



BURNSIDE

Appendix B.1

History of Riparian Agreements

Respecting the River Nile

(Source: Appendix B.1 - AESNP Hydropower Facility

EIA, March 2001)

APPENDIX B.1

HISTORY OF RIPARIAN AGREEMENTS RESPECTING THE RIVER NILE

In the early colonial period, the major part of the Nile Basin was under British control and Britain sought to use this basis to extend its control of all the waters of the Nile. This was done by entering into a series of treaties with other European colonial powers that controlled some of the Nile Riparian States. When Egypt became autonomous from Britain, it entered into treaties with Britain (which acted on behalf of her colonial possessions) to secure the waters of the Nile for the use of Egypt. These agreements were aimed at maintaining the natural condition of the flow of water in relation to the volume, level and its seasons. The underlying presumption was that the upper riparian states were more climatically favoured areas and did not need the Nile waters for irrigation since they could depend on rain-fed agriculture.

A number of agreements were made between Britain and other colonial powers relating to the Nile. These treaties indicate the general growth of the regulation of the Nile and its direction in favour of Egypt (and sometimes the Sudan), but have no immediate significance for Uganda. They can be summarised as follows:

- Agreement between Italy and the UK of 15 April 1891. This agreement delimited the spheres of influence between Britain and Italy in East Africa and included a provision whereby the Italian Government undertook not to construct any works that would divert or modify the flow of the Atbara into the Nile;
- The Treaty of 15 May, 1902 between the UK (acting for Egypt and the Sudan) and Ethiopia defined the boundaries of the Sudan and other British possessions bordering on Ethiopia and, in addition, obligated Ethiopia not to construct any works on the Blue Nile, Lake Tsana and the Sobat which would arrest their flow into the Nile except with the Agreement of the UK and the Government of the Sudan;
- The Treaty of 9 May, 1906 between the UK and the Independent State of the Congo which redefined the spheres of influence of the parties and included a provision whereby the Congo undertook not to construct any works on the Semiliki or Isango River which would diminish the volume of water entering Lake Albert except on Agreement with the Sudanese Government;

- The Tripartite Agreement of 13 April, 1906 between the UK, France and Italy, included, *inter alia*, a provision requiring the powers to act in concert to reserve the interest of the UK and Egypt in the Waters of the Nile and its tributaries;
- The Anglo Belgian Agreement of 1934 which was the only agreement which was not directed at the interests of Egypt but was intended to apportion waters of the Kagera between Tanganyika and Ruanda-Urundi. It required that whenever waters were abstracted from a watercourse in one territory, it should be restored before entering another territory.

Agreements between Egypt and the United Kingdom can be summarised as follows:

- The Nile Waters Agreement of 1929 sought to divide the waters of the Nile between Egypt and the Sudan and especially to allocate water to the latter for irrigation in the Gezira. It contained a clause whereby the UK undertook not to construct any irrigation or power works on the Nile or its tributaries or associated lakes in the Sudan or in the territories under the administration of Britain without the consent of Egypt, if such constructions would have the effect of reducing or delaying the water destined for Egypt. The effect of this above agreement is that Uganda and all the countries under British administration had to seek the consent of the Egyptian Government if any of them wanted to carry out irrigation, power works or construction of any other measures on the River Nile or its branches or on the lakes in those territories;
- The Supplementary Agreement of 1932 provided for the building of the Jebel Awliya Dam near Khartoum on the Blue Nile for the benefit of Egypt and with Egyptian funds;
- The Owen Falls Agreements of 30 May 1949, 5 December 1949 and 5 January 1953 between the UK and Egypt provided for the participation of Egypt in the construction of the Owen Falls Dam, and the use of Lake Victoria as a storage reservoir of water for Egypt. They also provided for the financial contribution of Egypt and the compensation Egypt would pay to the East African states due to damage incurred as a result of the rising level of the lake. Furthermore, it was agreed to have a Resident Egyptian Engineer at the Dam to ensure that the interests of Egypt were taken into account. To this day, an Egyptian Engineer is still resident at the Dam.

