

***REVISED CONVENTION
FOR THE ESTABLISHMENT OF THE
DESERT LOCUST CONTROL ORGANIZATION
FOR EASTERN AFRICA
(DLCO-EA)***

***CONVENTION REVISEE
PORTANT CREATION DE L'ORGANISATION
DE LUTTE CONTRE LE CRIQUET PELERIN
EN AFRIQUE DE L'EST
(OLCCP-EA)***



JUNE, 2003

CONVENTION FOR THE ESTABLISHMENT OF
THE DESERT LOCUST CONTROL ORGANIZATION
FOR EASTERN AFRICA

PREAMBLE

The Governments of Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan, Tanzania and Uganda;

Desiring to reinforce on an International regional basis the control of the Desert Locust and other mandated pests (Quelea birds, Armyworm and Tsetse Fly) in Eastern Africa (hereinafter referred to as "the Region" which Region for the purpose of this Convention shall comprise Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan, Tanzania and Uganda;

Considering that it is expedient to give effect by a Convention to the recommendations put forward by representatives of countries that established the Organization at the Third Session of the FAO Eastern African Desert Locust Control Sub-Committee at Addis Ababa in October 1961;

Have agreed as follows:-

ARTICLE I

Contracting States

1. The Contracting States hereby establish "the Desert Locust Control Organization for Eastern Africa" (hereinafter referred to as "the Organization") for the purpose of undertaking on an international basis within the Region such action provided for in this Convention as may lead to effective control of the Desert Locust and other mandated pests (Quelea birds, Armyworm and Tsetse Fly) in the Region.
2. For purposes of this Convention the expression "the Contracting States" means such States as have become parties to this

Convention in accordance with the provisions of Article IX of this Convention.

ARTICLE II

Site and Legal Status

1. The Headquarters of the Organization shall be at Addis Ababa, Ethiopia
2. The Organization within the Region shall have the capacity of a legal person to perform any legal act appropriate to its purpose, in accordance with the provisions of this Convention. In particular, it shall have the capacity (a) to contract (b) to acquire and dispose of movable property (c) without prejudice to the basic Laws and policies prevailing in the contracting States to acquire and dispose of immovable property and (d) institute legal proceedings.

ARTICLE III

Objectives and Functions

The Objectives of the Organization shall be:

- a) To concentrate on aerial surveys and control of Desert Locust and other mandated pests (Quelea birds, Armyworm and Tsetse Fly) in Eastern Africa;
- b) To foster research programmes and activities which are mainly confined to migrant pest control, pesticide use and safety in the region;
- c) To coordinate the information flow and forecasting of upsurges of the migrant pests;
- d) To assist in staff development in Plant Protection Departments (PPDs) and the Organization.

ARTICLE IV

The Council

1. There shall be a Council of the Organization (hereinafter referred to as “the Council”). Each Contracting State shall be represented at sessions of the Council by a single delegate who may be accompanied by an alternate and by experts or advisers. Alternates, Experts and Advisers may take part in the proceedings of the Council but shall not vote, except in the case of an alternate who is duly authorized to substitute for delegate.
2. The Council shall meet at least once each year in regular session at a date and place to be decided at its previous session.
3. The Council shall elect a Chairperson and two Vice-Chairpersons from among its Members. The Chairperson and Vice-Chairpersons shall hold office for one year and may be re-elected. In these elections due regard shall be paid to the principle of rotation of offices amongst the Contracting States.
4. Each Contracting States shall through its delegate have one vote on the Council. It may delegate its vote to any other Contracting States and shall notify such delegation of its vote formally to the Chairperson of the Council.
5. For any decision the necessary quorum shall require the actual presence of Delegates of an absolute majority of the Contracting States.
6. Unless otherwise provided for in this Convention decisions of the Council shall be taken by an absolute majority of the votes cast.
7. The Council shall adopt its own rules of procedure and financial regulations which shall include provisions for the audit of accounts by Auditors appointed by it.
8. The Council shall establish an Executive Committee and determine its composition and functions. The Council shall normally elect from amongst its members a Chairperson and the Members of the Executive Committee. However, by unanimous decision, the

Council may elect as Chairperson and Members of the Executive Committee individuals not representing the Contracting States on the Council but whose candidature has been submitted by one or more Contracting States. The Chairperson shall hold office for a period of three years.

9. A special Session of the Council may be convened by the Chairperson of the Council on his own initiative or at the request of at least one half of the Contracting States.
10. The Council at its Annual Session shall examine the report of the Director of the Organization on the work of the Organization during the preceding year and the audited accounts of the Organization, and shall approve a programme of work and adopt the budget for the ensuing financial year. Adoption of the budget shall be by a two thirds majority of the membership of the Organization.
11. In order to provide for close cooperation with the Food and Agriculture Organization of the United Nations and for the coordination of activities in the field of locust control and other mandated pests (Quelea birds, Armyworm and Tsetse Fly), the Council shall enter into an agreement with the Organization in accordance with the provisions of Article XIII.1 of the Constitution of the said Organization, which agreement shall provide, inter alia, for reciprocal representation.
12. The Council may invite any other Organization to appoint observers to attend the sessions of the Council.
13. The Council shall have the right to invite any qualified individual to attend its meetings as a consultant.

