

No. 16695

**RWANDA, BURUNDI
and UNITED REPUBLIC
OF TANZANIA**

**Agreement for the establishment of the Organization for
the Management and Development of the Kagera
River Basin (with attached map). Concluded at Ru-
sumo, Rwanda, on 24 August 1977**

Authentic texts: French and English.

Registered by Rwanda on 19 May 1978.

**RWANDA, BURUNDI
et RÉPUBLIQUE-UNIE
DE TANZANIE**

**Accord portant création de l'Organisation pour l'aména-
gement et le développement du bassin de la Rivière
Kagera (avec carte jointe). Conclu à Rusumo (Rwanda)
le 24 août 1977**

Textes authentiques : français et anglais.

Enregistré par le Rwanda le 19 mai 1978.

AGREEMENT¹ FOR THE ESTABLISHMENT OF THE ORGANIZATION FOR THE MANAGEMENT AND DEVELOPMENT OF THE KAGERA RIVER BASIN

PREAMBLE

The Government of the Republic of Burundi, the Government of the Republic of Rwanda and the Government of the United Republic of Tanzania,

Desirous to further develop and reinforce the existing cooperation between the three countries;

Committed to develop the potentials, in particular, hydropower, fishing, agriculture, mining, industries and tourism;

Recognizing that the Kagera River Basin constitutes a geographical unit offering a valuable base for fruitful cooperation between the riparian countries;

Having established the Technical Committee for Planning the Development of the Kagera River Basin which, in cooperation with the United Nations Development Programme and United Nations Office of Technical Cooperation, has prepared an Indicative Plan for the Development of the Basin;

Resolved to make use of the satisfactory work done by the Technical Committee and to advance their joint efforts effectively towards the realization of the desired development of the area;

Convinced of the necessity to have a multinational institutionalized Organization with strengthened structures to effectively attain the desired objectives;

Do hereby agree as follows:

Chapter I. THE ORGANIZATION

Article 1. An Organization is hereby established and instituted by the Contracting Parties and shall be called the Organization for the Management and Development of the Kagera River Basin, and hereinafter referred to as the Organization.

Article 2. The objectives of the Organization are to deal with all questions relative to the activities to be carried out in the Kagera River Basin, notably:

- (a) water and hydropower resources development;
- (b) the furnishing of water and water-related services for mining and industrial operations, potable water supplies for other needs;
- (c) agriculture and livestock development, forestry and land reclamation;
- (d) mineral exploration and exploitation;
- (e) disease and pest control;

¹ Came into force on 5 February 1978, i.e., on the thirtieth day after the date of deposit of the last instrument of ratification with the Government of the Republic of Rwanda, in accordance with article 22. The deposit of the instruments was effected as follows:

<i>State</i>	<i>Date of deposit</i>
United Republic of Tanzania	28 September 1977
Rwanda	5 December 1977
Burundi	6 January 1978

- (f) transport and communications;
- (g) trade;
- (h) tourism;
- (i) wildlife conservation and development;
- (j) fisheries and aquacultural development;
- (k) industrial development including fertilizer production, exploration and exploitation of peat;
- (l) environment protection.

A project, work or programme shall be considered of an inter-state nature, in terms of this article when:

- (1) it involves the territory of more than one of the member States;
- (2) the services or benefits to be derived may be transmitted through, or received entirely or partially in the territory of member States or State, other than that of the State where the project, work or programme is to be undertaken;
- (3) it is likely, in the judgement of the Organization, to produce substantial effects, whether these be beneficial or prejudicial, in the territory of a State or States, different from that of the State where the project, work or programme is to be undertaken.

Article 3. The territorial jurisdiction of the Organization is the area drained by the Kagera River and its tributaries and subtributaries, as shown in the attached map.¹

Provided that the Government may, by mutual agreement, assign to the Organization other geographical areas in order to facilitate or make possible the full and proper study of, and comprehensive planning for the implementation of the projects, works and programmes entailed in the harmonious development of the Basin, or where services are to be provided to or from the Basin.

