



POLICY BRIEF

The Nile Rivalry and Its Peace and Security Implications: What Can the African Union Do?

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Executive Summary

The first and the second meetings between Egypt, Ethiopia and Sudan on the Grand Ethiopian Renaissance Dam (GERD) ever to be led by the African Union (AU) took place on June 26, 2020, and recently from 2-13 July 2020.

On June 27, 2020, the AU issued a communiqué setting out the decisions of the meeting, which was called and chaired by the AU chairperson, President Ramaphosa of South Africa, and by the Bureau. AU Commission chairperson Moussa Faki presented a report stating that '90 % of the issues of the Tripartite Negotiations between Egypt, Ethiopia and Sudan have already been resolved'.

The Bureau made five significant decisions. The first was that 'the three Parties refrain from making any statements, or taking any actions that may jeopardize or complicate the AU-led process aimed at finding an acceptable solution on all outstanding matters. Secondly, it decided to 'augment the Tripartite Committee dealing with the GERD issues consisting of Egypt, Ethiopia and Sudan with the participation of observers namely South Africa in its capacity as Chairperson of the AU, the Members of the Bureau of AU, experts from the [AU] Commission'. Thirdly, 'the augmented Committee [is to] present its report to the Chairperson of the AU ... within a week' from June 27 2020 (hence before July 5 2020). Fourth, the Bureau decided to reconvene the AU-led meeting within two weeks from June 27 2020 (i.e., before July 5 2020) and 'consider a report on the outcome of the negotiations of the outstanding issues concerning the GERD matter'. Fifth and finally, the Bureau requested the UN Security Council (UNSC) 'to take note of the fact that the AU is seized of this matter.'

Key Points

- ▶ Addressing Ethiopia's and the other parties concern, the GERD and the Cooperative Framework Agreement (CFA) signify a paradigmatic shift in relationships among Nile riparian countries and offers a mechanism for collaborative partnerships in accordance with international law and with the close support of the global community.
- ▶ The dispute about the Nile, the CFA and GERD is being manipulated by nationalistic politics to advance their domestic power struggle. The interdependence of riparian states supported by CFA mechanisms should be sufficient to prevent conflicts among them.
- ▶ The integration of early warning systems pertaining to climate, weather, and environmental changes together with conflict early warning procedures should be paramount to building predictive and responsive capabilities in such river basins.
- ▶ The Nile and GERD can be an integrative opportunity for creating interdependence among the riparian countries. The envisaged GERD and any other hydroelectric projects on the river could be considered as integrative factors and could effectively enhance opportunities for geo-political interdependence.
- ▶ The chairpersons of the African Union and the African Union Commission may consider calling a meeting of all the riparian countries to seek a means of reaching "a win-win" pan-African solution to this problem.
- ▶ To avoid and reduce the triggers of conflicts over trans-boundary water resources and enhance cooperation, the AU needs to elaborate a continental mechanism for mediation and dispute resolution on water resources.

On 24th July 2020, the meeting of the Bureau deliberated on “the first filling and annual operation of the GERD, and future development projects on Blue Nile River upstream of the GERD.” The Bureau “agreed on the process of finalising negotiations on the text of a binding Agreement on the Filling and Operation of the GERD, which should include a Comprehensive Agreement on future developments on the Blue Nile River...The Bureau further urged the parties to work expeditiously to finalise the text of the binding Agreement on the Filling and Operation of GERD.” In a slightly different formulation, the Bureau “welcomed the agreement amongst the parties to the GERD to work Comprehensives Agreement on the Blue Nile River as soon as possible.” This last round of AU-led process has reached a breakthrough agreement revealing Ethiopia’s concessions on the following two major areas: 1) the need for a binding agreement (earlier Ethiopia refused any binding agreement, instead insisted on Sudan and Egypt to sign and ratify the CFA as the overarching Agreement for all riparian countries); and 2) the Agreement may not only be limited to the GERD filling and operation but may also include a “comprehensive agreement on the Blue Nile River”; and “future development projects on Blue Nile River upstream of the GERD”. At this stage, it is far from clear what implications such a binding agreement will have on the CFA and if Ethiopia’s position and interest on the CFA could be sustained at all..

