Harmonisation of all stakeholder interventions in the Lake Basin in order to create the necessary synergies for development in the region as well as environmental protection;
- Collating all the activities of the ministries and other stakeholders in the lake and establishment of a national database of stakeholder activities and location in the lake Basin;
- Promoting knowledge sharing of information among national stakeholders in the areas of their interest;
- Promoting networking between the national actors such as the local authorities, private sector, NGOs, CBOs in order to enhance collaboration and information sharing;
- Serving as the main link with the EAC-LVBC. This implies the NFP will represent the Commission in all the relevant country meetings, seminars, etc. and in monitoring regional programmes and projects that are being implemented in the Member state;

² The list is extracted from the LVBC Operational Strategy Report.

Additionally, the NFP shall:

- Participate in all the Partnership Consultative Committee meetings since follow up is required in project identification and implementation under this scheme designed under the Partnership Agreement; and
- Be responsible for articulation of the Member state's issues for Lake Victoria Basin and therefore represent the Government position at regional fora.

National Focal Points are financed entirely by the Partner States. The Operational Strategy Report finds that each National Focal Point Office needs at least two assistant officers to ensure the following:

- All programmed activities are given adequate time.
- Activities do not stop because an officer is absent from the office.
- Succession planning.
- Capacity building.

Further, in terms of facilities, the National Focal Point Office requires facilitation with travel, communication, as well as computers and related equipment.

The increased activity due to the KBMU programmes may imply that the national governments may need to increase the resources of the National Focal Points. However, their main function is coordination and facilitation rather than implementation, so they should remain small.

Other National Cooperation Partners

It is critical that the Focal Points function effectively as facilitators and do not constitute administrative bottlenecks.

While the Focal Points should be kept informed, it is necessary that the KBMU is able to work directly with the relevant government agencies and other stakeholders in the riparian countries when this is deemed most practical, for instance in connection with agreed activities. In particular, the KBMU should seek to involve actors and development agencies that may not have a direct focus on water related issues, and yet their work has implications on the Kagera Basin. Examples include Ministries of Foreign Affairs, Lands and Environment, Gender, Labour and Social Development, Ministry of Energy, etc.

It is proposed that these institutions establish a regular consultation forum for the KBMU at national level. The function of this forum will be to ensure implementation of activities through monitoring and evaluations, as well as providing technical advise/support. The forum will also provide an opportunity for networking and information exchange, which will in turn feed into the planning process of the KBMU.

A number of Civil Society Organisations (CSOs) that work on issues relating to water and the environment operate at both national and local levels. In particular, the Nile Basin Forum has offices in all the countries in the Kagera Basin, and has established networks and links with CSOs operating at district. Developing a relationship with Nile Basin Discourse Forum (NBDF) would be strategic, because they have the networks, information and linkages with the grassroots, which present an opportunity for capacity building and engagement with communities on matters relating to water and natural resource management. The relationship can be formalised through a memorandum of understanding in which the NBDF would liaise with the KBMU in planning, monitoring and implementing their activities geared towards capacity building and awareness raising amongst communities.

Relationships with District Local Authorities

The KBMU should develop a close working relationship with district local authorities in the Kagera Basin catchment area. An association of local authorities operating in the Lake Victoria region exists (LVRLAC) and can be a good entry point for discussion and common planning. At the district level, all the countries have an office that is responsible for designing development plans for the district; this office is a good focal point for the KBMU, and through liaising with this office, the KBMU can be kept abreast of the key issues and concerns in the various districts in the Kagera catchment area. This information can then in turn be used to develop programmes.

Relationships with Regional and International Organisations

The linkages to regional and international organisations will primarily take place through the LVBC, but the KBMU can also work directly with NELSAP and other regional or international organisations on technical matters or on projects that form part of a work programme approved by the LVB Council or approved by the LVBC Secretariat on a case-by-case basis.