Chapter II. ORGANS

Article 4. The Organization shall be composed of:

- (1) the Commission for the Management and Development of the Kagera River Basin, hereinafter referred to as the Commission;
- (2) the Secretariat.

The Commission

Article 5. The Commission shall be composed of three Representatives, one from each country. Each of these Representatives shall possess the necessary powers to enable the Commission to fulfil its functions as stipulated in article 7 below.

Article 6. The Commission shall meet in ordinary sessions three times per year. The meetings will be held in rotation in capitals of the member States unless the Commission decides otherwise. Extraordinary sessions may be convened at any moment upon request of at least two Representatives.

¹ See insert in a pocket at the end of the volume.

Sessions of the Commission will be prepared and convened by the Executive Secretary. The sessions shall be presided over by the Representative of the host country, who shall assume the Chairmanship of the Commission until the next ordinary session.

Article 7. The Commission is empowered:

- (a) to decide which projects, works or programmes of inter-state scope affecting the development of the Kagera River Basin will be advanced to the stage of feasibility, final design and financing, and to approve the said projects;
- (b) in the name of the Organization to submit requests to, and sign agreements and assume obligations with international institutions, regional or otherwise, and other governments, for technical assistance or financing;
- (c) to approve the budgets and the work programmes of the Secretariat and also to supervise its work;
- (d) to adopt its own rules of procedures and rules for the functioning of the Secretariat;
- (e) to control the financial management of the Organization;
- (f) to submit to the governments recommendations and draft legislations, international agreements and conventions relative to the Management and Development of the Kagera River Basin;
- (g) to approve the assistance requested from the Secretariat by a government for carrying out projects, works or programmes of a purely national nature.

The decisions shall be determined by unanimous vote.

The Secretariat

Article 8. (a) The Secretariat shall function permanently by delegation in its capacity as the executive organ of the Organization and shall comprise an Executive Secretary and such staff as shall be required.

(b) The Executive Secretary shall head the Secretariat and shall be appointed by the Commission for a period of four years in rotation amongst the member States. The first Executive Secretary will be of Tanzania nationality.

(c) Such other staff will be appointed by the Commission on the basis of qualification and experience, bearing in mind the equitable distribution among member States.

(d) In the performance of their duties the Executive Secretary and his staff shall neither seek nor receive instructions from any government whether of member States or otherwise or from any other authority outside the Organization. They shall refrain from any action which might reflect on their position as officials of the Organization, and shall be responsible only to the Organization.

(e) Each member State undertakes to respect the exclusive international character of the responsibilities of the Executive Secretary and his staff and shall not seek to influence them in the discharge of their responsibilities.

Article 9. The Secretariat shall be composed of three Departments:

- i) Department of Research and Statistics;
- ii) Department of Projects, Planning and Execution;

iii) Department of Management and Administration.

Each Department shall be headed by a Director. The three Directors will be nationals of the three member States, one from each State. The Commission shall appoint the Directors as well as terminate their services.

Article 10. The responsibilities of the Departments shall include the following functions:

- (1) Department of Research and Statistics: archives and retrieval, laboratories, library and documentation services, research and publications;
- (2) Department of Projects, Planning and Execution: comprehensive planning, environment protection, engineering and field operations, execution of projects and programmes;
- (3) Department of Management and Administration: personnel management and training, procurement, plant, vehicles and facilities management, administrative services, budget and fiscal management, and public relations.

Article 11. The Secretariat shall, under the direction of the Commission, prepare, refine and maintain a comprehensive plan for the development of the Basin. Whenever possible, technical information on national projects, works and activities in the Basin, or affecting the Basin, shall be communicated regularly to the Secretariat by the respective governments, to enable it to formulate its views or its observations on a purely national character of the said activities and the effects of those activities on the comprehensive Basin Plan. Assistance, whenever requested by a government from the Secretariat for the implementation of a project, work and programme of a purely national character, shall be approved by the Commission.