From the above, it is evident that the nature of the colonial agreements on the Nile had one objective, namely to secure the use of Nile waters for Egypt and, later, the Sudan. The rights of the upper riparian countries to the equal use of the Nile were not considered. In the post-colonial era, there has been no remarkable development of international law in the Nile Valley relating to the apportionment of water rights. Egypt has continued to assert its rights on the basis of the colonial treaties. The other basin states have, on the other hand, repudiated the claim by Egypt that they acceded to those colonial treaties. Many basin states rejected the doctrine of universal accession at independence. Some treaties of a limited nature, either in geographical extent or in subject matter, have been concluded. These treaties include:

- The 1959 Agreement for the Full Utilisation of the Nile Waters between Egypt and Sudan. This agreement provided a basis for the equitable sharing of the waters of the Nile between the lower-most riparian countries. It also provided for the construction of the Aswan High Dam and for the sharing of the costs and benefits of the Dam. The agreement further provided for the construction of other works in the Nile by the parties for their joint benefit. In addition, the parties established a Permanent Joint Technical Committee to administer works and any issues arising from the treaty. The parties also acknowledged that other riparian countries may claim a share of the Nile Water. The parties undertook to study such claims jointly and in such an event adopt a unified view. The Agreement points to the possibility of renegotiating assertions of acquired rights to Egypt. The success of the Sudan in renegotiating with Egypt points to the possibility of similar achievements for other states;
- The Agreement establishing the Kagera Basin Authority and the Management of the Kagera River Basin of 1977. This groups together Uganda, Burundi, Rwanda and Tanzania, being the states of the Kagera Basin. The Treaty sets up the Kagera Basin organisation and provides for co-operation in the general development of the Basin;
- Hydromet and Tecconile Projects - in 1967, the Hydromet project was created pursuant to an agreement of most of the Basin states. The project aimed at achieving the hydrometeorological survey of the catchment of the Equatorial lakes. This project expired in 1992 and has been replaced by the TECCONILE Project also on the basis of an agreement by the basin states. Its principal aim is to create a basis for co-operation in the Nile Valley, especially in areas of meteorology and hydrological data;

- The Lake Victoria Agreements - two important international agreements have been concluded. The Convention for the Establishment of the Lake Victoria Fisheries Organisation was adopted at Kisumu on 30 June 1994 by the representatives of Kenya, Uganda and Tanzania. The agreement established the Lake Victoria Fisheries Organisation (LVFO) as an organisation to harmonise fisheries policies and legislation and to promote the conservation of the lake environment in general. On 5 August 1994, an Agreement on the Preparation of a Tripartite Environmental Management Programme for Lake Victoria was concluded by Kenya, Tanzania and Uganda. This agreement created a programme that strengthened co-ordination among the three states in the management of lake resources including fisheries, water quality and land use, wetlands, and the control of the introduction of alien species.

As mentioned above, Uganda repudiated the colonial agreements relating to the River Nile following independence. This was followed by a declaration on treaty obligations, which stated the right of independent Uganda to determine her attitude towards such treaties.

The post-independence statements were not followed by consistent practice on the part of Uganda to effect their contents. No evaluation of existing treaties was carried out with a view to affirming, modifying or abrogating those treaties. However, since the statement by Parliament was clear that treaties, which were not affirmed by December 31, 1963, would be considered repudiated, the assumption would be that Uganda did not accede to the colonial agreements on the Nile.

Uganda's repudiation of the colonial agreements was supported by:

- The 1929 Nile Waters Agreement: in principle, an agreement apportioning water between Egypt and Sudan. It attempts to impose obligations on the East African states (successors to the British East African Territories) in only one clause. This obligation made sense at the time, when seen in the context of the British Empire as a whole. However, it no longer makes sense to impose such obligations on states such as Uganda, which was not a party to them. (Vienna Convention on the Law of Treaties, Articles 34-36);
- The 1929 Agreement itself did not create permanent rights for Egypt in relation to the Nile in the East African territories. This is because the Agreement itself accepts the impermanence of the arrangement. It provides that the parties may,

at a future time, change the arrangements when the status of Sudan was resolved. Indeed, all the provisions of the treaty relating to the apportionment of water between Egypt and Sudan were revised in the 1959 Agreement for the Full Utilisation of Nile Waters;

- The Egyptian Government, in its reply to the direct repudiation of the 1929 Agreement by Tanganyika, acknowledged the non-permanence of the treaty. Egypt accepted that the treaty could remain in force until replaced by a new treaty;
- With regard to the Owen Falls Dam Agreement, it may be argued that Egypt breaches it in some material terms. Egypt failed to pay compensation for damaged lakeside interests as agreed. The travaux preparations of the Agreements show the importance and material character of compensation to the Agreements. A breach of a material term of a treaty entitles the other party to withdraw from, terminate or suspend the treaty. (Vienna Convention, Article 60).