2 Proposed Cooperative Framework Agreement



Agreement

Between

The East African Community

And

The Nile Basin Initiative

On

Establishment of Sub-basin Cooperative Arrangements within the Lake Victoria Basin under the Lake Victoria Basin Commission

THIS AGREEMENT (hereinafter referred to as “the Agreement”) is entered into thisday ofin the year Two Thousand and

BETWEEN

THE EAST AFRICAN COMMUNITY of P.O. Box 1096 ARUSHA, TANZANIA, a regional organisation comprising the Republics of Burundi, Kenya, Rwanda, the United Republic of Tanzania and Uganda (hereinafter referred to as “EAC”) of the one part

AND

THE NILE BASIN INITIATIVE of P.O. BOX 192 ENTEBBE, UGANDA, an inter-governmental organisation formed in 1999 by the Governments of Burundi, Democratic Republic of Congo, Egypt, Ethiopia, Kenya, Rwanda, Sudan, Tanzania and Uganda and formally established by an instrument dated 14th February 2002 (hereinafter referred to as “NBI”) of the other part.

WHEREAS:

- A. The primary objective of the EAC is to promote regional cooperation and development in all fields of socio-economic activities of its Member States including water, environment and natural resources management.
- B. Under the provisions of the Treaty for the Establishment of the EAC and the EAC Development Strategy of the Lake Victoria Basin, a sub-basin of the River Nile Basin is earmarked for development as a regional economic zone.
- C. The EAC has established the Lake Victoria Basin Commission (LVBC) as an EAC institution under the Protocol for Sustainable Development of Lake Victoria Basin with a primary objective of promoting, facilitating and coordinating activities and projects for the sustainable development of the Lake Victoria Basin.
- D. The primary objective of the NBI is to spearhead a shared vision programme to achieve sustainable socio-economic development through the equitable utilization of, and benefits from, the River Nile Basin water resources.

- E. One of the NBI's subsidiary action programmes under its Strategic Action Programme is the Nile Equatorial Lake Subsidiary Action Programme ("NELSAP") with a geographical ambit covering the Lake Victoria Basin.
- F. The NBI through NELSAP is implementing and supporting various transboundary water resources projects within the Lake Victoria Basin including the development of cooperative frameworks for the Mara River Basin, Sio-Malaba-Malakisi River Basin and the Kagera River Basin Integrated Water Resources Management Projects.
- G. The NBI and EAC executed a Memorandum of Understanding dated 12th day of July 2006 for the purpose of establishing effective cooperation, collaboration and coordination linkages for the efficient management of, and planning for, the Lake Victoria Basin and River Nile Basin between all institutional and other stakeholders.
- H. The EAC through the LVBC has the mandate to coordinate all development activities, projects and programmes within the Lake Victoria Basin.
- I. The EAC and NBI have agreed to establish a sub-basin framework for the coordination and management of the various sub-basins within the Lake Victoria Basin under the institutional mandate of the LVBC.

NOW THEREFORE, THE EAC AND NBI (HEREINAFTER JOINTLY REFERRED TO AS "THE PARTIES") HEREBY AGREE AS FOLLOWS:

ARTICLE I

DEFINITIONS

- 1.1 Unless the context otherwise requires, the terms used in this Agreement shall have the same meanings as ascribed to them in the Protocol, the EAC Treaty and the Memorandum of Understanding.
- 1.2 Without prejudice to paragraph 1.1 of this Article:

"the Commission" means the Lake Victoria Basin as established under the Protocol.

“the EAC Treaty” means the Treaty for the Establishment of the East African Community entered into on 30th November 1999.

“Lake Victoria Basin” means the “Basin” as defined under Article 1 of the Protocol.

“Nile River Basin” has the same meaning as defined under Article 4 of the Protocol.

“the Protocol” means the Protocol for Sustainable Development of Lake Victoria Basin made under the EAC Treaty.

“the Sub-Basins” means the Kagera River Basin and other rivers and sub-basins draining into or within Lake Victoria regulated and managed by the Commission under this Agreement and the Protocol as determined by the Parties from time to time.

“the Sub-Basins Committee” means the Sub-Basins Sectoral Committee established by the EAC under Article 7.4 of this Agreement.

“the Sub-Basins Secretariat” means the secretariat for the Sub-Basins Committee established by the EAC under Article 7.5 of this Agreement.

ARTICLE II

PURPOSES

The purpose of this Agreement is to implement the Memorandum of Understanding dated 12th day of July 2006 between the EAC and NBI by establishing a permanent legal, policy and institutional framework under the auspices and within the institutional mandate of the Lake Victoria Basin Commission for the coordination and management of selected sub-basins within the Lake Victoria Basin.