Though the AU-led process is yet to yield any concrete progress, the fact that the AU is now in charge of the negotiations is a most welcome development. AU involvement, through its Bureau of Assembly of Heads of State and Government, reinforces the principle of ‘African solutions to African problems’. It is to be recalled that after four months of intense mediation on the Grand Ethiopian Renaissance Dam between Egypt, Ethiopia and Sudan, the US administration and the World Bank have failed to get Ethiopia to sign an agreement they prepared. Following the impasse, President Donald Trump’s regime warned Ethiopia that the “final testing and filling [of the GERD] should not take place without an agreement” with Egypt and Sudan.

The tripartite meetings called by Trump at the behest of Egypt began in November 2019. The negotiation teams resolved to hold four ministerial meetings before January 15 2020. The US and the World Bank were to attend as observers.

It is to be hoped that the influence of interests from outside the region and beyond the African continent will be mitigated, and colonial treaties gave less value because these colonial treaties have set expectations of monopoly and unfair use of Nile waters. Involvement of the AU further signifies a recognition on the part of Egypt and of the extra-regional actors, that the dynamics attending Nile riparian politics have changed.

Now, the AU Chairperson will receive the reports of the parties and “reconvene in a week to determine next steps”. The sticking points still remain the filling and operation of the Dam in time of multi-year drought and binding mechanism for dispute resolution when disagreements arise. “Ethiopia would like to stress negotiated agreement is the only way out. The most outstanding issue is the impact of the Guidelines and Rules on Ethiopia’s future water use upstream of the GERD. In this respect, the absence of a comprehensive treaty governing the relations of Ethiopia, Egypt and Sudan with regard to the Nile is the major factor that poses a challenge.” Furthermore, Ethiopia accuses Egypt and Sudan of “unchanged and additional and excessive demands of Egypt and Sudan prohibited the conclusions of this round of negotiation.” This recognizes that the convergence of positions of Egypt and Sudan, and the changing axis of negotiations between Ethiopia in the one hand, and Egypt and Sudan on the other.

On the Egyptian side, Foreign Minister Shoukry said: “If there is something that threatens the regional security of Egypt and international security, it is the main responsibility of the Security Council to adopt a procedure that will prevent this.” Egypt has made it clear that it will retake the matter to the UN Security Council If Ethiopia fails to accept the AU mediation. While some think that Ethiopia’s unilateral decision to fill the Dam may cause military confrontation between Egypt and Ethiopia, direct military action from Egypt on Ethiopia is highly unlikely.

Nevertheless, what are the peace and security implications of the Nile and the Dam in Africa?

Rivalry over the Nile River has been one of the stubborn impediments to peace and stability in the Horn of Africa. For a long time, Egypt has claimed its historical right to an annual quota of 55.5 billion cubic meters of the Nile waters. Consequently, it has threatened Ethiopia’s use of the resource; yet the country is the source of 86 percent of the Nile waters.