ARTICLE V

Functions of the Council

1. The Council shall control, through the Director, the operations of the Organization.

2. The Council shall consult with Contracting States regarding the most appropriate action to be taken to control the Desert Locust and other mandated pests (Quelea birds, Armyworm and Tsetse Fly) in the Region.
3. The Council shall consult with the Contracting States regarding those programmes of research and investigation which it believes will be most productive in developing the control of the Desert Locust and other mandated pests (Quelea birds, Armyworm and Tsetse Fly) in the Region.
4. While each state shall remain primarily responsible for the control of Desert Locust and other mandated pests (Quelea birds, Armyworm and Tsetse Fly) within its borders, the Council shall take all possible measures to coordinate the work of the National Plant Protection Departments of the Contracting States within the Region, particularly as regards the exchange of mutual assistance and shall ensure the exchange between them of technical information relating to the movements, control and study of the Desert Locust and other mandated pests (Quelea birds, Armyworm and Tsetse Fly).

ARTICLE VI

The Director and Staff of the Organization

1. The Council shall appoint a Director of the Organization, who shall be the principal Executive Officer of the Organization and, subject to any general or special directions of the Council, shall be responsible for the operations of the Organization.
2. The Council shall determine the categories of staff of the Organization to be appointed and discharged by the Council, the Executive Committee or the Director as the case may be, and shall adopt staff regulations.
3. The duties of the Director shall be those necessary to ensure the discharge of the main functions of the Organization as outlined in Article III. The Director shall also be responsible for:

- a) the transmission by means of periodic reports to Contracting States, to the Food and Agriculture Organization of the United Nations and to any other official body considered appropriate by the Council, of full information on the nature of the locust infestations and other mandated pests (Quelea birds, Armyworm and Tsetse Fly), the progress of research and the operation of control measures within the Region;
 - b) the maintenance of full cooperation with all other Organizations concerned with general directives of the Council;
 - c) the collection of the contributions of Contracting States;
 - d) the maintenance of the accounts of the Organization.
4. The Director shall represent the Organization in relation to third parties.
 5. The Director shall open and operate on behalf of the Organization such banking accounts as may be required. He shall initiate or respond to all legal actions in which the Organization is involved.
 6. The Director shall submit annually to the Council a report on the work of the Organization covering the preceding year as well as a draft programme of work and budget for the ensuing financial year. He shall transmit copies of these documents to the Contracting States not later than one month before the annual session of the Council. He shall also circulate to the Members of the Council duly audited accounts.
 7. The Organization shall meet the expenses of the Delegates to any Committee of the Council. The allowance shall be limited to one Delegate from each Member Country attending such meeting and the leader of the Delegation and/or alternate to the Council Sessions.

ARTICLE VII

Obligations of Contracting States

1. Each Contracting State shall undertake to carry out within its financial resources and in the light of the provisions of Article V.4 above, all possible measures to control the Desert Locust and other mandated pests (Quelea birds, Armyworm and Tsetse Fly) in its territory within the Region by adopting the following procedures:
 - a) maintaining a permanent information and reporting service on the Desert Locust and other mandated pests (Quelea birds, Armyworm and Tsetse Fly) which will, inter alia, submit copies of regular reports to the Director of the Organization;
 - b) maintaining in the manner most appropriate to its needs at least the nucleus of permanent Desert Locust and other mandated pests (Quelea birds, Armyworm and Tsetse Fly) control service;
 - c) promoting such research and survey work, including the maintenance of national field research stations, where appropriate, as may be compatible with its resources for the study of the Desert Locust and other mandated pests (Quelea birds, Armyworm and Tsetse Fly) and their plague dynamics.
 - d) developing and supporting the training of its nationals for the service of Desert Locust Control and other mandated pests (Quelea birds, Armyworm and Tsetse Fly);
 - e) facilitating the construction on its own territory of the building and/or airfields necessary to the operations of the Organization provided for in article III. (a).
2. The Contracting States agree to extend to the organization all the facilities which they can grant for carrying out its task within their respective national territories, on the basis of the pertinent clauses contained in the International Convention on the Privileges and Immunities of the Specialized Agencies, at least in so far as it concerns the free movement of its materials and supplies necessary for the operations of the Organization, provided, however, that the

Contracting States of this Convention shall have the power to limit, restrict or prohibit within their respective territories the movement of members, officers, employees, agents and instrumentalities of the Organization and/or of the Council or any other person or instrumentalities exercising authority or performing functions under this Convention.

ARTICLE VIII

Inspection of Activities

The Council may arrange for inspection to be made by a member of the Council of the activities of the Organization. Each Contracting State shall facilitate the accomplishment of this task as regards its territory.

