

CHAPTER NINETEEN

CO-OPERATION IN ENVIRONMENT AND NATURAL RESOURCES MANAGEMENT

ARTICLE 111

Environmental Issues and Natural Resources

The Partner States recognise that development activities may have negative impacts on the environment leading to the degradation of the environment and depletion of natural resources and that a clean and healthy environment is a prerequisite for sustainable development. The Partner States therefore:

- (a) agree to take concerted measures to foster co-operation in the joint and efficient management and sustainable utilisation of natural resources within the Community;
 - (b) undertake, through environmental management strategy, to co-operate and co-ordinate their policies and actions for the protection and conservation of the natural resources and environment against all forms of degradation and pollution arising from developmental activities;
 - (c) undertake to co-operate and adopt common policies for control of trans-boundary movement of toxic and hazardous waste including nuclear materials and any other undesirable materials;
 - (d) shall provide prior and timely notification and relevant information to each other on natural and human activities that may or are likely to have significant trans-boundary environmental impacts and shall consult with each other at an early stage; and
 - (e) shall develop and promote capacity building programmes for sustainable management of natural resources.
2. Action by the Community relating to the environment shall have the following objectives:
- (a) to preserve, protect and enhance the quality of the environment;
 - (b) to contribute towards the sustainability of the environment;
 - (c) to ensure sustainable utilisation of natural resources like lakes, wetlands, forests and other aquatic and terrestrial ecosystems; and

- (d) to jointly develop and adopt water resources conservation and management policies that ensure sustenance and preservation of ecosystems.

ARTICLE 112

Management of the Environment

1. For purposes of Article 111 of this Treaty, the Partner States undertake to co-operate in the management of the environment and agree to:
 - (a) develop a common environmental management policy that would sustain the eco-systems of the Partner States, prevent, arrest and reverse the effects of environmental degradation;
 - (b) develop special environmental management strategies to manage fragile ecosystems, terrestrial and marine resources, noxious emissions and toxic and hazardous chemicals;
 - (c) take measures to control trans-boundary air, land and water pollution arising from developmental activities;
 - (d) take necessary disaster preparedness, management, protection and mitigation measures especially for the control of natural and man-made disasters. These include oil spills, bio-hazards, floods, earthquakes, marine accidents, drought and bush fires; and
 - (e) integrate environmental management and conservation measures in all developmental activities such as trade, transport, agriculture, industrial development, mining and tourism in the Community.
2. For purposes of paragraph 1 of this Article, the Partner States undertake to:
 - (a) adopt common environment control regulations, incentives and standards;
 - (b) develop capabilities and measures to undertake environmental impact assessment of all development project activities and programmes;
 - (c) encourage the manufacture and use of bio-degradable pesticides, herbicides and packaging materials;
 - (d) encourage public awareness and education on the use of agricultural and industrial chemicals and fertilisers;

- (e) adopt environmentally sound management techniques for the control of land degradation, such as soil erosion, desertification and forest encroachment;
- (f) promote the use of non-ozone depleting substances and environment-friendly technologies;
- (g) promote and strengthen the utilisation of training facilities and research institutions within the Community;
- (h) adopt common environmental standards for the control of atmospheric, terrestrial and water pollution arising from urban and industrial development activities;
- (i) exchange information on atmospheric, industrial and other forms of pollution and conservation technology;
- (j) harmonise their policies and regulations for the sustainable and integrated management of shared natural resources and ecosystems;
- (k) adopt measures and policies to address the existing demographic profiles such as high growth rates and fertility rates, high dependency ratio, poor social conditions and poverty in order to mitigate their adverse impact on the environment and development;
- (l) adopt community environmental management programmes;
- (m) promote enhancement of the quality of the environment through adoption of common measures and programmes of tree planting, afforestation and reforestation, soil conservation and recycling of materials; and
- (n) adopt common policies for conservation of biodiversity and common regulations for access to, management and equitable utilisation of genetic resources.

ARTICLE 113

Prevention of Illegal Trade in and Movement of Toxic Chemicals, Substances and Hazardous Wastes

1. The Partner States undertake to co-operate and adopt common positions against illegal dumping of toxic chemicals, substances and hazardous wastes within the Community from either a Partner State or any third party.

2. The Partner States shall harmonise their legal and regulatory framework for the management, movement, utilisation and disposal of toxic substances.
3. The Partner States undertake to ratify or accede to international environmental conventions that are designed to improve environmental policies and management.

ARTICLE 114

Management of Natural Resources

1. For purposes of Article 111 of this Treaty, the Partner States agree to take concerted measures to foster co-operation in the joint and efficient management and the sustainable utilisation of natural resources within the Community for the mutual benefit of the Partner States. In particular, the Partner States shall:
 - (a) take necessary measures to conserve their natural resources;
 - (b) co-operate in the management of their natural resources for the conservation of the eco-systems and the arrest of environmental degradation; and
 - (c) adopt common regulations for the protection of shared aquatic and terrestrial resources.
2. For purposes of paragraph 1 of this Article, the Partner States:
 - (a) with regard to the conservation and management of forests, agree to take necessary measures through:
 - (i) the adoption of common policies for, and the exchange of information on, the development, conservation and management of natural forests, commercial plantations and natural reserves;
 - (ii) the joint promotion of common forestry practices within the Community;
 - (iii) the joint utilisation of forestry training and research facilities;
 - (iv) the adoption of common regulations for the conservation and management of all catchment forests within the Community;
 - (v) the establishment of uniform regulations for the utilisation of forestry resources in order to reduce the depletion of natural forests and avoid desertification within the Community; and
 - (vi) the establishment of Api-Agro Forestry Systems.

- (b) with regard to the management of their water and marine resources, agree to co-operate through:
 - (i) the establishment and adoption of common regulations for the better management and development of marine parks, reserves, wetlands and controlled areas;
 - (ii) the adoption of common policies and regulations for the conservation, management and development of fisheries resources;
 - (iii) the establishment of common fisheries management and investment guidelines for inland and marine waters;
 - (iv) the strengthening of regional natural resources management bodies;
 - (v) the establishment of common rules of origin for flora and fauna; and
 - (vi) the establishment of a body for the management of Lake Victoria;
- (c) with regard to the management of the mineral resources sector, agree:
 - (i) to promote joint exploration, efficient exploitation and sustainable utilisation of shared mineral resources;
 - (ii) to pursue the creation of an enabling environment for investment in the mining sector;
 - (iii) to promote the establishment of databases, information exchange networks and the sharing of experiences in the management and development of the mineral sector using electronic mail, internet and other means for the interactive dissemination of mineral information;
 - (iv) to harmonise mining regulations to ensure environmentally friendly and sound mining practices;
 - (v) to adopt common policies to ensure joint fossil exploration and exploitation along the coast and rift valley; and
 - (vi) to establish a regional seismological network whose primary objective is to monitor seismicity and advice on mitigation measures.