It should be noted that Uganda has not repudiated the Owen Falls Agreement to the extent of not honouring her obligations under the agreement and the Egyptian Engineer is still resident in Jinja carrying out the agreed functions. The operation of the Dam has not conflicted with the provisions of the agreement.

This means therefore, that the conduct of Uganda is based on the need to promote good neighbourliness or international amity rather than the law. Uganda has continued to be guided by the rules of customary international law relating to international rivers and drainage basins as enunciated in the Helsinki Rules of 1966 and the Principle of Good Neighbourliness.

A case in point is the Owen Falls Dam Extension Project where Egypt was consulted before the project could take off. It was only after extensive consultations with the other riparian states, especially the downstream ones, that the project finally started.



BURNSIDE

Appendix B.2

**Letter of No Objection from the
Government of Egypt**

جمهورية مصر العربية
37 شارع ١٠ - المناسك
القاهرة - مصر
الهاتف: 3802489 - 3802488
فاكس: 3802504
البريد الإلكتروني: ugembco@link.net



66, Road 10, Maadi
Cairo, Egypt
Tel. 3802514 - 3802489 Fax 3802504
E-mail: ugembco@link.net

Our Ref. :
Your Ref. :

C. 81

The Embassy of the Republic of Uganda in Egypt presents its compliments to the Ministry of Foreign Affairs, Africa Department, and has the honour to request the esteemed Ministry for the response from the Government of the Arab Republic of Egypt, on Uganda's request for renewal of Egypt's no-objection to the development of Bujagali Hydro Electrical Project, as well as Egypt's no-objection to Uganda's development of the Karuma Project.

The Embassy of the Republic of Uganda avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Africa Department, the assurances of its highest consideration.

Cairo, 3rd May, 2006

The Ministry of Foreign Affairs,
Africa Department,
Cairo.



Ministry of Foreign Affairs
Assistant Minister of Foreign Affairs
for African Affairs

Our Ref. 61

The Ministry of Foreign Affairs of the Arab Republic of Egypt (the Assistant Minister of Foreign Affairs for African Affairs) presents its compliments to the Embassy of the Republic of Uganda, and with reference to the latter's note no. C.81 dated 4/5/2006 concerning Uganda's request for the renewal of Egypt's no-objection to the development of Bujagali Hydro Electrical Project, as well as Egypt's no-objection to Uganda's development of the Karuma Project,

We would like to inform that the Egyptian competent authorities have no-objection concerning the development of Bujagali Hydro Electrical Project and the Karuma Project taking into account that the two stations do not affect Egypt's water shares from the river Nile -in accordance to the relevant existing agreements in this regards ;and on condition that these stations will be used for Hydro Electrical power uses only, and will not have any adverse environmental or strategic effects.

The Ministry avails itself of this opportunity to renew to the esteemed Embassy of the Republic of Uganda the assurances of its highest consideration.

Cairo,16/05/2006

The Embassy of the Republic of Uganda,
Cairo.





BURNSIDE

Appendix B.3

Notices to Riparian Countries

Address: EXTERIOR, KAMPALA
Phone: 233922
Fax: 341981
Website: www.mofa.go.ug
E-mail: mofauganda@yahoo.com



THE REPUBLIC OF UGANDA

Office of the Minister
Ministry of Foreign Affairs,
P.O. Box 7048,
KAMPALA,
Uganda.

