



Treaty Series No. 85 (1955)

Exchanges of Notes

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

[With Notes-Verbales]

Cairo, May 30, 1949 to March 20, 1950

*Presented by the Secretary of State for Foreign Affairs to Parliament
by Command of Her Majesty
December 1955*

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EXCHANGES OF NOTES 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, May 30, 1949 to March 20, 1950

No. 1

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

British Embassy,

Monsieur le Président du Conseil,

Cairo, 30th May, 1949.

I have the honour to recapitulate below the points on which His Majesty's Government in the United Kingdom and the Royal Egyptian Government have reached agreement concerning the construction and administration of the dam to be erected at Owen Falls in Uganda⁽¹⁾:—

“The Royal Egyptian Government and His Britannic Majesty's Government in accordance with the spirit of the Nile Waters Agreement of 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 waters of the Nile.

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

3. The contracts will be submitted to the two Governments who will examine them promptly and indicate their joint approval of them by formal 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, be represented at the site by an Egyptian resident engineer of suitable rank 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 to be stationed with his staff at the dam by the Royal Egyptian

⁽¹⁾ See “Treaty Series No. 30 (1954),” Cmd. 9132.

⁽²⁾ “Treaty Series No. 17 (1929),” Cmd. 3348.

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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 agreements to be concluded between the two Governments.

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

I have, &c.

RONALD CAMPBELL.

No. 2

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

Ministère des Affaires Etrangères,

Monsieur l'Ambassadeur.

Le Caire, le 31 mai 1949.

J'ai l'honneur d'accuser à votre Excellence réception de sa lettre du 30 Mai, 1949, recapitulant les points sur lesquels le Gouvernement Royal Egyptien et le Gouvernement de Sa Majesté Britannique se sont mis d'accord au sujet de la construction et de l'administration du barrage à élever aux Chutes d'Owen en Uganda. Ces points, dans leur texte anglais, sont comme suit :

[As in No. 1.]

En réponse, j'ai l'honneur de faire part à votre Excellence que le Gouvernement Royal Egyptien est d'accord à ce que l'échange des deux lettres, celle en référence et la présente, constituent un accord formel entre nos deux Gouvernements au sujet du Barrage d'Owen.

Veuillez, etc.

IBRAHIM ABDEL HADI.

[Translation of No. 2]

Ministry of Foreign Affairs,

Your Excellency,

Cairo, 31st May, 1949.

I have the honour to acknowledge receipt of your Excellency's letter of the 30th of May, 1949, which recapitulates the points on which the Royal

Egyptian Government and His Britannic Majesty's Government have agreed on the subject of the construction and administration of the dam to be built at the Owen Falls in Uganda. These points, in the English text, are as follows:

[As in No. 1.]

In reply, I have the honour to inform your Excellency that the Royal Egyptian Government agrees that the exchange of the two Notes, that under reference and the present one, constitute a formal agreement between our two Governments on the subject of the Owen Falls dam.

Please accept, &c.

IBRAHIM ABDEL HADI.

No. 3

*The Egyptian Ministry for Foreign Affairs to His Majesty's Embassy
at Cairo*

NOTE-VERBALE

Le Ministère Royal des Affaires Etrangères présente ses compliments à l'Ambassade de Grande Bretagne et a l'honneur de lui communiquer, qu'en date du 19 Mai 1949, S.E. le Président du Conseil des Ministres et Ministre des Affaires Etrangères *ad interim*, a fait la déclaration suivante au sujet de la participation du Soudan aux projets du Contrôle du Nil qui sont actuellement à l'étude:

(Texte Anglais)

"In accordance with the spirit of the Nile Waters Agreement of 1929, and with our traditional policy which aims at the development and the prosperity of the Sudan, the Royal Egyptian Government would welcome the participation of the Sudan in the projects for the control of the Nile which are now under consideration. The participation of the Sudan in these projects will be the subject of technical discussions between Egypt and the Sudan, the results of which will be embodied in agreements to be concluded in connexion with these projects."

Le Ministère Royal des Affaires Etrangères saisit, etc.

Le Caire, le 31 mai 1949.

[Translation of No. 3]

NOTE-VERBALE

The Ministry for Foreign Affairs presents its compliments to the Embassy of Great Britain and has the honour to inform it that on the 19th of May, 1949, his Excellency the President of the Council of Ministers and Minister

for Foreign Affairs *ad interim*, made the following announcement on the subject of the participation of the Sudan in the projects for controlling the Nile which are at present under study.

