

**PROTOCOL ON AQUACULTURE DEVELOPMENT FOR LAKE TANGANYIKA AND ITS
BASIN****PREAMBLE**

WHEREAS, the Governments of the Republic of Burundi, the Democratic Republic of Congo, the United Republic of Tanzania, and the Republic of Zambia hereinafter referred to as the “Contracting States:

ACKNOWLEDGING the national, regional and international instruments, obligations and actions undertaken to strengthen sustainable management of the resources in Lake Tanganyika and its Basin, including in their capacity as Contracting States to the Convention on the Sustainable Management of Lake Tanganyika (the Convention);

RECOGNIZING their obligations under the Convention to, *inter alia*, separately and jointly manage fisheries, harmonize fisheries laws and policies, regulate aquaculture, prevent and minimize adverse impacts, conserve biological diversity, prevent and control pollution, control access to genetic resources, implement requirements and procedures for environmental impact assessments, address accidents and emergencies and exchange information;

RECOGNIZING the cross jurisdictional approach to the responsible development of aquaculture outlined in Article 9.2 on Responsible development of aquaculture including culture-based fisheries within transboundary aquatic ecosystems of the 1995 FAO Code of Conduct for Responsible Fisheries;

NOTING the instruments developed by the international community that are relevant to aquaculture, including the 1995 FAO Code of Conduct for Responsible Fisheries, the 1992 Convention on Biological Diversity and 1973 the Convention on International Trade in Endangered Species of Wild Fauna and Flora;

FURTHER NOTING the activities of other regional bodies that are relevant to aquaculture, including the Committee on Inland Fisheries and Aquaculture for Africa;

MINDFUL of the necessity to develop a harmonized laws for the sustainable aquaculture development for their nationals and fully aware of the potential adverse impacts on Lake Tanganyika and its Basin ecosystem from a wide range of transboundary threats based on environmental as well as institutional, inter-sectoral, regulatory and international factors;

CONVINCED that the development, management and regulation of aquaculture require harmonized and joint stewardship in accordance with the principles and provisions of the Convention;

RECOGNIZING the significant potential for the development of aquaculture in Lake Tanganyika and its Basin and the benefits of a cooperative and comprehensive regulatory regime;

AWARE of the need for development of a comprehensive, harmonized and robust regulatory foundation and standards for sustainable aquaculture management at national and regional levels;

CONSCIOUS of the need to develop harmonized, solid and comprehensive legal framework for the development of aquaculture in accordance with the convention on the sustainable management of Lake Tanganyika;

DETERMINED to strengthen cooperation within the framework of the convention;

COMMITTING to responsible and sustainable management of activities relating to aquaculture;

HAVE AGREED AS FOLLOWS:

ARTICLE 1 : USE OF TERMS

In this protocol except where the context otherwise requires, without prejudice to this protocol:

“aquaculture” means the farming of aquatic organisms including fish, molluscs, crustaceans and aquatic plants with some sort of intervention in the rearing process to enhance production, such as regular stocking, feeding, hatchery production, and protection from predators;

"aquaculture establishment" means any premises for the production of fish intended for human consumption, including the supporting inner infrastructure and surroundings under the control of the same management;

“aquatic plants” means any plant that grows partly or wholly in water and can be rooted in sediment or free floating, and aquatic algae (unicellular or multicellular organisms that occur in fresh or salt water, that have chlorophyll and other pigments but lack stems, roots and leaves);

“Aquaculture zone” means an area dedicated to aquaculture, recognized by physical or by spatial planning authorities, which would be considered as a priority for local aquaculture development;

“Basin” has the meaning assigned to the word in the convention;

“cage” means any floating pens or structures kept on the bottom for the grow-out of different fish or mollusc species;

“Contracting State” means, the Governments of the Republic of Burundi, the Democratic Republic of Congo, the United Republic of Tanzania and the Republic of Zambia, hereinafter referred to as the “Contracting States”;

“Convention” means the Convention on the Sustainable Management of Lake Tanganyika;

“fish” means, literally, a cold-blooded lower vertebrate that has fins, gills and scales (usually), and lives in water. Used as a collective term it includes fish, molluscs, crustaceans and any aquatic animal which is harvested; and

“vessel” means a boat, ship, or other craft that is used for, equipped to be used for, or of a type that is normally used for the exploitation of living aquatic resources or in support of such activity, and include any vessel aiding or assisting one or more vessels at sea in the performance of any activity relating to

fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

ARTICLE 2 : OBJECTIVE

The objective of this Protocol is to promote ecologically, socially, and economically responsible and sustainable development of aquaculture.