In any correspondence on
this subject please quote No. MFA/MISC/11

11 September 2006

Hon. Dr. Lam Akol Ajawin
Minister of Foreign Affairs
KHARTOUM
Sudan

Honourable Minister,

The Government of Uganda (GOU) and her Parastatal, Uganda Electricity Transmission Company Limited (UETCL) are currently finalizing the documents for development of a 250 MW hydroelectric facility (Bujagali) on the Nile River near Bujagali Falls in Uganda. Bujagali will be developed as an independent power project by a consortium led by Industrial Promotion Services (IPS) of Kenya. Scott Wilson Piesold of United Kingdom on behalf of GOU has made the project designs.

Lake Victoria is controlled by the Owen Falls Hydroelectric facility (Kiira and Nalubaale) operated by Eskom Uganda Ltd. Eskom as a matter of practice releases water from the facility in accordance with the "agreed curve". The Bujagali documents, in turn require IPS to construct, and then operate, Bujagali facility preserving the water flows at all times within the "agreed curve". Scott Wilson Piesold has advised GOU that normal construction procedures, including river diversion and reservoir impoundment, will be done in a manner that maintains the water flows required by the "agreed curve" at all times. Because of the small reservoir, Bujagali effectively operates as a "run of the river" facility.

Attached, you will find (i) a map showing the exact location of the facility, (ii) design drawings of the dam and the powerhouse and (iii) technical specifications of the dam, powerhouse and the reservoir. Although no further action or approval is required on your part, we would be pleased to respond to any inquiries that you might have about this important project.

Please accept, Honourable Minister, the assurances of highest consideration and esteem.

Isaac I. Musumba (MP)
Minister of State for Foreign Affairs (Regional Cooperation) also holding
the Portfolio of Minister of Foreign Affairs

Programs: EXTERIOR, KAMPALA
Telephone: 233922
Fax: 341981
Website: www.mofa.go.ug
E-mail: mofauganda@yahoo.com



THE REPUBLIC OF UGANDA

Office of the Minister
Ministry of Foreign Affairs,
P.O. Box 7048,
KAMPALA,
Uganda.

In any correspondence on
this subject please quote No. MFA/MISC/11

11 September 2006

Hon. Dr. Asha Rose Mtengeti Migiro
Minister of Foreign Affairs
DAR-ES-SALAAM
Tanzania

Honourable Minister,

The Government of Uganda (GOU) and her Parastatal, Uganda Electricity Transmission Company Limited (JETCL) are currently finalizing the documents for development of a 250 MW hydroelectric facility (Bujagali) on the Nile River near Bujagali Falls in Uganda. Bujagali will be developed as an independent power project by a consortium led by Industrial Promotion Services (IPS) of Kenya. Scott Wilson Plesold of United Kingdom on behalf of GOU has made the project designs.

Lake Victoria is controlled by the Owen Falls Hydroelectric facility (Kiira and Nalubaale) operated by Eskom Uganda Ltd. Eskom as a matter of practice releases water from the facility in accordance with the "agreed curve". The Bujagali documents, in turn require IPS to construct, and then operate, Bujagali facility preserving the water flows at all times within the "agreed curve". Scott Wilson Plesold has advised GOU that normal construction procedures, including river diversion and reservoir impoundment, will be done in a manner that maintains the water flows required by the "agreed curve" at all times. Because of the small reservoir, Bujagali effectively operates as a "run of the river" facility.

Attached, you will find (i) a map showing the exact location of the facility, (ii) design drawings of the dam and the powerhouse and (iii) technical specifications of the dam, powerhouse and the reservoir. Although no further action or approval is required on your part, we would be pleased to respond to any inquiries that you might have about this important project.

Please accept, Honourable Minister, the assurances of highest consideration and esteem.

A handwritten signature in black ink, appearing to read 'Isaac I. Musumba'.

Isaac I. Musumba (MP)
Minister of State for Foreign Affairs (Regional Cooperation) also holding
the Portfolio of Minister of Foreign Affairs

Telegrams: EXTERIOR, KAMPALA
Telephone: 233922
Fax: 341981
Website: www.mofa.go.ug
E-mail: mofauganda@yahoo.com



THE REPUBLIC OF UGANDA

Office of the Minister
Ministry of Foreign Affairs,
P.O. Box 7048,
KAMPALA,
Uganda.