ARTICLE III

AREAS OF CO-OPERATION

EAC and NBI hereby agree to cooperate in relation to the sustainable and equitable utilisation, management and development of natural resources and environment management

and regulation of the Kagera River Basin and any other sub-basins within the Lake Victoria Basin (herein called "the Sub-Basins"). Without limiting the generality of any of the foregoing, areas of cooperation under this Agreement shall include, but shall not be limited to the following:

- 3.1 Establishment of effective linkages and co-ordination between the EAC and its relevant bodies charged with the management of the Lake Victoria Basin and the Sub-Basins on one hand and the NBI and its relevant institutions on the other;
- 3.2 Preparation and execution of studies, and promotion and development of projects and programmes, particularly in the fields of conservation and sustainable development of the Lake Victoria Basin and the Sub-Basins;
- 3.3 Engaging in dialogue with a view to assisting in defining and implementing policies and strategies aimed at the conservation of the Lake Victoria Basin and the Sub-Basin ecosystems and arrest of environment degradation including taking measures for the prevention and control of the water hyacinth and other invasive weeds;
- 3.4 Organising and conducting research, conferences, symposia, seminars and other meetings related to the conservation and sustainable development of the Lake Victoria Basin and the Sub-Basins;
- 3.5 Joint training and research pertaining to the conservation and sustainable development of the Lake Victoria Basin and the Sub-Basins;
- 3.6 Establishment of synergy and common positions with regard to participation in international programmes and initiatives established for the efficient management and sustainable development of Lake Victoria Basin and the Sub-Basins; and
- 3.7 Exchange of necessary data on the conservation and sustainable management of the Lake Victoria Basin and the Sub-Basins.

ARTICLE IV

IMPLEMENTATION ORGANS

The Parties designate the following organs and institutions for the implementation of this Agreement.

4.1 EAC

The Lake Victoria Basin Commission ("the Commission") represented by the Executive Secretary shall act as the EAC implementation organ under this Agreement.

4.2 NBI

The Nile Basin Initiative ("NBI") Secretariat represented by the Executive Director shall act as the NBI implementation organ under this Agreement.

ARTICLE V

ROLES AND FUNCTIONS OF NBI

NBI hereby agrees to:

- 5.1 Make arrangements for the transfer to, and/or merger with, the Commission of the staff and operations of the Kagera River Basin Trans-boundary Integrated Water Resources Management and Development Project under terms and conditions to be agreed between the Parties.
- 5.2 Make arrangements for the transfer to, and/or merger with, the Commission of the staff and operations of projects of other Sub-Basins within the Lake Victoria Basin commissioned and/or funded by it under terms and conditions to be agreed between the Parties.
- 5.3 Provide funding of up tofor the projects referred to in Article 5.1 and 5.2 of this Agreement and any additional funding agreed by the Parties pursuant to the terms of this Agreement **PROVIDED THAT** funding by the NBI of any projects and activities under this Agreement shall be subject to the formulation of the mutually

approved budgets and operational strategies for the said projects and activities; and

- 5.4 Cooperate and coordinate with EAC and the Commission in relation to funds mobilisation for projects and activities undertaken by the EAC and NBI under the terms of this Agreement.

ARTICLE VI

ROLE AND FUNCTIONS OF EAC/COMMISSION

EAC/the Commission hereby agrees to:

- 6.1 Provide well maintained, adequate and secure office facilities for the transfer and/or merger of the staff and operations of the projects referred to in Articles 5.1 (a) and 5.1 (b) of this Agreement;
- 6.2 Establish a fully functional Sub-Basin institutional management structure or framework within the Commission with the mandate to oversee, regulate and supervise the management and development of the Kagera River Basin and other Sub-Basins under a budget and operational strategy or budgets and strategies agreed by the Parties from time to time;
- 6.3 Establish and/or maintain appropriate development, operational and/or trust funds into which funding agreed by the Parties either jointly, or with other Development Partners and stakeholders for projects and activities undertaken under this Agreement can be pooled, including mechanisms for accounting, auditing and tracking the utilisation of the said funding by the Commission and NBI in accordance with internationally accepted principles of accounting;
- 6.4 Provide agreed operational funding required for the staff and operations of projects and activities either transferred to the Commission by the NBI, or otherwise undertaken by the Parties under this Agreement;
- 6.5 Undertake the policy and planning function and activities for the Lake Victoria Basin and the Sub-Basins in close consultation with NBI and EAC Member states;