[As in No. 3.]

The Ministry for Foreign Affairs avails, etc.
Cairo, May 31, 1949.

No. 4

His Majesty's Embassy at Cairo to the Egyptian Ministry for Foreign Affairs

His Majesty's Embassy presents its compliments to the Royal Egyptian Ministry of Foreign Affairs and has the honour to acknowledge the receipt of the Ministry's Note of the 31st of May, 1949, conveying the following text of a declaration made on the 19th May, 1949, by his Excellency the President of the Council of Ministers and Minister for Foreign Affairs *ad interim* concerning the participation of the Sudan in the projects for the control of the Nile which are now under consideration:

[As in No. 3.]

His Majesty's Embassy avails, &c.
British Embassy,
Cairo, June 1, 1949.

No. 5

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

British Embassy,
Cairo, 5th December, 1949.

Monsieur le Ministre,

I have the honour to refer to my Note of the 30th May, and to the reply of the then Minister for Foreign Affairs *ad interim* of the 31st May, which Notes constituted a formal agreement between our two Governments regarding the proposed dam at Owen Falls and the works connected therewith.

The third point of this agreement provided that the Royal Egyptian Government and His Majesty's Government in the United Kingdom would examine promptly contracts placed by the Uganda Electricity Board and would indicate their joint approval of them by formal Notes exchanged between each other.

As your Excellency is aware, the Uganda Electricity Board has now awarded the contract for the construction of the dam and hydro-electric

power station at Owen Falls to a group headed by Christiani and Nielsen, Limited, comprising:—

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

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 Principal Secretary of State 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 sense 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.

No. 6

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

Ministère des Affaires Etrangères,

Le Caire, le 5 décembre 1949.

Monsieur l'Ambassadeur.

J'ai l'honneur d'accuser à votre Excellence réception de sa lettre du 5 décembre courant, par laquelle elle m'informe que le Gouvernement de Sa Majesté Britannique a approuvé la concession de deux contrats dont :

(1) L'un concerne la construction du Barrage et de la Station de la Puissance Hydro-électrique des Chutes d'Owen que le "Uganda Electricity Board" a concédé au Groupe présidé par la "Christiani & Nielsen Limited," au coût de £3,639,540 5s. 0d. Ce groupe comprenant:—

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 H. F. Boersma;
Nederlandsche Beton Maatschappij, "Bato," N/V.

(2) L'autre concerne les travaux de fer des ouvertures du dit Barrage concédé aux Glenfield & Kennedy, au coût de £124,866.

Conformément aux termes du troisième point de l'accord formel entre nos deux Gouvernements, établi par l'échange des lettres, celle de votre Excellence du 30 mai 1949 et celle de son Excellence le Ministre des Affaires Etrangères d'Egypte p.i. d'alors, du 31 mai 1949, j'ai l'honneur de porter à

sa connaissance que le Gouvernement Royal Egyptien approuve la dite concession de ces deux contrats, et je la prierai, par conséquent, de bien vouloir considérer l'échange de ma lettre présente et la sienne en référence, comme constituant de part et d'autre entre nos deux Gouvernements, l'approbation formelle nécessaire. Je note aussi que votre Excellence aura l'obligeance d'en notifier le Gouvernement de l'Uganda.

Veuillez agréer, etc.

H. SIRRI.

[Translation of No. 6]

Ministry of Foreign Affairs,

Cairo, 5th December, 1949.

Your Excellency,

I have the honour to acknowledge receipt of your Excellency's Note of 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. Boersma;
 Nederlandsche Beton Maatschappij, "Bato," N/V.

(2) The other concerns the iron-work for the sluices of the said dam awarded to Glenfield & Kennedy to the amount of £124,866.

In accordance with the terms of the third clause in the formal Agreement between our two Governments, constituted by the Exchange of Notes, that of your Excellency of the 30th of May, 1949, and that of his Excellency the Egyptian Minister for Foreign Affairs *ad interim* of the 31st May, 1949, I have the honour to inform your Excellency that the Royal Egyptian Government approve the above mentioned award of these two contracts and I therefore request you to be kind enough to consider the exchange of my present Note and yours under reference as constituting on the part of our two Governments the necessary formal approval. I also note that your Excellency will be good enough to notify the Government of Uganda of this agreement.

Please accept, &c.