ARTICLE 3 : SCOPE OF APPLICATION

This Protocol shall apply to-

- a. Lake Tanganyika and its Basin in the Contracting States of the Convention; and
- b. persons, aircraft and vessels under the jurisdiction or control of a Contracting State, within and beyond areas of national jurisdiction, to the extent that the activities of such persons or the operation of such aircraft or vessels result or are likely to result in adverse impact to another Contracting State or a non-Contracting State within the Basin, or to the environment of such contracting and non- Contracting States.

ARTICLE 4 : COOPERATION

1. The Contracting States shall cooperate in accordance with their obligations under Article 4 of the Convention and implement this Protocol in accordance with Article 34 of the Convention.
2. The Contracting States shall cooperate through the Authority and, where necessary, with other competent regional or international organizations or bodies.

ARTICLE 5 : AQUACULTURE MANAGEMENT

1. The provisions of article 7 of the Convention relating to fisheries management shall be applied to aquaculture management.
2. In taking all appropriate measures to promote sustainable aquaculture management on the Lake and its Basin, Contracting States shall:
 - a. develop and approve aquaculture zones that are identified using scientific evidence in accordance with the FAO standard guidelines and use spatial planning to avoid the most sensitive areas and to implement the guidelines;
 - b. develop detailed aquaculture guidelines that shall be used to establish standards for ecological, social, environmental and economic equity for aquaculture development in Lake Tanganyika and its Basin;
 - c. develop aquaculture zones, based on a spatial planning process, that identifies locations most suitable and least impactful for potential aquaculture development;
 - d. develop a joint strategy and programs for sustainable management of aquaculture that implement obligations under the Convention and this Protocol;



- e. develop a joint management plan for aquaculture and provide for its effective implementation under the coordination of the secretariat and through national strategies, policies and laws;
- f. produce and share data and information on a regular basis in accordance with Article 20 in the convention through the Lake Tanganyika Authority (LTA) Secretariat;
- g. implement the management measures recommended by the Aquaculture Sub-Technical Committee pursuant to Article 7 paragraph 5(b) of this Protocol, endorsed by the Management Committee and, as appropriate, approved by the Conference of Ministers;
- h. ensure that all relevant requirements in the Convention and this Protocol are implemented in respect of nationals and aquaculture establishments under their respective jurisdictions or control; ensure that there is adherence to the requirements under the Convention and this Protocol by Contracting States;
- i. develop and update aquaculture national laws; licensing system; regional harmonized management measures and the enforcement of national laws relating to aquaculture; and
- j. take such other actions as may be necessary for sustainable aquaculture management and in accordance with Article 15 of the convention.

ARTICLE 6 : NATIONAL INSTITUTIONAL ARRANGEMENTS

Each Contracting State shall-

- (a) take steps to adopt mechanisms and processes that may be appropriate for institutional cooperation and collaboration in aquaculture development and management at national level; and
- (b) facilitate effective cooperation and communication between its national institutions and institutions in a Contracting State and the Authority.

ARTICLE 7 : AQUACULTURE TECHNICAL SUB-COMMITTEE

1. An Aquaculture Technical Sub Committee (hereinafter referred as ATSC) is hereby established under the fisheries management technical committee in accordance with Article 25 paragraph 6 of the Convention;
2. The ATSC shall be comprised of at least one representative from each of the Contracting States, with demonstrated expertise and qualifications in aquaculture, and take decisions by consensus;
3. The ATSC shall act based on the best available scientific information and in accordance with the precautionary approach, in the absence of clear scientific evidence of potential or actual environmental harm, in accordance with Article 5 (a) of the Convention;
4. The ATSC may co-opt external experts to provide advice or guidance through the secretariat on the identification of proposed management measures, planning and implementation tools, and the formulation of other recommendations for sustainable management of aquaculture;
5. The ATSC shall-
 - a. Propose and design for adoption by the Management Committee, planning and implementation tools, strategies, management plans, programs, standards and other technical

or policy guidance for the sustainable management of aquaculture;

