

ACTS SUPPLEMENT

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Act 22

Nile Basin Initiative Act

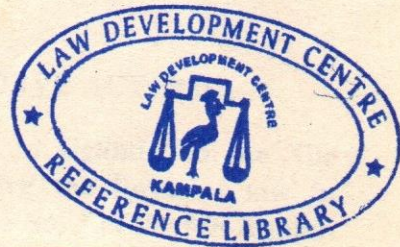
2002

THE NILE BASIN INITIATIVE ACT, 2002.

ARRANEGMENT OF SECTIONS.

Section.

1. Short title.
2. Interpretation.
3. NBI to have capacity of a body corporate.
4. Financial provisions.
5. Immunities and privileges of NBI and its officials.



SCHEDULE

AGREED MINUTE NO. 7.

THE NILE BASIN INITIATIVE ACT, 2002.

An Act to confer legal status in Uganda on the Nile Basin Initiative, and otherwise give the force of law in Uganda to the signed Agreed Minute No. 7 of the 9th Annual Meeting of the Nile Basin States held in Cairo, Egypt, on 14th February, 2002; and to provide for other connected or incidental matters.

WHEREAS, currently, there is no regional or international Treaty or Agreement among the riparian States of the Nile River Basin, namely, Burundi, Democratic Republic of the Congo, Egypt, Eritrea, Ethiopia, Kenya, Rwanda, Sudan, Tanzania and Uganda, on cooperation in the utilization of the waters of the Nile River Basin;

AND WHEREAS the Government of the Republic of Uganda and the Governments of the other Nile Basin States at the meeting of their Council of Ministers held in Dar-es-Salaam, Tanzania, on 22nd February, 1999 established a "Transitional Institutional Mechanism of the Nile Basin Initiative (NBI)", pending the conclusion of a "Cooperative Framework Agreement", based on a vision "to achieve sustainable socio-economic development through equitable utilization of, and benefit from, the common Nile Basin water resources";

AND WHEREAS the Government of Uganda and the Governments of the other States at the 9th annual meeting of their Council of Ministers held in Cairo, Egypt, on 14th February, 2002, adopted "Agreed Minute No. 7" of that meeting to, among other things, "invest the NBI, on a transitional basis, with legal personality to perform all of the functions entrusted to it, including the power to sue and be sued, and to acquire or dispose of movable and immovable property;

AND WHEREAS following the ratification by the Republic of Uganda of the Agreed Minute No.7, it is necessary to give legal effect in Uganda to the provisions of that Agreed Minute No. 7;

DATE OF ASSENT: 11th October, 2002.

Date of Commencement: 1st November, 2002.

NOW, THEREFORE, BE IT ENACTED by Parliament as follows:

Short title.

1. This Act may be cited as the Nile Basin Initiative Act, 2002.

Inter-pretation.

2. In this Act, unless the context otherwise requires—

"Agreed Minute No. 7" means that part or portion of the minutes of the annual meeting of the Council of Ministers of the Nile Basin States held in Cairo, Egypt, on 14th February, 2002 and set out in the Schedule to this Act;

"Minister" means the Minister responsible for Water;

"Nile Basin Initiative" or "NBI" means the transitional arrangement established by the Nile Basin States at the meeting of their Council of Ministers held in Dar-es-Salaam, Tanzania, on 22nd February, 1999, to foster cooperation and sustainable development of the Nile River for the benefit of the inhabitants of those countries;

"Nile Basin States" means the States of Burundi, Democratic Republic of the Congo, Egypt, Eritrea, Ethiopia, Kenya, Rwanda, Sudan, Tanzania and Uganda;

“Nile River Basin” means all the area forming the basin of the Nile River.

3. (1) The NBI shall have the capacity, within Uganda, of a body corporate with perpetual succession, and with power to acquire, hold, manage and dispose of movable and immovable property, and to sue and be sued in its own name.

NBI to have capacity of a body corporate.

(2) The NBI shall have the capacity, within Uganda, to perform any of the functions conferred upon it by and under the Agreed Minute No. 7, and to do all things, including borrowing, that are, in the opinion of the Nile Basin States or the appropriate organ of the NBI, necessary or desirable for the performance of those functions.