H. SIRRI.

No. 7

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

Ministère des Affaires Etrangères,

Le Caire, le 19 janvier 1950.

Monsieur l'Ambassadeur.

J'ai l'honneur d'informer votre Excellence qu'au cours du mois de Novembre dernier, des discussions officieuses ont eu lieu en Uganda entre

des représentants du Ministère Egyptien des Travaux Publics et les autorités intéressées du Gouvernement de l'Uganda en vue d'organiser les enregistrements météorologiques et hydrologiques concernant les Lacs Equatoriaux.

Etant donné l'importance et la nécessité toujours croissantes pour l'Egypte de réunir tous les renseignements possibles au sujet de ces Lacs, le Ministère des Travaux Publics entend prendre des mesures urgentes pour adopter un plan de recherches, d'observation et d'enregistrement météorologiques et hydrologiques de beaucoup plus vaste que ce qui a été fait jusqu'ici.

Or, il résulte des discussions susdites que le Gouvernement de l'Uganda, qui a déjà institué un département spécial pour recueillir et enregistrer les données hydrologiques en Uganda, entend étendre ce travail et y englober tant, la collection des données hydrologiques sur toutes les Zones du bassin alimentant le Nil soit dans les territoires est-africains soit au Congo Belge et qui sont indiquées sur la carte ci-annexée, que la levée de quelques données météorologiques additionnelles relatives au Lac Victoria, qui ne sont à l'heure actuelle, recueillies par aucune autre agence.

Aussi, le Gouvernement Royal Egyptien a-t-il le plaisir de coopérer dans ce domaine avec le Gouvernement de l'Uganda, aux conditions ci-après :

- 1.—Le Gouvernement Egyptien consent à ce que le Gouvernement de l'Uganda assume les services de M. Winny, ainsi que l'équipement existant actuellement en Uganda.
- 2.—Seront fournies au Gouvernement Egyptien, toutes les données et renseignements météorologiques et hydrologiques réunis par le Département Hydrologique de l'Uganda pour les postes d'observation indiquées sur la carte ci-annexée.
Toutefois, ces postes pourront être modifiés et leur nombre augmenté ou réduit de temps à autre après consultation du Ministère des Travaux Publics.
- 3.—L'Ingénieur Egyptien Résident au Barrage des Chutes d'Owen et ses assistants qui seront établis à Jinja, auront accès à tous les postes se trouvant en Uganda pour y procéder à des inspections périodiques en vue de s'assurer de leur entretien satisfaisant et de la levée régulière des observations.
- 4.—Le Gouvernement Royal Egyptien consent à contribuer aux frais faits en vue d'obtenir et de calculer les susdites données et renseignements météorologiques et hydrologiques, pour une somme de £E. 4.200 par an, qui sera si les circonstances l'exigent, sujette à une révision décidée de commun accord et pourra être portée jusqu'à un plafond de £E. 4.500.
- 5.—Il sera créé à l'avenir une station d'évaluation semblable à celle qui se trouve aux Barrages du Delta.
Jusqu'à ce que cela puisse se faire, on continuera à envoyer à l'Egypte, de préférence par courrier aérien, les mesures du courant en vue de l'évaluation.
- 6.—Le 1^{er} mars 1950 est suggéré comme étant une date convenable pour l'entrée en vigueur du nouvel arrangement.
- 7.—L'échange officiel de notes à cet effet constituera accord entre les deux Gouvernements.

Je serais très obligé si votre Excellence voulait bien transmettre ce qui précède au Gouvernement de l'Uganda.

Veillez agréer, &c.

M. SALAH EL DIN.

*Ministry of Foreign Affairs,
Cairo, 19th January, 1950.*

Your Excellency,

I have the honour to inform your Excellency that during last November official discussions took place in Uganda between the representatives of the Egyptian Ministry of Public Works and the appropriate departments of the Uganda Government with a view to organising the recording of meteorological and hydrological information about the Equatorial Lakes.

In view of the importance and the ever-growing need for Egypt to collate all possible data about the Lakes the Ministry of Public Works intends to take urgent measures to draw up a plan for research, observation, and meteorological and hydrological recording on a much more comprehensive scale than has been undertaken so far.

As a result of these discussions the Government of Uganda, which has already set up a special Department to collect and record hydrological data in Uganda, intends to extend this work and to include both the collection of hydrological data from all the areas of the basin which feeds the Nile, whether in the East African territories or in the Belgian Congo and which are marked on the attached map^(?) and the gathering of certain additional data concerning Lake Victoria which are not at present collected by any other organisation.