- 6.6 Cooperate and coordinate with NBI and NELSAP in relation to funds mobilisation for projects and activities undertaken by the Parties under this Agreement;
- 6.7 Enact appropriate laws, policies and regulations and harmonise their implementation in each Partner State of the EAC in relation to the regulation, management and development of the Kagera River Basin and the Sub-Basins within the Lake Victoria Basin;
- 6.8 Make arrangements for the appointment or use of existing National Liaison Officers for each Partner State of the EAC to ensure effective coordination and implementation of projects and activities undertaken by the Parties at trans-boundary and national levels under this Agreement;
- 6.9 Provide information and data available required for implementation of projects and activities undertaken by the Parties;
- 6.10 Facilitate and implement the conditions and requirements of any financing agreements between the NBI and Development Partners in respect to any projects to the Commission under this Agreement;
- 6.11 Mandate and agree to the decisions taken by the Monitoring and Coordination Committee; and
- 6.12 Generally act as the implementation and operational organ for purposes of this Agreement.

ARTICLE VII

SUB-BASIN COORDINATION AND MANAGEMENT INSTITUTIONAL FRAMEWORK

- 7.1 The Parties agree that the EAC shall establish within the Commission's existing institutional structure a sub-basins coordination and management institutional framework to coordinate and manage projects and activities undertaken by the Parties under this Agreement in relation to the Sub-Basins, as well as to provide effective institu-

tional linkages and synergies between the NBI and EAC with a view of effecting basin-wide planning and implementation of integrated water resources management principles in transboundary and national projects within the Sub-Basins and the Lake Victoria Basin as part of the wider Nile River Basin.

- 7.2 The budgets, development and operational strategy or strategies of the said sub-basin coordination and management institutional framework shall be formulated by the EAC and the Commission on a three (3) year rolling basis in collaboration with the NBI.
- 7.3 Pursuant to the requirements of Article VI of this Agreement, the EAC agrees to establish and/or constitute the following institutional framework within the existing organs of the Commission.

7.4 The Sub-Basins Sectoral Committee

A sub-basins sectoral committee ("the Sub-Basins Committee") shall be constituted by the EAC with a mandate to coordinate all regional and national activities within the Kagera River Basin and other Sub-Basins jointly funded and managed by the parties under this Agreement. The Sub-Basins Committee shall be constituted as a sectoral committee under Article 37 of the Protocol and shall report to the Lake Victoria Sectoral Council under the Protocol.

The functions of the Sub-Basins Committee shall be as follows:

- (a) Coordinate activities of a trans-boundary nature within each Sub-Basin.
- (b) Be responsible for the preparation of comprehensive implementation of programmes and the setting out of priorities for each Sub-Basin through providing technical advice and guidance on the development of the Sub-Basins Development Programme. The Sub-Basins Development Programme shall be submitted to the Commission for approval.
- (c) Approve the Sub-Basins Capacity Building Plan.
- (d) (Monitor and keep under constant review the implemen-

tation of the Sub-Basins Development Programme including the commissioning of studies and assessments on the impact, relevance and responsiveness of the Sub-Basins Development Programme

- (e) Submit from time to time, review reports and recommendations of the Sub-Basins National Focal Point Institutions, and their respective Stakeholders' Fora.
- (f) To assign tasks and supervise the activities of the Sub-Basins Secretariat, as is required to implement the Sub-Basins Development Programme and Capacity Building Plan. The Committee shall also make recommendations for the approval of the organisational structure and operations of the Sub-Basins Secretariat.
- (g) Address issues of conflict that may arise between members, and where necessary refer these to the Lake Victoria Sectoral Council.
- (h) Perform such other functions as may be conferred on it by or under the Protocol.

7.5 The Sub-Basins Secretariat

The EAC shall constitute a Sub-Basins Secretariat under the supervision of the Sub-Basins Committee. The Sub-Basins Secretariat shall be the operational and administrative organ of the Sub-Basins Committee. The functions of the Sub-Basins Secretariat shall be to:

- (a) Develop the Sub-Basins Development Programme, through assessing and building on the national Sub-Basin Plans and through a participatory process that involves all stakeholders, facilitate and ensure its implementation.
- (b) With the approval of the Sub-Basins Committee, establish Project Management Units, or outsource consultants to manage and implement major development projects of a trans-boundary nature.
- (c) Develop, facilitate and ensure the implementation the Sub-Basins Capacity Building Plan.