(3) Subsection (2) of this section relates only to the capacity of the NBI as a body corporate, and nothing in that subsection shall be construed as authorising the disregard by the NBI of any law, or anything affecting any power of the NBI conferred by any law.

4. (1) There shall be charged on and paid out of the Consolidated Fund, without further appropriation other than this Act, all payments required to be made from time to time by the Government of Uganda under the terms or provisions of the Agreed Minute No. 7.

Financial provisions.

(2) Subject to article 159 of the Constitution of the Republic of Uganda, for the purposes of providing any sums required for making payments under this section, the Minister responsible for finance may, on behalf of the Government, make such arrangements as are necessary or raise loans by creation and issue of securities bearing such rates of interest and subject to such conditions as to repayment, redemption or otherwise as the Minister thinks fit; and the charges and expenses incurred in connection with their issue shall be charged on and issued out of the Consolidated Fund.

(3) Any moneys received by the Government under the Agreed Minute No. 7 shall be paid into and form part of the Consolidated Fund, and shall be available in any manner in which the Consolidated Fund is available.

Immunities
and
privileges of
NBI and its
officials.

5. (1) The NBI, its staff and officials shall enjoy, within Uganda, such privileges and immunities as are necessary for their functions.

(2) The privileges and immunities referred to in subsection (1) of this section shall be in accordance with the provisions of the Diplomatic Privileges Act, 1965, Act No. 2 of 1965.

SCHEDULE

SECTION 2

AGREED MINUTE NO. 7

7. LEGAL STATUS OF THE NILE BASIN INITIATIVE (NBI)

The Ministers of Water affairs of the Nile Basin Countries, referring to the provisions of the signed Agreed Minutes of their meeting in Dar-es-Salaam on 22 February 1999 establishing a Transitional Institutional Mechanism of the Nile Basin Initiative (NBI), pending the conclusion of a Cooperative Framework Agreement to advance the Nile Basin Strategic Action Program in realization of the Shared Vision for the Nile Basin, "to achieve sustainable socio-economic development through equitable utilization of, and benefit from, the common Nile Basin water resources";

Invest the NBI, on a transitional basis, with legal personality to perform all of the functions entrusted to it, including the power to sue and be sued, and to acquire or dispose of movable and immovable property;

Recall that organs of the NBI include: the Council of Ministers of Water Affairs of the Nile Basin Countries (Nile-COM), which provides policy guidance and makes decisions on matters relating to the NBI; the Technical Advisory Committee (Nile-TAC), which renders technical advice and assistance to the Nile-COM; and the Nile Basin Secretariat (Nile-SEC), which renders administrative services to the Nile-COM and Nile-TAC; x

Decide that NBI shall enjoy in the territory of each Nile Basin State the legal personality referred to above and such privileges and immunities as are necessary for the fulfilled of its functions;

Confirm that the headquarters of the NBI is situated at Entebbe, Uganda;

Confirm that the Executive Director of the Nile-SEC is the principal executive officer of the NBI;

Decide that the Executive Director, staff and officials of the NBI shall enjoy in the territory of each Nile Basin State such privileges and immunities as are necessary for the fulfilment of their functions;

Confirm that a draft budget for each financial year is to be prepared by the Executive Director and approved by the Nile-COM on the recommendation of the Nile-TAC; that the resources of the budget are derived from annual contributions of the Nile Basin States and such other sources as may be determined by the Nile-COM; and that the contributions of the Nile Basin States are based on the budget as approved by the Nile-COM;

Confirm that the accounts of the NBI relating to each fiscal year are to be audited the following fiscal year by an internationally recognized auditing firm selected on the basis of competitive bidding and submitted to Nile-TAC/COM for its review and approval; and that the NBI is to follow procurement and financial management practices that conform with international practices with the addition of any specific requirements of individual funding institutions.

x Details concerning the functions of the three bodies are contained in Annex I of the signed Agreed Minutes of the Dar-es-Salaam meeting of Nile-COM, 22 February 1999.