

MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT  
AND  
THE GOVERNMENT OF THE REPUBLIC OF SOUTH  
SUDAN  
FOR  
FLOOD MITIGATION IN BAHR EL JEBEL BASIN PROJECT  
IN  
THE REPUBLIC OF SOUTH SUDAN

**MEMORANDUM OF UNDERSTANDING BETWEEN  
THE GOVERNMENT OF THE ARAB REPUBLIC OF  
EGYPT AND THE GOVERNMENT OF THE REPUBLIC OF  
SOUTH SUDAN FOR FLOOD MITIGATION IN BAHR EL  
JEBEL BASIN PROJECT IN THE REPUBLIC OF SOUTH  
SUDAN**

**PREAMBLE**

- On the basis of the good bilateral relations between the Governments and people of the Arab Republic of Egypt and the Republic of South Sudan, which have reached high levels of mutual understanding, friendship, and cooperation.

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- In continuation of the Egyptian support provided to the Republic of South Sudan, especially in the field of water resources and irrigation.

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- Considering the mutual coordination between the Minister of Water Resources and Irrigation of the Arab Republic of Egypt and the Minister of Water Resources and Irrigation of the Republic of South Sudan to exchange views and discuss technical cooperation between the Arab Republic of Egypt and the Republic of South Sudan for reducing flood risks in the Bahr El-Jebel basin.

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- Emphasizing the interest of the two countries to consolidate and strengthen the friendship and brotherhood relations between the two countries, and the good management of the waters of the Nile.

The Government of the Arab Republic of Egypt, represented by the Ministry of Water Resources and Irrigation and the Republic of South Sudan, represented by the Ministry of Water Resources and Irrigation, (hereinafter referred to as "The Parties"), signed the Memorandum of Understanding (this memorandum). The two governments have agreed on the following:

## ARTICLE (1) DEFINITION

For the purpose of Memorandum of Understanding, unless otherwise stated, the terms used herein shall have the following meanings attached to them:

- 1) "Competent Authorities" means, in the case of The Government of Arab Republic of Egypt, the Ministry of Water Resources, and Irrigation and in the case of the Government of Republic of South Sudan, the Ministry of Water Resources, and Irrigation.
- 2) "The Grant Document" means this M.O.U, which has been approved by both parties and signed by their Excellencies the Ministers representing both Governments.
- 3) "The Project Document" means Annex No.1 of the Memorandum of Understanding which contains the project component, objectives, project activities and executive procedures, and time schedule.

## ARTICLE (2) OBJECTIVES

The Memorandum of Understanding (this M.o.U) aims to clear the waterways of the Bahr El-Jebel from weeds and any other obstacles, in addition to prepare hydrological and hydraulic studies, environmental and social impact studies in the Bahr El-Jebel basin, and to prepare the proposals for rehabilitating Bahr El-Jebel in order to achieve flood risks protections.

## ARTICLE (3) M.O.U ACTIVITIES

The Ministry of Water Resources and Irrigation of the Arab Republic of Egypt will coordinate with the Ministry of Water Resources and Irrigation of the of Republic of South Sudan to implement the activities of the Memorandum of Understanding through a project "Flood Mitigation in the Bahr El-Jebel Basin",

which includes two main components as shown in the Project Document.

1- Component One: Implementation of Urgent Clearance for waterways including:

- Rapid Assessment for the hotspots area in Bahr El-Jebel from Juba to lake No.
- Clearance of blockage in Bahr El-Jebel waterways and strengthen of river banks in front of village and cities may face floods hazards.

2- Component Two: Implementation of Flood mitigation in Bahr El-Jebel Basin Studies:

The Ministry of Water Resources and Irrigation of the Arab Republic of Egypt, in coordination with the Ministry of Water Resources and Irrigation of the Republic of South Sudan, selects a consultant(s) to prepare integrated technical studies to mitigate flood hazards in the Bahr El-Jebel basin, including:

- Preparing all hydraulic, hydrologic, hydrographic surveys studies.
- Preparing Flood Risk Map of the regions exposed to the risk of flooding.
- Preparing Environmental and Social impact assessment studies.
- Preparing proposal for rehabilitation of Bahr El-Jebel to reduce the flood hazards, including dredging and river banks strengthen for navigation purposes.

#### ARTICLE (4)

#### M.O.U IMPLEMENTATION

- a) The Egyptian Competent Authority will prepare all tender documents and carry out the procurement procedures according to the Egyptian Law for contracting with companies / consultant / Consultant agency.
- b) Any implementation work will be under the direct supervision by the executive organization of experts of both countries.

**ARTICLE (5)**  
**THE EXECUTIVE ORGANIZATION**

A working group and focal points shall be formed for the implementation of the Memorandum of Understanding: The Nile water sector in the Ministry of Water Resources and Irrigation in the Arab Republic of Egypt and the Ministry of Water Resources and Irrigation in the Republic of South Sudan. This working group will be responsible for implementing the memorandum of understanding and related activities, and meetings (if necessary) will be held respectively in Egypt and South Sudan for the working group according to the letters exchanged.