Projects, works or programmes of a bilateral nature may be carried out by the governments concerned but other member States shall be constantly kept informed of such undertakings.

Chapter III. HEADQUARTERS AND REGIONAL OFFICES

Article 12. The Headquarters of the Organization shall be established at Kigali in the Republic of Rwanda. The Government of Rwanda will provide, in accordance with its capabilities, the required facilities for the functioning of the Secretariat, as well as housing for members of the Secretariat staff up to a time when the Organization will be in a position to provide its quarters. The rental value and the facilities which will be offered will be defrayed from the contribution of the Government of Rwanda.

Article 13. The Organization shall establish Regional Offices of the Secretariat in the territory of each member State other than in the State where the Secretariat maintains its headquarters. The host Government shall provide, in accordance with its capabilities, the required facilities for the functioning of the Regional Offices, as well as housing for the Regional Office staff members up to the time when the Organization will be in a position to provide its own facilities. Likewise, the rental value and the cost of the facilities which will be offered shall be defrayed from the contribution of the host Government.

Article 14. The Executive Secretary will ensure that the rents of housing and facilities offered are in conformity with the standard rates established by the Organization in favour of its personnel.

Chapter IV. FINANCIAL CONTRIBUTION

Article 15. (1) The funds necessary for the functioning of the Secretariat, according to the annual budget as approved by the Commission, shall be contributed by the member States in the following proportions:

- (a) the Republic of Burundi, 25%;
- (b) the Republic of Rwanda, 35%;
- (c) the United Republic of Tanzania, 40%.

(2) Annual contributions from member States shall be paid half-yearly in advance in convertible currency to the designated bank account of the Commission. The local expenses to be met at the Headquarters of the Secretariat and at the Regional Offices established under article 13 above and in accordance with the budgetary allocations, may be deducted from the total amount due from the host Government and deposited locally in non-convertible accounts of the Organization maintained for that purpose.

Chapter V. LEGAL STATUS, PRIVILEGES AND IMMUNITIES

Article 16. The Organization shall enjoy in the territory of each member State, such legal entity as may be necessary for the exercise of its functions and the fulfilment of its purposes. The Executive Secretary shall be the legal representative of the Organization.

Article 17. The Organization, members of the Commission and of the Secretariat will enjoy at the Headquarters and in each of the member States the required diplomatic privileges and immunities for the fulfilment of their activities. The Commission shall determine the categories of which personnel of the Secretariat shall enjoy the said diplomatic privileges and immunities.

Chapter VI. GENERAL PROVISIONS

Article 18. In the event of a dispute arising out of the application of this Agreement, that dispute shall be resolved by consultation among the States involved or in case of failure the Parties to the dispute will resort to the procedures as laid down in the Charter of the Organization of African Unity.¹

Article 19. The present Agreement is open to accession by Uganda.

Article 20. The present Agreement may be amended or revised by the member States.

Article 21. In the event of the dissolution of the Organization, the liquidation of the Organization will be effected by a liquidator agreed upon by the member States to assess and apportion the assets and/or liabilities of the defunct Organization.

Article 22. The present Agreement shall come into force on the 30th day after the date of deposit of the last Instrument of Ratification with the Government of the Republic of Rwanda.

¹ United Nations, *Treaty Series*, vol. 479, p. 39.

IN WITNESS WHEREOF this Agreement is signed in four original copies, in the French and English texts, both being equally authentic, at Rusumo on this 24th day of August, one thousand nine hundred and seventy-seven.

For the Republic
of Burundi:

JEAN B. BAGAZA

Of Burundi
President

For the Republic
of Rwanda:

JUVENAL
HABYARIMANA

Rwanda
President

For the United
Republic
of Tanzania:

JULIUS K. NYERERE

Of Tanzania
President