ARTICLE IX

Parties to the Convention

1. The Governments of Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan, Tanzania and Uganda may become parties to this Convention.
2. On the date on which more than one half of the States mentioned in para. 1 above have become parties to it, the Convention shall come into force as concerns those Governments. As concerns other signatory Governments, it shall come into force on the date on which they have become parties to it under para. 1 above, and as regards Governments adhering to the Convention under para. 4 below, on the date of the deposit of the instruments of adherence.
3. The authentic text of this Convention as well as any instruments of ratification or approval shall be deposited with the Government of Ethiopia which instruments shall become effective as from the date of such deposit.

4. This Convention, once it has come into force, shall be open to adherence by any Government whose territory is situated in the Region, by the deposit of an instrument of adherence. Any Government whose territory is not situated in the Region may, with the unanimous approval of the Council become a party to this Convention by the deposit of an instrument of adherence.
5. Instruments of adherence shall be deposited with the Government of Ethiopia and shall become effective from the date of such deposit.
6. The Government of Ethiopia shall inform immediately all signatory Governments of the coming into force of the Convention, and thereafter all signatory and adhering Governments of the deposit of any instrument of ratification, approval or adherence.
7. The signature of this Convention or adherence thereto may not be made subject to any reservation.

ARTICLE X

Contributions

1. Each Contracting State shall contribute in cash, kind or services, to the expenses of the equipment and operations of the Organization, in the proportions approved by the Council:

Djibouti	-	5%	Eritrea	-	
		5%			
Ethiopia	-	19%	Kenya	-	18%
Somalia	-	5%	Sudan	-	20%
Tanzania	-	19%	Uganda	-	9%

provided that the costs of the Organization to be met from these contributions shall not exceed the annual budget as approved by the Council in accordance with para 10 of Article IV of the Convention. Charges in excess of this amount which are not

covered by other revenue will, if unanimously accepted by the Council, be met by Contracting Governments in accordance with proportions to be agreed unanimously by the Council.

The proportions will be revised by the unanimous vote of the Council:

- a) in the event of adherences in accordance with Article IX. 4;
 - b) in the event of denunciation or withdrawal from this Convention in accordance with Article XI. 2.
2. The proportions will also be subject to review by the Council at any annual session after the coming into force of this Convention and will be adjusted if necessary in accordance with the conclusions of such review unanimously agreed upon.
 3. The Council may accept contributions in cash, kind or services from Governments not parties to this Convention, Organizations and other sources to further the purposes of the Organization.
 4. Annual contributions shall be paid quarterly.
 5. Contributions shall be payable in United States dollars.

ARTICLE XI

Duration and Modification of the Convention

1. The provisions of this Convention shall not be modified nor shall it be denounced by any party to it for a period of five years from the date of the coming into force of the Convention. At the expiration of this period of five years, the Contracting States shall consult to decide whether this Convention shall remain in force unmodified or whether it requires modification.
2. Should the present Convention remain in force in accordance with the terms of the preceding paragraph after the expiration of the period of five years mentioned therein, any Contracting State shall be able to denounce it as far as it is concerned by written

notification to the Government of Ethiopia who shall immediately inform all signatory and Contracting States of such notification.

3. Notwithstanding anything contained in the preceding two paragraphs this Convention may be abrogated by unanimous agreement between all Contracting States after the expiration of the five years period provided for in Article XI. 1, or in the event of its suppression by any wider International agreement for the control of the Desert Locust and other mandated pests (Quelea birds, Armyworm and Tsetse Fly). Furthermore, the Convention may be amended by agreement between all Contracting States to conform with the establishment of closer links with the Food and Agriculture Organization of the United Nations or any other Organizations in the Region, and to remain in force indefinitely

ARTICLE XII

Settlement of Disputes

Any dispute regarding the interpretation or application of this Convention, if not settled by the Council, shall be referred to a Committee composed of one member appointed by each of the parties to the dispute, and in addition an independent Chairperson chosen by the members of the Committee. The recommendations of such a Committee, while not binding in character, shall become the basis for renewed consideration by the parties concerned of the matter out of which the disagreement arose. If as a result of this procedure the dispute is not settled, it shall be referred to the International Court of Justice in accordance with the Statute of the Court, unless the parties to the dispute agree to another method of settlement.

ARTICLE XIII

Withdrawal of Membership

Before a Member Country withdraws its membership of the Organization, that country should be obliged to pay all the outstanding arrears owed to the Organization.

ARTICLE XIV

Liquidation

In the case of dissolution of the Organization, the Council shall appoint one or more executors who shall have complete power to determine the assets, pay off debts and carry out all the necessary operations, in particular to distribute remaining assets among the Contracting States who participated in the Organization taking into particular account contributions in kind which may have been made by the Contracting States.

ARTICLE XV

Registration

The Government of Ethiopia shall cause this Convention to be registered with the Secretariat of the United Nations in accordance with the provisions of Article 102 of the Charter of the United Nations.

ARTICLE XVI

Language

The working languages of the Organization shall be English and French.