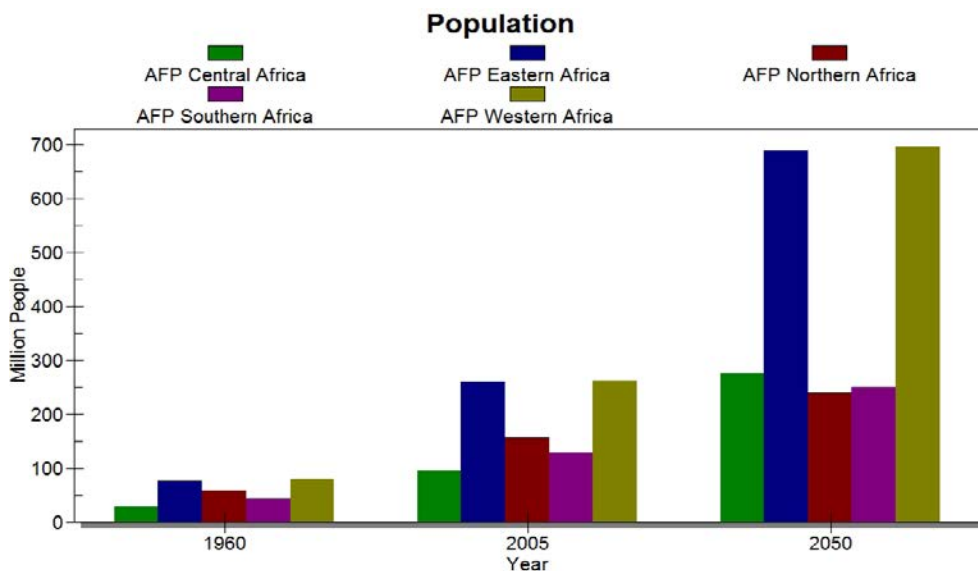
Backed by huge political pressure from nationalist constituents, the often-incompatible national priorities of riparian countries have hindered proper deliberations and still constrain cooperation in matters related to the basin. In addition to the GERD, in 2010, the Nile Basin Initiative proposed the ratification of the Cooperative Framework Agreement (CFA) to replace the old treaties and take on new issues such as climate change.ⁱ

Embroidered in protracted conflicts, no riparian country, apart from Egypt and to a limited extent Sudan and Kenya, has been able to make meaningful use of their natural resources for development, including the Nile River.

Introduction

Mega Trends in the Nile Riparian Countries (*food, water and energy security*)

In the next 30 years, the population of Africa is expected to exceed 2 billion, with an urbanized population of 54 percent as compared to today's 38 percent.ⁱⁱ With an anticipated rapid population growth, the current riparian population of 437 million is expected to grow to 600 million by 2025. The population in eastern African countries, which includes almost all riparian countries except the DRC, will constitute almost half of Africa's total.ⁱⁱⁱ With this population bulge, it is expected that consumption of water, food, energy and other essential commodities will surge. In fact, even currently, Egypt which contributes no water to other riparian states needs 25 percent more than it gets.^{iv} Paradoxically, however, it is predicted that the water per capita in the country in 2025 will be reduced to 337m³.^v



Graph 1: Population Growth in the Five Regions of Africa, Source: Africa Futures (ISS)

There are also developments that might create a worst-case scenario in Africa. Erratic rainfall in the entire Nile Basin has reached as low as 30 percent. High water losses in Sudan and Egypt through evaporation would mean that the basin hosts tens of millions of people who face frequent famines and undernourishment. Apart from irrigable land in Egypt and Sudan, more than 80 percent of the land in the region is unproductive. While the Nile Basin currently has a 90 percent unused potential for

i Nile Basin Initiative's, Agreement on the Nile River Basin Cooperative Framework, Entebbe, Uganda, May 14, 2010, available from <http://www.nilebasin.org/index.php/nbi/cooperative-framework-agreement> (accessed 24 January 2017).
 ii The UN Report on World Population, available from www.un.org/wpp/documentation/pdf/WPP2012_press_release.pdf (accessed 24 June 2016).
 iii African Development Bank, Africa in 2050, available from <http://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/Africa%20in%2050%20Years%20Time.pdf> (accessed 24 January 2020).
 iv Gad, Ramadan Ali, Water rationalization in Egypt from the perspective of the virtual water, 2009. p. 301-310.
 v Okbazghi Yohannes, 2008, Water resource and inter-riparian relationships in the Nile basin

hydroelectric power generation, more than 80 percent of the population in the region does not have access to electricity. One of the critical constraints on the fast-economic growth of Ethiopia and other riparian countries is extreme shortage of power with 60 million people having no access to electricity^{vi}, which threatens the sustainability of this trend of economic growth.