**ARTICLE (6)**  
**OBLIGATIONS OF THE REPUBLIC OF SOUTH SUDAN**

The Ministry of Water Resources and Irrigation in the Republic of South Sudan shall take the necessary measures and facilities, including:

- a) Promptly inform the Egyptian Competent Authority with any conditions which interfere or threatens the successful implementation of the M.O.U.
- b) Give its advice or recommendations on other related matters to the Egyptian competent authority within a reasonable period, in order not to delay or disrupt the implementation of this M.O.U.
- c) Facilitate the procedures for implementing the project steps described in the project document attached to the Memorandum of Understanding.
- d) Facilitate the procedures, facilities, permits, licenses and exemption of all taxes, customs, and duties in connection with the importation and delivering of all, goods, equipment, and tools required for grant implementation In the Republic of South Sudan.

- c) Facilitate issuance of entry visas, work permits and access to projects sites in the Republic of South Sudan by the Egyptians working under this M.O.U.

#### ARTICLE (7)

#### OBLIGATION OF THE GOVERNMENT OF EGYPT

The Government of the Arab Republic of Egypt provides a grant to support the implementation of the "Flood Mitigation in Bahr El-Jebel Basin Project", as defined in Article (3).

#### ARTICLE (8)

#### INFORMATION, MONITORING AND EVALUATION

- a) The Parties shall collaborate fully to ensure that the purposes of this M.O.U. are properly accomplished. To that end, the Parties shall provide each other with all the documentation and information available to them and mutual assistance required in the discharging of the Parties duties.
- b) Provides all necessary support, especially about administrative matters, to facilitate the due implementation of the M.O.U.
- c) The Egyptian Competent Authority shall have the right to send a technical or financial mission that it considers necessary to follow the execution of the project.
- d) the Government of Republic of South Sudan shall provide all relevant assistance and information to facilitate the work of the person or persons instructed to carry out such a monitoring mission.
- e) The Egyptian Competent Authority in collaboration with their South Sudanese counterparts shall carry out monitoring and evaluation of the M.O.U implementation procedures and results.

**ARTICLE (9)  
SUSPENSION**

- a) If serious problems or, irregularities within the project have been ascertained, either Party may suspend the implementation of the project, wholly or in part until the suspending Party decides to resume implementation.
- b) Prior to the suspension, either parties may give a written notice of fifteen (15) days provided such suspension shall not exceed a period of three (3) months.

**ARTICLE (10)  
SETTLEMENT OF DISPUTES**

Any dispute that may arises between the two parties regarding the interpretation or application of this memorandum of understanding (this M.o.U) shall be settled through direct consultations and negotiations between the representatives of the two parties without resorting to a third party or national or international judicial authorities.

**ARTICLE (11)  
CONFIDENTIALITY OF THE INFORMATION**

- a) Both parties are obligated not to disclose, use, or publish information and documents exchanged, or any results related to the implementation of the memorandum of understanding, except after obtaining the written consent from the other party.
- b) This obligation remains in effect during the validity of the memorandum of understanding and this commitment includes the employees of both parties and any other parties affiliated with any of them and participating in the implementation of the memorandum of understanding.

ARTICLE (12)  
Transfer of Ownership

Equipment (if any) provided by the Government of Egypt shall remain the property of the project, unless the Parties agree otherwise.

ARTICLE (13)  
DURATION OF M.O.U, ENTRY INTO FORCE AND  
TERMINATION

- a) The Memorandum of Understanding shall enter into force from the date of its signature by the Competent Authorities and continue for a period of three years, and in case of any delays in implementation, the period may be extended by mutual agreement of the two parties within the limits of the agreed budget unless the two parties agree to terminate it. This termination shall be through diplomatic channels. The memorandum of understanding shall still into effect for a period of six months from the date of receiving the termination notice by the other party.
- b) Either party has the right to request an amendment to any of the articles of the Memorandum of Understanding. This is based on a written request submitted by the party requesting the amendment to the other party. This amendment will not take effect without a written approval of the other party, and shall enter into force with the same procedures stipulated in Article 13 (a).
- c) The termination of the Memorandum of Understanding does not affect the activities arising from it until its end, unless the parties agree otherwise.



IN WITNESS OF THE ABOVE, the undersigned, by the two governments signed the Memorandum of Understanding in four original copies, each in the Arabic and English languages, both texts being equally authentic.

Signed in ..*Cairo*..... on this *Wednesday*..day of *28<sup>th</sup>*..*July*. 2021.