- (d) Coordinate and facilitate communication and information exchange between the various institutions that are responsible for water resource management in the sub-Basins area through holding regional fora and meetings.
- (e) Maintain a database of information on the Sub-Basins.
- (f) Carry out the decisions and tasks of the Lake Victoria Sectoral Council and Sub-Basins Committee.
- (g) Make the necessary preparations for meetings of the Sub-Basins Committee.

7.6 National Focal Point Institutions

The EAC shall through the Commission make arrangements for the identification and appointment of a national institution for each EAC partner state that is a riparian country of the Sub-Basins to coordinate, liaise and work with the Sub-Basins Committee and the Sub-Basins Secretariat under this Agreement. For this purpose, the EAC may after consultations with the Commission and the NBI determine to utilize existing national focal institutions under the Protocol with necessary changes to their respective mandates to implement the terms of this Agreement. The key functions of each national focal institution shall be as follows:

- (a) Act as contact point for the Sub-Basins Secretariat at national level.
- (b) Coordinate the convening of the National Stakeholders' Forum.
- (c) Facilitate the activities of the National Stakeholders' Forum.
- (d) Supervise the operations of the Sub-Basins desk officers.
- (e) Provide advice on policies and programmes relating to each Sub-Basin area.
- (f) Monitor and evaluate the implementation of Sub-Basins

Secretariat activities at national level.

- (g) Network and share information amongst each other.
- (h) Share information with the Sub-Basins Secretariat, which will inform the Sub basins Development Programme.
- (i) Establish sub-committees to address particular issues that may arise.

7.7 Sub-Basin Desk Officers

Each national focal institution shall designate Sub-Basin specific desk officer(s) who shall work under the trans-boundary unit or department of the relevant national focal institution. The key function of each Sub-Basin desk officer shall be to monitor and follow up Sub-Basin activities at national level. The performance, remuneration and supervision of each Sub-Basin desk officer shall be the responsibility of the relevant national focal point institution.

7.8 Other Stakeholders

The EAC shall through the Commission make necessary arrangements to ensure the effective participation of other stakeholders in the dissemination, planning, coordination and implementation of regional and national projects and activities within each Sub-Basin covered by this Agreement. For this purpose, the EAC shall make arrangements for the establishment and operation of the following:

(a) Sub-Basins Local Authorities Planning Forum

A forum for local government authorities for planning purposes shall be constituted in each Sub-Basin covered by this Agreement. The functions of this forum shall be as follows:

- (i) Contribute to the development of the Sub-Basins Development Programme;
- (ii) Ensure effective implementation of the Sub-Basins Development Programme through monitoring and evaluation;

- (iii) Facilitate communication, information sharing and exchange between the local authorities and communities in the riparian countries; and
- (iv) Provide a common forum to develop advocacy initiatives for policy and legislation.

(b) Water User Groups/ Associations

Water user groups/ associations within each Sub-Basin shall be represented on a sub-committee or forum. The functions of this sub-committee or forum shall be as follows:

- (i) Mobilize communities and inform them about water user rights, water protection; and
- (ii) Serve as representatives who will channel community views and perspectives on water resource management to the Local Authorities.

(c) Civil Society

Civil society organisations active within each Sub-Basin shall be represented on a sub-committee or forum whose functions shall be as follows:

- (i) Liaise with the Sub-Basins Secretariat in planning, monitoring and implementing their activities geared towards capacity building and awareness raising amongst communities.
- (ii) Support the set up of Water User Groups/Associations.
- (iii) Have representation on both the National Stakeholders' Forum and the Sub-Basins Local Authorities Annual Planning Forum.

(d) Private Sector

Private sector organisations active within each Sub-Basin shall have representation on the National Stakeholders Forum and the Sub-Basin Local Authorities Annual Planning Forum. Their functions shall be as follows:

- (i) Have representation on both the National Stakeholders' Forum and the Sub-Basins Lo-

cal Authorities Annual Planning Forum; and

- (ii) Share information, particularly of a technical nature and advise the various Fora when the need arises.