In recognition of this threat, the food, water and energy security has taken pride of place on the national agendas of the Nile riparian countries. Demand of water for domestic use, agriculture, sanitation, industrial development and production of hydro-electricity will increase. Similarly, shortage of fresh water, gaps between supply and demand for energy and electricity, and the income gap as well as associated social unrest may increase the vulnerabilities of communities to extremist religious and national ideologies, international crimes and transnational threats. Crises that outpace transformation will inhibit stable governance and peaceful relations between the Nile riparian states.

Two Strands of Disagreements

All the riparian countries could be considered as parties to the disagreement about the Nile River and the CFA. But with regard to the construction of the GERD, Egypt, Ethiopia and Sudan are the main parties.

There are two strands of disputes about the Nile River. The first relates to the CFA and its basic tenets of water allocation and water security. The second is about the GERD and its impact on water volume, water quality and dam safety.

The CFA - Towards Fairer Riparian Governance

In 2010, the Nile Basin Initiative comprising the riparian proposed the ratification of the CFA to replace the old treaties and take on new issues such as climate change.^{vii} The proposal came after a decade of trust-building discussions and negotiations aimed at transforming the Nile from a barrier to a bridge. The NBI,^{viii} beginning with the soft issues, proceeded to confront the more comprehensive hard issues and eventually came up with the development of a legal and institutional framework that has already encouraged a paradigm shift in both the process of negotiation and the content of riparian relations. The CFA not only reinforced previously established principles of international law but also introduced new ones like the concept of water security with a view to sharing opportunities and challenges among riparian countries. It aimed to achieve equitable and fair use of the water by establishing multilateral basin-wide permanent institutional mechanisms of consultation and collaboration in the development of projects on the Nile. Of the 11 Nile basin countries, eight (Ethiopia, Kenya, Uganda, Rwanda, Burundi, South Sudan, Sudan and Tanzania) have signed the CFA. The DRC has repeatedly expressed its intention to sign the CFA but is yet to do so.

Egypt had made several requests for deferring the signing of the CFA, pleas that were acceded to by the other riparian countries. But in 2010, Egypt, under Hosni Mubarak, refused to ratify the CFA and requested three major substantive amendments, namely: 1) upstream countries had to secure Egypt's approval for all their projects on the Nile basin, 2) upstream countries had to guarantee a fixed annual water quota of 55.5 billion cubic meters of the 84 billion estimated annual flow, and 3) Article 14 (b) of the CFA that stipulates that the Nile Basin states must agree "not to significantly affect the water security of any other Nile Basin state"^{ix} be rephrased to read as "not to adversely affect the water security and current uses and rights of any other Nile Basin state."^x

The implication of the three objections raised by Egypt was that, firstly, it was effectively demanding the privilege of a sole veto power on any project that would be built on the Nile River by the upstream riparian countries.^{xi} Secondly, Egypt effectively required the CFA to guarantee a fixed annual water quota of 55.5 billion cubic meters for its use, irrespective of water shortages experienced by upstream states. Thirdly, the proposed amendment to Article 14 (b) amounted to an indirect approval of the

vi Trading Economics, Ethiopia- Access to Electricity, available from <https://tradingeconomics.com/ethiopia/access-to-electricity-percent-of-population-wb-data.html> (accessed 24 January 2020).

vii Nile Basin Initiative's, Draft Agreement on the Nile River Basin Cooperative Framework, Entebbe, Uganda, May 14, 2010, available from <http://www.nilebasin.org/index.php/nbi/cooperative-framework-agreement> (accessed 24 January 2017).

viii Nile Basin Initiative, The NBI, available from <http://www.nilebasin.org/newsite/> (accessed 24 January 2017).