- b. Make recommendations to the Management Committee on management-related measures as may be necessary for the implementation of the Convention and this Protocol, to be implemented by the Contracting Parties, individually or, as appropriate, jointly through the Authority, in relation to:
- i. species to be cultured and which species to be prohibited;
 - ii. prescribing, certification and monitoring of aquafeed and related ingredients/premixes for predefined rations of species under culture for human and ecosystem safeguard;
 - iii. prescribe most appropriate standards on biosecurity monitoring, disease prevention and mitigation, as well reporting;
 - iv. monitoring, reporting, and enforcement of measures adopted by the Authority under this Protocol;
 - v. aquaculture establishments in Lake Tanganyika and its Basin;
 - vi. areas for the zoning of cage aquaculture in Lake Tanganyika and its Basin; and
 - vii. site assessment and characterization needed to develop aquaculture within an aquaculture area in Lake Tanganyika and its Basin.
- c. Make recommendations to the Management Committee on other matters relevant for the implementation of the Convention and this Protocol including:
- i. Conducting joint aquaculture research activities in accordance with Article 4 paragraph 2(f) of the Convention;
 - ii. Taking national or joint measures for the prevention, minimization and compensation of adverse transboundary impacts in accordance with Article 6 of the Convention;
 - iii. strengthening national institutions and public participatory mechanisms in accordance with Article 17 of the convention;
 - iv. harmonization, strengthening, implementation and enforcement of legislation governing aquaculture directly or indirectly, in accordance with Article 7 paragraph 2 (c) of the Convention;
 - v. Prevention and control of pollution and invasive species from aquaculture in accordance with Article 8 of the Convention;
 - vi. Conservation of biological diversity in accordance with Article 10 of the Convention and the Global Biodiversity Framework under the Convention on Biological Diversity (CBD);
 - vii. Access to genetic resources in accordance to guidelines or regulatory measures --- Article 11 of the Convention and the applicable provisions under the CBD and the Nagoya Protocol;
 - viii. Notification of plans for unilateral projects and communication of the corresponding environmental impact assessments in accordance with Articles 14 and 15 of the Convention respectively, as well as transboundary public consultations, as appropriate;
 - ix. Providing education and public awareness in accordance with Article 16 of the Convention;
 - x. National and joint contingency plans for accidents and emergencies in accordance with Article 18 of the Convention;
 - xi. Exchange, harmonization, and joint generation and management of aquaculture-



- related information in accordance with Article 20 of the Convention;
- xii. A disaster prevention and emergency response plan for Lake Tanganyika and its Basin;
 - xiii. Emergencies response plans to be implemented by the Contracting States;
 - xiv. Biosecurity and disease prevention plan to be implemented by the Contracting States;
 - xv. Environmental best practices standards to be implemented by the Contracting States; and
 - xvi. Monitoring, reporting, and enforcement requirements to be implemented by the Contracting States.

6. In making recommendations and proposals for approval by the Management Committee, the ATSC shall take into account available funds and potential resource mobilization and recommend priority actions.

ARTICLE 8 : RESPONSIBILITIES OF CONTRACTING STATES

1. Each Contracting State shall implement the management measures recommended by the ATSC pursuant to Article 7 paragraph (5) of this Protocol and validated by the Management Committee, with the final decision sitting with the Conference of Ministers. Where a Contracting State is unable or unwilling to do so, it shall notify the Secretariat in writing within sixty days (60) following approval of the management measure by the Conference of Ministers.

2. The Contracting States shall provide a written explanation, under paragraph 1, of its reasons for making the notification and suggestions for substitute measures for implementation. The explanation shall specify *inter alia* whether the basis for notification is that:

- a. the Contracting State considers that the measure is inconsistent with the provisions of the Convention or this Protocol;
- b. the Contracting State cannot practicably comply with the measure;
- c. the measure unjustifiably discriminates in form or fact against the Contracting State; or
- d. other special circumstances apply.

3. The Executive Director shall circulate to all Contracting States any notification and explanation received in accordance with paragraph 2 of this Article. Any Contracting State may request *mutatis mutandis* establishment of a fact-finding commission, which shall apply the provisions of Article 29 paragraph 2 (b) and Annex III of the Convention. The fact-finding commission shall make recommendations on any interim measures which may be necessary.

4. Each Contracting State shall implement the planning and implementation tools and recommendations adopted pursuant to Article 7 paragraph 5 (b) and (c) of this Protocol and approved by the Management Committee and, as appropriate, the Conference of Ministers. Where a Contracting State is unable or unwilling to do so, it shall notify the Secretariat within sixty days (60) of approval of the aquaculture-related proposal or recommendation, together with a written explanation of its reasons for making the notification.

ARTICLE 9 : MANAGEMENT COMMITTEE

The Management Committee shall, in exercising its functions as set out in Article 25 paragraph 7 of the Convention, considering the recommendations, proposals, advice or other information of the ATSC:

- a. prepare and propose to the Conference of Ministers recommendations on measures, draft planning and implementation tools, as prescribed in Article 7 paragraph 5 of this Protocol; and
- b. propose the review of the Strategic Action Program for Lake Tanganyika and its Basin, drawn up in accordance with Article 13 and Article 25 paragraph 7(c) of the Convention, aquaculture- related activities.