ARTICLE VIII

BUDGETS AND STAFFING

8.1. Budgets

(a) General

The Sub-Basins Secretariat shall formulate and consolidate the budgets of all of the Sub-Basins governed by this Agreement and ensure the effective utilization and accounting for all budgeted funds within the approved budget of each Sub-Basin.

(b) Initial Budgets

The initial budgets of the Sub-Basins Committee, the Kagera River Basin and other Sub-Basins for the initial three (3) year period agreed by the parties are set out in Appendix "A" to this Agreement. The said budgets shall be reviewed by the Parties prior to the expiry of the three (3) year period.

8.2 Staffing and Organizational Structure

(a) General

The EAC shall review the existing staffing and organizational structure within the Commission and subject to paragraph (b) of this Article determine the long term requirements of the staffing levels and organizational structure of the Sub-Basins Secretariat to ensure the effective and sustainable implementation of this Agreement.

(b) Initial Staffing and Organizational Structure

The initial staffing and organizational structure of the Sub-Basins Secretariat for the initial three (3) year period agreed by the Parties are set out in Appendix "B" to this Agreement.

8.3 Review

The Parties agree to review the existing budget, organizational structure development and operational strategy of the Commission and the initial budget, staffing and organizational structure set out in this Article for purposes of harmonizing with, and absorbing the operations of the Sub-Basins Committee and Secretariat within the operations and institutional mandate of the Commission.

ARTICLE IX

TRANS-BOUNDARY PROJECTS

- 9.1 Projects within the Sub-Basins of a transboundary nature shall be regulated, coordinated and managed at a regional level by the Sub-Basins Secretariat through the Commission in accordance with the Protocol and the EAC Treaty and other EAC laws, regulations, policies and guidelines formulated by the EAC and the Commission in collaboration with the NBI.
- 9.2 Transboundary projects subject to regulation under Article 9.1 of this Agreement as at200..... are set out in Appendix "C" to this Agreement.
- 9.3 The Parties shall from time to time review the list of transboundary projects and may for this purpose add and/or remove any project from the said list.
- 9.4 The Sub-Basins Secretariat shall formulate the criteria to be used for determining what constitutes a transboundary project or activity and disseminate such criteria amongst EAC, NBI organs and other stakeholders.

ARTICLE X

NATIONAL PROJECTS

- 10.1 Projects within the Sub-Basins other than trans-boundary projects shall be regulated, coordinated and managed in accordance with the respective national laws, policies, regulations and guidelines. The Sub-Basins Secretariat through the Commission and National Focal Point Institutions shall maintain data and information on na-

tional projects.

- 10.2 The Sub-Basins Secretariat shall formulate the criteria of what constitutes a national project or activity and shall in collaboration with EAC Partner States disseminate such criteria to all stakeholders.
- 10.3 The Sub-Basins Secretariat shall compile a list of national projects for review by the Commission and the Monitoring and Coordination Committee.
- 10.4 Any dispute regarding what constitutes a trans-boundary or national project within the Sub-Basins shall in the first place be referred to the Sub-Basins Secretariat for decision and if not resolved to the satisfaction of the Parties be subject to the dispute resolution provisions under the Protocol and the EAC Treaty.

ARTICLE XI

FINANCIAL PROVISIONS

The sources of funds for the Sub-Basin Secretariat shall be from the NBI and EAC budgets, stakeholder contributions, Development Partners and such other sources as shall be established by the EAC, NBI and the Commission. For purposes of regulating, coordinating and management of transboundary and national projects, the EAC and the Commission may levy charges on developers of projects and other stakeholders in order to defray the charges relating to the review and approval of environment impact studies, assessments, audits and related or similar activities.

ARTICLE XII

NOTICES AND ADDRESSES

Any notice required to be given or made pursuant to this Agreement shall be in writing. Such notice shall be deemed to have been duly given or made when it shall have been delivered by hand, registered mail, fax, telex or telegram to the Party to which it is required to be given or made, at the address specified here below:

For EAC:

Mail Address: East African Community
5th Floor, Kilimanjaro Wing
Arusha International Conference Centre
P O Box 1096
Arusha

Cable Address: Tel No: 255 27 2504253/8
Fax No: 255 27 2504255
Email: eac@eachq.org, lvdp@eachq.org

For NBI

Mail Address: The Nile Basin Initiative Secretariat
P O Box 192
Entebbe

Cable Address: Tel No: 256 41 321 329/321 424
Fax No: 256 41 320 971
Email: nbisec@nilebasin.org

ARTICLE XIII

DURATION AND TERMINATION

- 13.1 This Agreement shall remain in force until such time as it is terminated by mutual consent, or by one Party giving six month's written notice of termination to the other Parties.
- 13.2 In the event of termination of this Agreement necessary steps shall be taken by each Party to ensure that such termination is not prejudicial to any activities that are in progress within the framework of this Agreement.