**For The Government of  
The Arab Republic of  
Egypt (ARE)**

**Dr. Mohamed Abdel Aty**

**Minister of Water  
Resources and Irrigation**

**For The Government of  
The Republic of South Sudan  
(RSS)**

**Hon. Mr. Manawa Peter  
Gathouth**

**Minister of Water Resources  
Irrigation and**

**(Annex1)**  
**Project Document**  
**Flood Mitigation in Bahr El-Jebel Basin**

**1. Introduction**

- **Within the framework of the good and historical relations between my people and the governments of the Arab Republic of Egypt and the sister Republic of South Sudan, which started with the Memorandum of Understanding between the Ministries of Water Resources and Irrigation in Egypt and South Sudan, signed on August 8<sup>th</sup>, 2006, and which was strengthened through the technical cooperation protocol between the two ministries Water resources and irrigation in the two countries, signed on March 28<sup>th</sup>, 2011 in Juba, and then promoted by the Agreement on Technical and Development Cooperation that was signed in Cairo on November 22<sup>nd</sup>, 2014.**
  
- **In light of the climate changes that the world is going through in general and particularly the Equatorial Lakes region, which has increased rainfall rates significantly and caused massive floods in Uganda and South Sudan, which prompted government officials in the Republic of South Sudan to request assistance from the Arab Republic of Egypt to rehabilitate the waterways in Bahr El Jebel to improve the living and environmental conditions of South Sudan people to reduce the risks of massive floods that may occur during the coming period, especially in the Bahr El-Jebel region to use in river transport between major cities in South Sudan, provide safe, economic and environmentally friendly means of transport to improve the economic and social conditions of citizens.**

## 2. Objective of the Proposal

This project aims to urgently intervene to carry out clearing and widening the blocked area in the water ways in Bahr El-Jebel, and to strength the weck banks bridges in front of flood-prone cities and villages this works are urgently and in parallel with the preparation of integrated technical studies in Bahr El-Jebel basin including hydrological and hydraulic studies for the Bahr el-Jebel Basin and prepare proposals for rehabilitating the Bahr el-Jebel Basin to protect from flood hazards, including stream dredging, strengthening the banks of the river, and conducting environmental and social impact studies in the Bahr el-Jebel Basin, and prepare the conditions and technical specifications and quantity tables to be use for future implementation in the next phase.

## 3. Project stages:

### (a) Urgent Intervene (Rapid Solutions):

- Clearance and widening of blocked water ways in Bahr El-Jebel, in addition to strengthening river bank in front of cities and villages exposed to floods from Juba to Lake No.
- Some of the Egyptian irrigation equipment system in South Sudan can be used after the inspection work on the ground to determine the maintenance required to be operated and transported to work sites, and Table (1) shows the mechanical and marine equipment located in Bentiu and Wau.

Wau City		Bentiu City	
No	Equipment	No	Equipment
3	Hydraulic Excavators with long arm 12 m	2	Self-propelled Barges
2	Loader (3 cubic meter)	3	Hydraulic Excavators with long arm 12 m
3	Dump trucks	1	Inspection boat

1	Agricultural tractor	1	Back loader
7	Agricultural trailer	1	Agricultural tractor
1	Back loader		

- Search for a company that owns the system of mechanical equipment and marine barges specialized in the aquatic weed work to contract with it for the implementation of the works.
- Purchase of three boats (one for the headquarters of the Ministry of Water Resources and Irrigation in South Sudan and two for inspection, field survey and research work for various sites in Bahr El-Jebel under this memorandum of understanding.
- Purchasing any equipment needed (If Any) for the implementation of the project.

**(b) Integrated Technical Studies:**

The activities of integrated technical studies will be implemented to reduce the risk of flooding in Bahr El-Jebel basin in conjunction with the implementation of the urgent intervene phase, which will be used in the future in the preparation of the bidding document conditions, technical specifications and quantity schedules to implement the next phase of the project to rehabilitate and dredge Bahr El-Jebel and strengthen its banks to reduce the risk of massive flooding and use the waterway in river transport from major cities, which will contribute to improve the economic, social and environmental conditions of the citizens of South Sudan.

**4. Proposed Implementation steps:**

- The South Sudan side to take the necessary measures to find the project equipment in Bentiu city.
- In parallel, the South Sudanese side to look for specialized companies to carry out the necessary maintenance work for marine and mechanical equipment.

- Specialized technical experts make a rapid assessment of Bahr El-Jebel Region and identify critical points in the Bahr El-Jebel, in addition to estimating the volume of work and the estimated cost of the required work through the guidance of previous studies and available data.
- Selecting one of the specialized companies to carry out the required work for the first phase of the Bahr El-Jebel in coordination with the South Sudanese side in accordance with the priorities and budget available.
- In parallel, the consultant is selected to prepare integrated technical studies to reduce the flood risk in the Bahr El-Jebel basin, which will help contribute to the implementation of the second phase, which includes the expansion and deepening of the Bahr El-Jebel for use as a navigational pass using water crack and auxiliary equipment.

**5. Expected outcomes:**

- Protect villages and cities from the flood dangers that can occur.
- Reducing the risk of flooding in critical areas of Bahr El-Jebel, facilitating river navigation in several areas, facilitating the movement of local citizens, facilitating fishing, and improving the environmental, economic, and social conditions of citizens in the Bahr El-Jebel area.
- Preparing integrated technical studies to reduce the risk of flooding in the Bahr El-Jebel basin and rehabilitate Bahr El-Jebel for use as a safe river corridor, which will be used in the future in the implementation of the next phase, which contributes to improving the economic, social, and environmental conditions of the citizens of South Sudan.

**6. The Work plan:**  
the project will be implemented within 36 months. Table No. (2) shows the proposed workplan for implementing the project.