ix Nile Basin Initiative's Draft Agreement on the Nile River Basin Cooperative Framework, Entebbe, Uganda, May 14, 2010.

x Ibid.

xi Egyptian Water Minister on the Nile Basin Initiative, available at <http://www.telegraph.co.uk/news/wikileaks-files/egypt-wikileaks-cables/8327160/EGYPTIAN-WATER-MINISTER-ON-THE-NILE-BASIN-INITIATIVE.html> (accessed 1 April, 2020).

old colonial treaties and the legalization of what is an unfair allocation of the Nile waters. To resolve the differences about the interpretation of the meanings of terms such as “no significant harm”^{xii}, “no-harm” and “equitable and reasonable use”^{xiii}, the CFA introduced the principle of water security for all riparian countries.

The CFA applies the principle of “water security” that ensures the “right of the Nile Basin States to use water” in an “equitable and reasonable”^{xiv} manner with “no significant harm”^{xv} to the other riparian countries. Water security under the CFA refers to the reliable access to and the use of water for activities specifically related “to health, agriculture, livelihoods, production and environment”^{xvi}. Substantively, this provision makes no significant change apart from building trust among the riparian countries, as the definition of water security refers to the equitable and fair sharing of water. The additional consideration in this definition is that climate change is one of the factors considered in deciding what constitutes “equitable and reasonable” use of the water resources.^{xvii} Under Article 11, the CFA stipulates the need to prevent and mitigate harmful conditions, including the impact of climate change such as floods and drought. Climate change-related emergency situations could be inferred from Article 12.

With regard to the CFA, Egypt demands the rights it has enjoyed since the 1929 colonial treaty and the subsequent 1959 agreement, irrespective of the interests and aspirations of other riparian countries for a fair and equitable share of the Nile waters. It upholds an argument that the country is susceptible to water shortages due to its location and demographic pressure. Hence, it stresses that the Nile is the only means for its water security. The country further argues that upstream riparian countries should not affect the level of the Nile water as they have other water resource options to use^{xviii}.

Ethiopia and all other upper riparian countries are opposed to this exclusive claim by Egypt for three reasons. The first reason is the inapplicability of the colonial agreements to the upstream countries, as they could not be and were not parties to the agreements. Ethiopia was not invited, and the other riparian countries were colonies at the time. The upstream riparian countries never expressed support for or acquiesced to the treaties. On the contrary, they have rejected the treaties.^{xix} In law, treaties that excluded the other riparian countries and to which such countries did not officially become party or acceded to, are not binding on them. Secondly, such an exclusive right to water is not equitable and fair, thus remains illegal under international law.^{xx} Thirdly, the national aspirations of all riparian countries for economic development demand extensive use of their water resources, including the Nile River and its tributaries. For this reason, no riparian country has been willing to grant a greater right of access to the Nile than it would grant to any other shared resource.

The Grand Ethiopian Renaissance Dam (GERD)

The Grand Ethiopian Renaissance Dam, built on Nile River, is Africa’s biggest hydroelectric project and the 10th largest in the world. It is a \$5 billion project that is expected to increase the country’s hydroelectric power capacity five-fold by 2020. Commenced in April 2011, the construction of the dam was a source of controversy between Egypt and the other riparian countries.

It has a reservoir area of 1,874km². The dam’s total storage volume is 74 billion cubic meters of water. Of this, 59.2 billion cubic metres will discharge water to the turbines. The dam wall is 145m high and 1,708m wide. Its turbines were designed to generate

xii Article 3(5), Nile Basin Initiative’s Draft Agreement on the Nile River Basin Cooperative Framework, Entebbe, Uganda, May 14, 2010.

xiii Article 3(4), and Article 4, Nile Basin Initiative’s Draft Agreement on the Nile River Basin Cooperative Framework, Entebbe, Uganda, May 14, 2010.