In any correspondence on
this subject please quote No. MFA/MISC/11

11 September 2006

Hon. Raymond Tawazani Baya
Minister of Foreign Affairs
KINSHASHA
Democratic Republic of Congo

Honourable Minister,

The Government of Uganda (GOU) and her Parastatal, Uganda Electricity Transmission Company Limited (UETCL) are currently finalizing the documents for development of a 250 MW hydroelectric facility (Bujagali) on the Nile River near Bujagali Falls in Uganda. Bujagali will be developed as an independent power project by a consortium led by Industrial Promotion Services (IPS) of Kenya. Scott Wilson Piesold of United Kingdom on behalf of GOU has made the project designs.

Lake Victoria is controlled by the Owen Falls Hydroelectric facility (Kiira and Nalubaale) operated by Eskom Uganda Ltd. Eskom as a matter of practice releases water from the facility in accordance with the "agreed curve". The Bujagali documents, in turn require IPS to construct, and then operate, Bujagali facility preserving the water flows at all times within the "agreed curve". Scott Wilson Piesold has advised GOU that normal construction procedures, including river diversion and reservoir impoundment, will be done in a manner that maintains the water flows required by the "agreed curve" at all times. Because of the small reservoir, Bujagali effectively operates as a "run of the river" facility.

Attached, you will find (i) a map showing the exact location of the facility, (ii) design drawings of the dam and the powerhouse and (iii) technical specifications of the dam, powerhouse and the reservoir. Although no further action or approval is required on your part, we would be pleased to respond to any inquiries that you might have about this important project.

Please accept, Honourable Minister, the assurances of highest consideration and esteem.

Isaac I. Musumba (MP)
Minister of State for Foreign Affairs (Regional Cooperation) also holding
the Portfolio of Minister of Foreign Affairs

Telegrams: EXTERIOR, KAMPALA
Telephone: 233922
Fax: 341981
Website: www.mofa.go.ug
E-mail: mofauganda@yahoo.com



THE REPUBLIC OF UGANDA

Office of the Minister
Ministry of Foreign Affairs
P.O. Box 7048,
KAMPALA,
Uganda.

In any correspondence on
this subject please quote No. MFA/MISC/11

11 September 2006

Hon. Charles Murigande
Minister of Foreign Affairs
KIGALI
Rwanda

Honourable Minister,

The Government of Uganda (GOU) and her Parastatal, Uganda Electricity Transmission Company Limited (UETCL) are currently finalizing the documents for development of a 250 MW hydroelectric facility (Bujagali) on the Nile River near Bujagali Falls in Uganda. Bujagali will be developed as an independent power project by a consortium led by Industrial Promotion Services (IPS) of Kenya. Scott Wilson Piesold of United Kingdom on behalf of GOU has made the project designs.

Lake Victoria is controlled by the Owen Falls Hydroelectric facility (Kiira and Nalubaale) operated by Eskom Uganda Ltd. Eskom as a matter of practice releases water from the facility in accordance with the "agreed curve". The Bujagali documents, in turn require IPS to construct, and then operate, Bujagali facility preserving the water flows at all times within the "agreed curve". Scott Wilson Piesold has advised GOU that normal construction procedures, including river diversion and reservoir impoundment, will be done in a manner that maintains the water flows required by the "agreed curve" at all times. Because of the small reservoir, Bujagali effectively operates as a "run of the river" facility.

Attached, you will find (i) a map showing the exact location of the facility, (ii) design drawings of the dam and the powerhouse and (iii) technical specifications of the dam, powerhouse and the reservoir. Although no further action or approval is required on your part, we would be pleased to respond to any inquiries that you might have about this important project.

Please accept, Honourable Minister, the assurances of highest consideration and esteem.

A handwritten signature in black ink, appearing to read 'Isaac I. Musumba'.

Isaac I. Musumba (MP)
Minister of State for Foreign Affairs (Regional Cooperation) also holding
the Portfolio of Minister of Foreign Affairs

Telegrams: EXTERIOR, KAMPALA
Telephone: 233922
Fax: 341981
Website: www.mofa.go.ug
E-mail: mofauganda@yahoo.com



THE REPUBLIC OF UGANDA

Office of the Minister
Ministry of Foreign Affairs
P.O. Box 7048,
KAMPALA,
Uganda.