ARTICLE XIV

DISPUTE SETTLEMENT

Any dispute relating to the implementation of this Agreement shall be resolved amicably through consultation by the Parties,

failing which it shall be subject to the dispute settlement provisions set out under Article 46 of the Protocol.

ARTICLE XV

AMENDMENTS

The provisions of this Agreement may be amended from time to time upon mutual written agreement of the Parties.

ARTICLE XVI

REVIEW AND/OR LAPSE OF THIS AGREEMENT

- 16.1 Notwithstanding any other provisions of this Agreement, the Parties agree to review this Agreement upon the conclusion, ratification and entry into force of the Agreement on the Nile River Basin Cooperative Framework ("NBI Agreement").
- 16.2 Without limiting the generality of Article 16.1, the Nile Basin Commission (NBC) may after the conclusion, ratification and entry into force of the NBI Agreement either:
- (a) adopt without modification the terms of this Agreement in its capacity as successor institution to the NBI under Article 30 (a) of the NBI Agreement; or
 - (b) with the agreement of the EAC, modify the terms of this Agreement including without limitation realignment of any of their respective functions under this Agreement; or
 - (c) with the agreement of the EAC, revoke this Agreement in which event this Agreement shall be deemed to lapse on the date agreed by the Parties.
- 16.3 In the event that the NBC and the EAC revoke the terms of this Agreement, the cooperative framework for the Kagera River Basin established under this Agree-

ment shall lapse.

ARTICLE XVI

ENTRY INTO FORCE

This Agreement shall enter into force upon signature by the Parties/on theday of200.....

IN WITNESS WHEREOF, the Parties hereto, acting through their authorised representatives, have signed this Agreement in two original texts in the English language on the date first above written.

FOR THE EAST AFRICAN COMMUNITY

SECRETARY GENERAL

FOR THE NILE BASIN INITIATIVE

EXECUTIVE DIRECTOR

Appendix A: Initial Budget and Operational Strategy [Consolidated]*

The costs below are provisionally estimated using pro-rated figures from the budget of the Commission. It has been proposed to increase the staff of Commission to and increase its operating expenses to the region of USD million per year.

After the initial establishment phase, the Sub-Basins Secretariat is proposed to have a staff of and an annual budget about USD million.

The table below gives an outline of the proposed annual budget:

Table 2.1: Annual Budget Estimate for the Sub-Basins Secretariat

Item	Development	Recurrent
Staff emoluments (..... positions) USD		
Recurrent expenditure (office running costs etc.)		
Development budget		
Monitoring		
Planning		
Demonstration projects		
Training activities		
Workshops and meetings		
Publications and awareness		
Total Estimated annual budget		

* Consolidated Budget figures for the Kagera River Basin and other Sub-Basins.

Appendix B: Initial Staffing and Organisational Structure [Consolidated]*

The proposed staffing of the Sub-Basins Secretariat is composed of:

- Project Coordinators.
- Assistant Project Coordinators.

Each **Project Coordinator** will have the overall responsibility for the management unit. S/he will be responsible for drafting and supervising agreements with consultants, service providers and key partner organisations. S/he will also take part in the technical work of the organisation. S/he will report to the Commission head office.

Each **Assistant Project Coordinator**, will report to the Project Coordinator, and will have specific responsibility for coordination, implementation, monitoring and evaluation of activities of the Sub-Basins. Sub-Basins activities will aim to promote coordination, cross learning and information exchange between the countries.