xiv Article 3(4), Nile Basin Initiative’s Draft Agreement on the Nile River Basin Cooperative Framework, Entebbe, Uganda, May 14, 2010.

xv Article 3(5), Nile Basin Initiative’s Draft Agreement on the Nile River Basin Cooperative Framework, Entebbe, Uganda, May 14, 2010.

xvi Article 2(f) of Nile Basin Initiative’s Draft Agreement on the Nile River Basin Cooperative Framework, Entebbe, Uganda, May 14, 2010.

xvii Article 4 (2) (a) of Nile Basin Initiative’s Draft Agreement on the Nile River Basin Cooperative Framework, Entebbe, Uganda, May 14, 2010.

xviii Zeray Yihdego, 2013, The Blue Nile dam controversy in the eyes of international law GWF University of Aberdeen, United Kingdom Discussion Paper 1325, Global Water Forum, Canberra, Australia, <http://www.globalwaterforum.org> (accessed 24 June 2020).

xix Salman Mohamed Ahmed Salman, “The Ethiopian Renaissance Dam: Opportunities and Challenges”, 20 September 2013, available from <http://www.dailiyethiopia.com/index.php?aid=1476> (accessed 24 June 2020).

xx Ibid.

6,000 MW of electricity and an annual energy capacity of 15,692 Giga Watt hours per year.^{xxi} Now this was reduced by more than 1000 MW and also number of turbines lowered by three. This is clean energy that will help mitigate the human impact on climate change globally and, according to an Independent Panel of Experts (IPoE), will benefit Egypt, Sudan and Ethiopia.^{xxii}

Some observers argue that the GERD could lead to inter-state war between Ethiopia and Egypt^{xxiii}. Others downplay the potential for violent conflict over the GERD, contending that the dam could facilitate enhanced cooperation^{xxiv}. Very few consider that despite the possibility of conflict or cooperation, such changes in the exploitation of the Nile River resources are due to changing relations and the need to address long-standing unfair and hegemonic approaches to the use of the Nile River. The CFA could help in countering any aspiration to exercise hegemony on the Nile by any riparian country.

The construction of the GERD has brought a paradigm shift that concretizes the CFA as normative framework for governing the Nile waters by breaking the declared veto power Egypt wants to maintain on all projects of other riparian countries. The GERD and the CFA have also put some riparian countries at odds. Particularly, Egypt felt betrayed by Sudan when the latter supported the construction of the dam.^{xxv} The question is, what is fair use of water for development by all riparian countries? Can GERD be built and function fully without reducing the water supply to the Sudan and Egypt? If not, what is the cost of fair distribution of water to all riparian countries?

In 2013, Egypt, Ethiopia and Sudan appointed the IPoE to review the various impacts of the dam on the Nile River and its basin. First, they tasked the IPoE to assess the impact of the construction of the dam.^{xxvi} The IPoE evaluated the dam and its socio-economic, hydrological and environmental impacts on Egypt, Sudan and Ethiopia.

In November 2013, the Nile countries' ministerial meeting considered the recommendations of the IPoE on the dam. Nevertheless, Egyptian politicians were not willing to accept the expert opinions for various reasons.^{xxvii} Egypt also disagrees over the implementation of some of the recommendations of the IPoE.^{xxviii}

However, the project proceeded. Up until 2015, Ethiopia, Egypt and Sudan still agreed on the technicalities of the GERD and other aspects.^{xxix} For instance, in March that year, they signed an agreement on the construction of the dam and the need for a study on its environmental impact.^{xxx}

The Nile River Rivalry

Rivalry over the Nile River has been one of the most stubborn impediments to peace and stability in the Horn of Africa. For a long time, Egypt has claimed its historical right to an annual quota of 55.5 billion cubic meters of Nile waters measured at Aswan High Dam. Consequently, it has threatened use of the resource by Ethiopia, a country that is the source of 86 percent of the Nile waters.