In any correspondence on
this subject please quote No. MFA/MISC/11

11 September 2006

Hon. Ato Seyoum Mesfin
Minister of Foreign Affairs
ADDIS ABABA
Ethiopia

Honourable Minister,

The Government of Uganda (GOU) and her Parastatal, Uganda Electricity Transmission Company Limited (UETCL) are currently finalizing the documents for development of a 250 MW hydroelectric facility (Bujagali) on the Nile River near Bujagali Falls in Uganda. Bujagali will be developed as an independent power project by a consortium led by Industrial Promotion Services (IPS) of Kenya. Scott Wilson Piesold of United Kingdom on behalf of GOU has made the project designs.

Lake Victoria is controlled by the Owen Falls Hydroelectric facility (Kiira and Nalubaale) operated by Eskom Uganda Ltd. Eskom as a matter of practice releases water from the facility in accordance with the "agreed curve". The Bujagali documents, in turn require IPS to construct, and then operate, Bujagali facility preserving the water flows at all times within the "agreed curve". Scott Wilson Piesold has advised GOU that normal construction procedures, including river diversion and reservoir impoundment, will be done in a manner that maintains the water flows required by the "agreed curve" at all times. Because of the small reservoir, Bujagali effectively operates as a "run of the river" facility.

Attached, you will find (i) a map showing the exact location of the facility, (ii) design drawings of the dam and the powerhouse and (iii) technical specifications of the dam, powerhouse and the reservoir. Although no further action or approval is required on your part, we would be pleased to respond to any inquiries that you might have about this important project.

Please accept, Honourable Minister, the assurances of highest consideration and esteem.

A handwritten signature in black ink, appearing to read 'Isaac I. Musumba'.

Isaac I. Musumba (MP)
Minister of State for Foreign Affairs (Regional Cooperation) also holding
the Portfolio of Minister of Foreign Affairs

Telegrams: EXTERIOR, KAMPALA
Telephone: 233922
Fax: 341981
Website: www.mofa.go.ug
E-mail: mofauganda@yahoo.com



THE REPUBLIC OF UGANDA

Office of the Minister
Ministry of Foreign Affairs,
P.O. Box 7048,
KAMPALA,
Uganda.

In any correspondence on
this subject please quote No. MFA/MISC/11

11 September 2006

Hon. Raphael Tuju, EGH, MP
Minister of Foreign Affairs
NAIROBI
Kenya

Honourable Minister,

The Government of Uganda (GOU) and her Parastatal, Uganda Electricity Transmission Company Limited (UETCL) are currently finalizing the documents for development of a 250 MW hydroelectric facility (Bujagali) on the Nile River near Bujagali Falls in Uganda. Bujagali will be developed as an independent power project by a consortium led by Industrial Promotion Services (IPS) of Kenya. Scott Wilson Piesold of United Kingdom on behalf of GOU has made the project designs.

Lake Victoria is controlled by the Owen Falls Hydroelectric facility (Kiira and Nalubaale) operated by Eskom Uganda Ltd. Eskom as a matter of practice releases water from the facility in accordance with the "agreed curve". The Bujagali documents, in turn require IPS to construct, and then operate, Bujagali facility preserving the water flows at all times within the "agreed curve". Scott Wilson Piesold has advised GOU that normal construction procedures, including river diversion and reservoir impoundment, will be done in a manner that maintains the water flows required by the "agreed curve" at all times. Because of the small reservoir, Bujagali effectively operates as a "run of the river" facility.

Attached, you will find (i) a map showing the exact location of the facility, (ii) design drawings of the dam and the powerhouse and (iii) technical specifications of the dam, powerhouse and the reservoir. Although no further action or approval is required on your part, we would be pleased to respond to any inquiries that you might have about this important project.

Please accept, Honourable Minister, the assurances of highest consideration and esteem.

Isaac I. Musumba (MP)
Minister of State for Foreign Affairs (Regional Cooperation) also holding
the Portfolio of Minister of Foreign Affairs

Telegrams: EXTERIOR, KAMPALA
Telephone: 233922
Fax: 341981
Website: www.mofa.go.ug
E-mail: mofauganda@yahoo.com



THE REPUBLIC OF UGANDA

Office of the Minister
Ministry of Foreign Affairs,
P.O. Box 7048,
KAMPALA,
Uganda.