In addition, the Royal Egyptian Government will be pleased to co-operate in this field with the Government of Uganda in accordance with the following conditions:—

- 1.—The Egyptian Government agree that the Government of Uganda should take on the services of M. Winny, as well as make use of the equipment at present in Uganda.
- 2.—All the meteorological and hydrological data and information collected by the Hydrological Department of Uganda for the observation posts marked on the attached map^(?) will be supplied to the Egyptian Government.

Moreover, these posts may be changed and their number increased or reduced from time to time after consultation with the Ministry of Public Works.

- 3.—The Resident Egyptian Engineer at the Owen Falls Dam and his assistants, who will be established at Jinja, shall have access to all the posts which are in Uganda in order to undertake periodical inspections to assure themselves that the posts are being satisfactorily maintained and the observations regularly collected.
- 4.—The Royal Egyptian Government agree to contribute to the expenses incurred in obtaining and calculating the meteorological and hydrological data and information mentioned above an annual sum of £E. 4,200 which, if the circumstances warrant it, shall be subject to a revision to be mutually agreed and may be increased to a maximum figure of £E. 4,500.
- 5.—In due course an evaluating station will be established similar to that existing by the Delta Barrage.
Until this can be done, the measurements of the current will continue to be sent to Egypt, preferably by air courier, for purposes of evaluation.
- 6.—The 1st of March, 1950, is proposed as a suitable date for the entry into force of the new arrangement.

(?) Not reproduced.

7.—The official Exchange of Notes to this effect shall constitute an Agreement between the two Governments.

I should be very much obliged if your Excellency would transmit the foregoing to the Government of Uganda.

Please accept, &c.

M. SALAH EL DIN.

No. 8

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

British Embassy,

Monsieur le Ministre,

Cairo, 28th February, 1950.

I have the honour to refer to your Excellency's Note of 19th January in which you requested me to advise the Government of Uganda that the Royal Egyptian Government would be prepared to co-operate with that Government in meteorological and hydrological surveys in certain specified areas of the Nile Basin on the following conditions:—

[As in No. 7, paras. 1-6.]

At the request of the Governor of Uganda, and on instructions from His Majesty's Principal Secretary of State for Foreign Affairs, I now have the honour to inform your Excellency that the Government of Uganda agree to co-operate in this matter with the Royal Egyptian Government on the conditions as set out above. If the Royal Egyptian Government confirm that they are also in agreement, your Excellency's reply in that sense and this Note will constitute the exchange of formal notes referred to in subparagraph 7 of your Excellency's Note under reference.

I have, &c.

RONALD CAMPBELL.

No. 9

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

Ministère des Affaires Etrangères,

Monsieur l'Ambassadeur,

Le Caire, le 20 mars 1950.

J'ai l'honneur d'accuser à votre Excellence réception de sa lettre du 28 février, 1950, dans laquelle vous avez bien voulu me transmettre le consentement du Gouvernement de l'Uganda de coopérer avec le Gouvernement Royal Egyptien en vue d'organiser les enregistrements météorologiques et hydrologiques concernant les lacs équatoriaux, aux conditions mentionnées dans notre Note du 19 janvier, 1950.

En réponse, j'ai l'honneur de faire part à votre Excellence, que le Gouvernement Royal Egyptien est d'accord à ce que l'échange des deux lettres, celle en référence, et la présente, constitue un accord formel à cet effet, entre le Gouvernement Royal Egyptien et le Gouvernement de l'Uganda.

Veillez agréer, etc.

M. SALAH EL DIN.

Ministry of Foreign Affairs,

Your Excellency.

Cairo, March 20, 1950.

I have the honour to acknowledge receipt of your Excellency's Note of the 28th of February, 1950, in which you were kind enough to convey to me the agreement of the Government of Uganda to co-operate with the Royal Egyptian Government for the purpose of organising the collation of meteorological and hydrological data concerning the Equatorial Lakes in accordance with the conditions described in our Note of January 19, 1950.

In reply, I have the honour to inform your Excellency that the Royal Egyptian Government agree that the Exchange of the two Notes, that under reference and the present one, constitute a formal agreement to this effect between the Royal Egyptian Government and the Government of Uganda.

Please accept, &c.

M. SALAH EL DIN.

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