ARTICLE 10: CONFERENCE OF MINISTERS

1. The Conference of Ministers, in exercising its functions set out in Article 24 paragraph 5 (f) of the Convention, shall consider for adoption considering the proposals, recommendations, advice or other information of the ATSC as validated by the Management Committee, -.

- a. management measures to be taken by the Contracting States, individually or, where necessary jointly;
- b. draft implementation tools and guidelines; and
- c. other recommendations for enabling the effective implementation of the Convention and this Protocol.

2. Any management measures approved by the Conference of Ministers in accordance with the convention shall be implemented by each Contracting State unless it has invoked the notification process set out in Article 8 of this Protocol.

ARTICLE 11: SECRETARIAT

The Secretariat shall, in accordance with its functions under Article 26, paragraphs 3(f) and (g) of the Convention-

- a. regularly obtain and update information relevant to the implementation of the Convention and this Protocol in relation to aquaculture and ensure its dissemination to all Contracting States;
- b. establish and maintain a database of information on aquaculture recommended by the ATSC and validated by the Management Committee, and approved by the conference of Ministers. The database shall contain information relating to all information relevant to decisions taken by the Conference of Ministers in accordance with Article 7 paragraphs 5 (b), and (c) of this Protocol.

ARTICLE 12: SETTLEMENT OF DISPUTE

Unless otherwise provided in this Protocol, the dispute settlement provisions in Article 29 of the

Convention shall apply to the Contracting States pursuant to this Protocol.

ARTICLE 13 : ADOPTION

This Protocol is subject to adoption by the Conference of Ministers, in accordance with Article 34 paragraph 2 of the Convention.

ARTICLE 14 : SIGNATURE

This Protocol shall be open for signature by the Republic of Burundi, the Democratic Republic of Congo, the United Republic of Tanzania and the Republic of Zambia, at Lusaka on seventeenth of November 2023 and thereafter at the Headquarters of the authority.

ARTICLE 15 : ACCEPTANCE, APPROVAL OR ACCESSION

1. This Protocol shall be subject to acceptance, approval or accession by the Contracting States that shall deposit instruments of ratification, acceptance or approval with the Depositary, in accordance with Article 40 paragraph 1 of the Convention.
2. The protocol shall be open for accession by riparian States and any other State whose territories are part of the Lake Tanganyika Basin, from the date on which this protocol has entered into force. The instruments of accession shall be deposited with the Depositary in accordance with Article 40 paragraph 2.
3. Notwithstanding paragraph 2, any other State whose territory is part of the Lake Tanganyika Basin shall accept, approve or accede this protocol if that non-Contracting State becomes a party to the protocol pursuant to Article 34 paragraph 4 of the Convention.

ARTICLE 16 : ENTRY INTO FORCE

1. This Protocol shall enter into force on the ninetieth day after the date of deposit of two (2) instruments of acceptance, approval or accession, in accordance with Article 41 paragraph 2 of the Convention.
2. For each Contracting State that accepts, approves or accedes to this Protocol, after it has entered into force in accordance with paragraph 1 of this article, the Protocol shall enter into force on the ninetieth day after the date of deposit by that Contracting State of its instrument of acceptance, approval or accession.

ARTICLE 17 : RESERVATIONS

No reservations may be made to this Protocol.



ARTICLE 18 : AMENDMENTS

Amendments to this Protocol shall be made in accordance with Article 36 of the Convention.

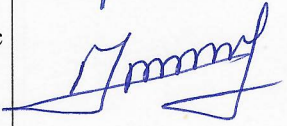

ARTICLE 19 : DEPOSITARIES

1. The Secretary-General of the United Nations Organization and the Chairperson of the African Union Commission shall assume the functions of Depositaries of this Convention and its protocols.

The originals of this protocols shall be deposited with the Depositaries

IN WITNESS WHEREOF the undersigned, being duly authorized representatives of their respective Governments, whose names appear hereunder, have signed this Convention in English and in French, both texts being equally authentic.

Done in Lusaka the Republic of Zambia, this Seventeenth Day of November Two Thousand and twenty-three

S.E. IR. Prosper DODIKO	Minister of the Environment, Agriculture and Livestock	Republic of Burundi	
Madame Mbangi Kikumbi Pascaline	Secretary General, Ministry Fisheries and Livestock	Republic Democratic Republic of Congo	
Hon. Dr. Selemani Saidi Jafo (MP)	Minister of State, Office of the Vice-President (Union and Environment)	United Republic of Tanzania	
Hon. Eng. Collins Nzovu, (MP)	Minister of Green Economy and Environment	Republic of Zambia	