

Exchange of Notes between Her Majesty's Government in the United Kingdom and the Egyptian Government on the Use of Waters of the Nile for Irrigation

Signed at Cairo, on 7 May 1929

No I:

Mohammed Mahmoud Pacha to Lord Lloyd, office of the Council of Ministers

(Cairo, 7 May 1929)

Your Excellency,

Further to our recent conversations, I have the honour to bring to the knowledge of your Excellency the viewpoint of the Egyptian Government on the irrigation problems, which formed the subject of our discussion.

1. The Egyptian Government wishes to acknowledge that a solution to these problems would not be deferred to a subsequent date when it became possible for the two Governments to come to terms on the status of the Sudan but, regarding the settlement of the present provisions, it expressly reserves every freedom at any negotiations which could precede such an agreement.

2. Obviously, the development of the Sudan needs a quantity of water flowing from the Nile higher than used hitherto by the Sudan. Your Excellency is keenly aware of the fact that the Egyptian Government has always been desirous of encouraging such a development and shall

continue in this direction. It would be ready to come to terms with her Majesty's Government on an increase in this quantity in so far as this would not infringe on neither the natural and historical rights of Egypt on the waters of the Nile nor on its agricultural development needs subject to obtaining satisfactory assurances with regard to the protection of Egyptian interests as set forth in the ensuing paragraphs of the present note.

3. This is why the Egyptian Government accepts the conclusions of the 1925 Nile Commission whose report features in the Annex and which is considered as forming an integral part of the present agreement. Nevertheless, in view of the delay on the construction of the Gebel Aulia dam which, according to paragraph 40 of the Nile Commission Report is considered as being the counterpart of the Gezira project, the Egyptian Government suggests that the date and the quantities of gradual sampling of waters of the Nile carried out by Sudan during the months of flood as stipulated in Article 57 of the Report of the Commission be modified in such a manner that Sudan may not take out more than 126 cubic metres per second before 1936 with the understanding that the periods set forth in the above article will remain unchanged until the stipulated figure of 126 cubic meters per second is reached. These quantities are based on the Nile Commission Report, and may therefore cover the reviews as set down in the Report.

4. It is also understood that the following provisions will be observed with regard to irrigation works of the Nile:

- i. The Inspector General of the Irrigation Service in Sudan, his staff as well as other officials that the Ministry of Public Works may appoint shall have every liberty to cooperate with the

resident engineer of Sennar with a view to measuring the rates of flow and the maximum levels in order that the Egyptian Government may ensure that the water distribution and control of the dam be executed in observance of the Agreement concluded. The detailed practical provisions adopted by joint agreement by the Minister of Public Works and the Irrigation Adviser to the Sudanese Government shall come into force on the date on which the present note shall be confirmed.

- ii. Except with the prior consent of the Egyptian Government, no irrigation works shall be undertaken nor electric generators installed along the Nile and its branches nor on the lakes from which they flow if these lakes are situated in Sudan or in countries under British administration which could jeopardize the interests of Egypt either by reducing the quantity of water flowing into Egypt or appreciably changing the date of its flow or causing its level to drop.
- iii. In order to enable it take all necessary steps with a view to conducting a study and recording the water conservation of the Nile in Sudan, the Egyptian Government shall enjoy all the facilities required to this end.
- iv. Should the Egyptian Government decide to undertake work on the river and its branches, or take steps with a view to increasing water supply for the benefit of Egypt, it shall beforehand, come to terms with the local authorities on the measures to be taken in order to safeguard local interests. The construction, maintenance and management of works mentioned above shall be placed under the direct control of the Egyptian Government.
- v. The Government of Her British Majesty in the United Kingdom and Northern Ireland shall use its good offices so that the carrying out of surveys, taking of measures, the conduction of preceding paragraphs be facilitated by the Government of regions under British influence.
- vi. It is obvious that within the framework of the implementation of operations envisaged by the present note, uncertainties may appear from time to time regarding the interpretation of a question of principle or technical or administrative points. Each problem of this nature shall be examined within a spirit of reciprocal honesty.

In case of a dispute arising from the interpretation or execution of the above provisions or if one of the parties contravened the stipulated provisions of the present note and should the two Governments fail to resolve this problem, this problem shall be referred to an independent body for arbitration.

5. The present agreement can in no way be considered as affecting the control of the River - this being a problem which will cover free discussions between the two Governments within the framework of negotiations on the Sudan.

I seize this occasion, etc.

M.MAHMOUD

Chairman of the Council of Ministers

No 2:

Lord Lloyd to Mahmoud Pacha

(Cairo, 7 May 1929)

Sir,

1. I have the honour to acknowledge receipt of the note that your Excellency addressed me today.

2. By confirming the provisions on which we mutually agreed and which were enumerated in your Excellency's note, I am entrusted with the task of expressing the satisfaction of her British Majesty's Government in the United Kingdom and Northern Ireland at the fact that these discussions have led to an agreement which will certainly facilitate the development of Egypt and the Sudan and promote their prosperity.

3. Her Majesty's Government in the United Kingdom shares the viewpoint of his Excellency on the fact that this agreement should deal, and deals essentially with the control of irrigation devices on the basis of the Nile Commission Report and does not affect the status quo in Sudan.

4. In conclusion, I would like to remind your Excellency that Her Majesty's Government in the United Kingdom has already recognized the natural and historical right of Egypt to the waters of the Nile. I am entrusted with the

responsibility of declaring that Her Majesty's Government in the United Kingdom considers the observance of these rights as a fundamental principle of the policy of Great Britain and wishes to assure your Excellency that the principle of this agreement as well as its detailed stipulated provisions will be observed irrespective of the time and circumstances.

I seize this occasion, etc.

Lloyd

High Commissioner

The Residence

Cairo, 7 May 1929