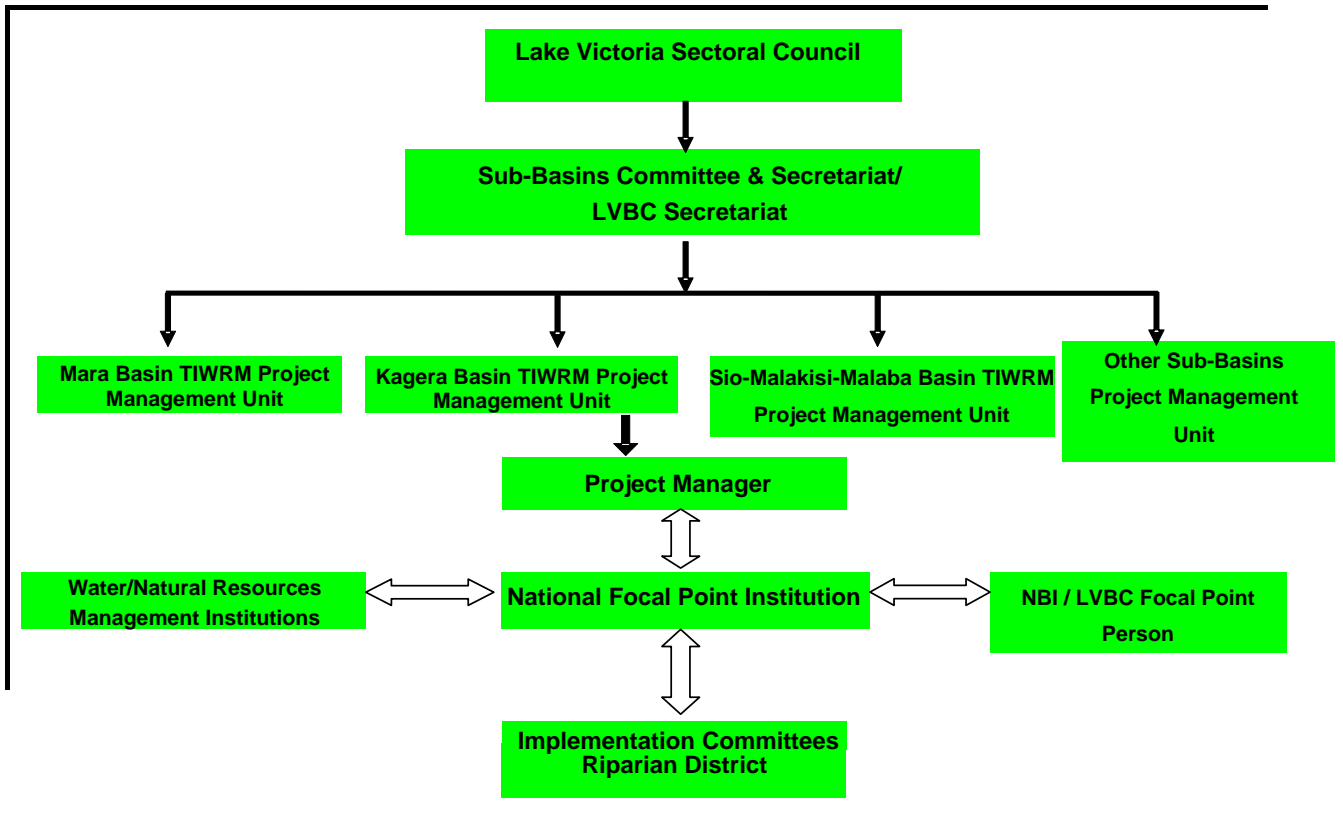
The specific activities will be determined after an assessment of existing needs at the basin level, the task of the coordinator will thus be to facilitate identification of synergies between the different national and district plans, support joint skills development or other activities on aspects of the projects that are similar and/or complimentary.

The staffing for the Sub-Basins Secretariat for the first 3 years of its operation is given below:

Position	Year 1	Year 2	Year 3
Project Coordinator			
Assistant Project Coordinator			
National Focal Point Institution			
Secretaries			
Accountant			
Technical assistants			
Drivers and other support staff			
Total			

*Consolidated figures for the Kagera River Basin and other Sub-Basins.

The organogram for the proposed Sub-Basins Secretariat is given below:



Appendix C: List of Transboundary Projects

The following projects are listed as transboundary integrated water resources and management projects:

- 1 Kagera River Basin Transboundary Integrated Water Resources Management and Development Project.
- 2 Sio-Malakisi-Malaba Transboundary Integrated Water Resources Management and Development Project.
- 3 Mara River Basin Transboundary Integrated Water Resources Management and Development Project.
- 4 Others- To be Determined