

Title: Exchanges of Notes...regarding the construction of the Owen falls Dam, Uganda
Parties: Great Britain, Egypt
Basin: Nile
Date: 05/31/1949

No. 3122. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF EGYPT REGARDING THE CONSTRUCTION OF THE OWEN FALLS DAM, UGANDA. CAIRO, 30 AND 31 MAY 1949.

I

*His Majesty's Ambassador at Cairo to the Egyptian Minister for Foreign Affairs
ad interim*

BRITISH EMBASSY

Cairo, 30th May, 1949

Monsieur le President du Conseil,

I have the honour to recapitulate below the points on which His Majesty Government in the United Kingdom and the Royal Egyptian Government have reached agreement concerning the construction and administration the dam to be erected at Owen Falls in Uganda:

“The Royal Egyptian Government and His Britannic Majesty Government in accordance with the spirit of the Nile Waters Agreement 1929,² have agreed to the construction of a dam at Owen Falls in Uganda for the production of hydro-electric power and for the control of the Nile.

“2. Plans and specifications for this work have been prepared consultation between and approved by the Egyptian Ministry of the Works and Uganda authorities. The Royal Egyptian Government, His Britannic Majesty's Government have accordingly agreed to the Uganda Electricity Board the issue of an invitation for the placing of contracts in agreement with these plans and specifics.

“3. The contracts will be submitted to the two Governments who examine them promptly and indicate their joint approval of them by the Notes exchanged between each other and notify at once the Government of Uganda.

“4. The two Governments have also agreed that though the construction of the dam will be the responsibility of the Uganda Electricity Board, the interests of Egypt will, during the period of construction represented at the site by an Egyptian resident engineer of suitable and his staff stationed there for the purpose by the Royal Egyptian Government, to whom all facilities will be given for the accomplishment of their duties. Furthermore, the two Governments have agreed that although the dam when constructed will be administered and maintained by the Uganda Electricity Board, the latter will regulate the discharges to be passed through the dam on the instructions of the Egyptian resident engineer be stationed with his staff at the dam by the Royal Egyptian Government for this purpose in accordance with arrangements to be agreed between the

Egyptian Ministry of Public Works and the Uganda authorities pursuant to the provisions of agreement to be concluded between the Governments.

“5. The two Governments also recognise that during and after the construction of the dam, the Uganda Electricity Board may take action at Owen Falls which it may consider desirable provided that the action does not entail any prejudice to the interests of Egypt in accordance with the Nile Waters Agreement of 1929 and does not adversely the discharges of water to be passed through the dam in accordance the arrangements to be agreed between the two Governments, Egyptian Ministry of Public Works and the Uganda Electricity Board will consult together on matters of mutual interest. Any differences of opinion which may arise, however, in connection with the control of water or with the generation of hydro-electric power will be a matter of discussion and settlement in a spirit of friendly co-operation between the m. If these authorities find themselves unable to settle it, the matter to be referred to arbitration in accordance with arrangements to be agreed between the two Governments.”

I have the honour to propose that if the Royal Egyptian Government agrees, this Note and your Excellency's reply should constitute a formal arrangement between our two Governments, regarding the dam at Owen Falls and the works connected therewith.

I have, &c.
Ronald Campbell

The amount of the contract is 3,639,540 5s. 0d.

As your Excellency is also aware, the Uganda Electricity Board has further awarded a contract for ironwork to Messrs. Glenfield and Kennedy, to the amount of 124,866.

On instructions from His Majesty's Principle Secretary of Sate for Foreign Affairs, I now have the honour to inform your Excellency that His Majesty's Government in the United Kingdom approve these contracts. If the Royal Egyptian Government also approve them, your Excellency's reply in that and this Note will constitute the exchange of formal Notes referred to in paragraph 2 above. I should be happy to arrange for the Government of Uganda to be notified accordingly.

I have, &c.
Ronald Campbell

II

The Egyptian Minister for Foreign Affairs ad interim to His Majesty's Ambassador at Cairo

[TRANSLATION³ -- TRADUCTION⁴]

MINISTRY OF FOREIGN AFFAIRS

Cairo, 5th December

Your Excellency,

I have the honour to acknowledge receipt of your Excellency's Note the 5th of December, in which you inform me that His Majesty's Government has approved the award of two contracts, viz:

(1) The first concerns the building of the dam and the hydro-electric power station at the Owen Falls which the Uganda Electricity Board has awarded to the group led by Christiani & Nielsen, Limited, to the amount of 3,639,540 5s. 0d. This group comprises:

Dorman, Long and Company, Limited;
Edmund Nuttall, Sons & Company (London), Limited;
Hollandsche Beton Maatschappij, N/V;
Internationale Gewapendbeton Bouw, N/V;
K. L. Kier & Company (London), Limited;
Nederlandsche Aanneming Maatschappij, N/V, late firm N. F. Boersman
Nederlandsche Beton Maatschappij, "Bato," N/V.

¹Came into force on 31 May 1949 by the exchange of the said notes.

²Exchange of notes in regard to the use of the waters of the River Nile for irrigation of Cairo, 7 May 1929. League of Nations, Treaty Series, Vol. XCIII, p. 43. See also United Treaty Series, Vol. 207, p. 277.

³Translation by the Government of the United Kingdom.

⁴Traduction du Gouvernement du Royaume-Uni.