In any correspondence on
this subject please quote No. MFA/MISC/11

11 September 2006

Hon. Antoinette Batumubwira
Minister of Foreign Affairs
BUJUMBURA
Burundi

Honourable Minister,

The Government of Uganda (GOU) and her Parastatal, Uganda Electricity Transmission Company Limited (UETCL) are currently finalizing the documents for development of a 250 MW hydroelectric facility (Bujagali) on the Nile River near Bujagali Falls in Uganda. Bujagali will be developed as an independent power project by a consortium led by Industrial Promotion Services (IPS) of Kenya. Scott Wilson Piesold of United Kingdom on behalf of GOU has made the project designs.

Lake Victoria is controlled by the Owen Falls Hydroelectric facility (Kiira and Nalubaale) operated by Eskom Uganda Ltd. Eskom as a matter of practice releases water from the facility in accordance with the "agreed curve". The Bujagali documents, in turn require IPS to construct, and then operate, Bujagali facility preserving the water flows at all times within the "agreed curve". Scott Wilson Piesold has advised GOU that normal construction procedures, including river diversion and reservoir impoundment, will be done in a manner that maintains the water flows required by the "agreed curve" at all times. Because of the small reservoir, Bujagali effectively operates as a "run of the river" facility.

Attached, you will find (i) a map showing the exact location of the facility, (ii) design drawings of the dam and the powerhouse and (iii) technical specifications of the dam, powerhouse and the reservoir. Although no further action or approval is required on your part, we would be pleased to respond to any inquiries that you might have about this important project.

Please accept, Honourable Minister, the assurances of highest consideration and esteem.

A handwritten signature in black ink, appearing to read 'Isaac I. Musumba'.

Isaac I. Musumba (MP)
Minister of State for Foreign Affairs (Regional Cooperation) also holding
the Portfolio of Minister of Foreign Affairs

ograms: EXTERIOR, KAMPALA
Telephone: 233922
Fax: 341981
Website: www.mofa.go.ug
E-mail: mofauganda@yahoo.com



THE REPUBLIC OF UGANDA

Office of the Minister
Ministry of Foreign Affairs,
P.O. Box 7048,
KAMPALA,
Uganda.

In any correspondence on
this subject please quote No. MFA/MISC/11

11 September 2006

Hon. Ali Said Abdella
Minister of Foreign Affairs
ASMARA
Eritrea

Honourable Minister,

The Government of Uganda (GOU) and her Parastatal, Uganda Electricity Transmission Company Limited (UETCL) are currently finalizing the documents for development of a 250 MW hydroelectric facility (Bujagali) on the Nile River near Bujagali Falls in Uganda. Bujagali will be developed as an independent power project by a consortium led by Industrial Promotion Services (IPS) of Kenya. Scott Wilson Piesold of United Kingdom on behalf of GOU has made the project designs.

Lake Victoria is controlled by the Owen Falls Hydroelectric facility (Kiira and Nalubaale) operated by Eskom Uganda Ltd. Eskom as a matter of practice releases water from the facility in accordance with the "agreed curve". The Bujagali documents, in turn require IPS to construct, and then operate, Bujagali facility preserving the water flows at all times within the "agreed curve". Scott Wilson Piesold has advised GOU that normal construction procedures, including river diversion and reservoir impoundment, will be done in a manner that maintains the water flows required by the "agreed curve" at all times. Because of the small reservoir, Bujagali effectively operates as a "run of the river" facility.

Attached, you will find (i) a map showing the exact location of the facility, (ii) design drawings of the dam and the powerhouse and (iii) technical specifications of the dam, powerhouse and the reservoir. Although no further action or approval is required on your part, we would be pleased to respond to any inquiries that you might have about this important project.

Please accept, Honourable Minister, the assurances of highest consideration and esteem.

A handwritten signature in black ink, appearing to read 'Isaac I. Musumba'.

Isaac I. Musumba (MP)
Minister of State for Foreign Affairs (Regional Cooperation) also holding
the Portfolio of Minister of Foreign Affairs