xxi International Panel of Experts (IPoE), Grand Ethiopian Renaissance Dam Project (GERDP), Final Report, Addis Ababa, May 31st, 2013; Belachew Chekene, 2013. Benefit of Grand Ethiopian Renaissance Dam Project (GERDP) for Sudan and Egypt. Huddersfield: University of Huddersfield

xxii Ibid, P 42.

xxiii Abdelhady, Dalia, Aggestam, Karin, Andersson, Dan-Erik, Beckman, Olof, Berndtsson, Ronny, Palmgren, Karin, Ozkirimli, Umut, Persson, Persson Kenneth M & Pilesjo, Petter 2015, 'The Nile and the Grand Ethiopian Renaissance Dam: Is there a meeting point between nationalism and hydrosolidarity?', *Journal of Contemporary Water Research & Education*, no. 155, pp. 73-82; Paisley, Raisley K & Henshaw, Taylor W 2013, 'Transboundary governance of the Nile River Basin: past present and future', *Environmental Development*, no. 7, pp. 59-71. Rahman, Majeed A 2012, 'Water Security: Ethiopia-Egypt transboundary challenges over the Nile River Basin', *Journal of Asian and African Studies*, no. 48, pp. 35-46.

xxiv Ana, Cascao Elisa & Alan, Nicol 2016, 'GERD: New norms of cooperation in the Nile Basin?', *Water International*, vol 41, no. 4, pp. 550-573; Yohannes, Okbazghi & Yohannes, Keren 2012, 'Turmoil in the Nile River Basin: Back to the future?', *Journal of Asian and African Studies*, vol 48, no. 2, pp. 195-208; Brozek, Jason 2013, 'Measuring the severity of transboundary freshwater conflict: Structural vs. behavioural indices in Africa', *International Journal of Environmental Studies*, vol 70, no. 6, pp. 909-918.

xxv Ahmed Tolba, Ties between Egypt and Sudan were strained when Khartoum backed the dam because of its need for electricity, Reuters, available from <https://www.reuters.com/article/us-egypt-ethiopia-dam/no-breakthrough-in-ethiopian-dam-talks-egypt-says-idUSKBN1181YL> (accessed 12 December 2019).

xxvi Sudan and Egypt Agree to establish a Tripartite Committee to assess the impacts of the Ethiopian Renaissance Dam, available from <http://ethiopiaforums.com/sudan-agrees-to-tripartite-committee-over-ethiopia%E2%80%99s-nile-dam> (accessed 24 June 2016).

xxvii "Sudan says Egypt suspended participation in activities of the Nile Basin Initiative", *Sudan Tribune*, June 18, 2014, available from <http://www.sudantribune.com/spip.php?article51385> (accessed 1 July 2016).

xxviii Abiy Hailu, 2014, Tripartite discussion terminated owing to Egyptian proposal against Ethiopia's Interest. Addis Ababa: The Ethiopian Herald, 17 January, P.1

xxix Federal Democratic Republic of Ethiopia Ministry of Water, Irrigation and Energy (2013). The Grand Ethiopian Millennium Dam Project International Panel of Experts discussion process and report. Addis Ababa. Unpublished Amharic text, Mekonnen Teshome, (2011). Science, Technology, Innovation and Development. Nairobi: Science Africa.Vol.16 June/July 2011 p.1; Hassan Hassan, and Rasheed, Ahmed 2007, The Nile River and Egyptian foreign policy interests. *African Sociological Review*; Pp. 25-37, Cairo: Cairo University.

xxx Karyabwite, D., 2000, Water Sharing in the Nile River Valley. Geneva: UNEP/DEWA/GRID

Egypt's claim to the Nile waters is based on agreements it has signed decades ago. For instance, the 1902 Anglo-Ethiopian Treaty and the 1929 agreement between Egypt and the United Kingdom gave the former broad rights to use the Nile waters and exercise veto power over upstream projects. Furthermore, in 1959, Egypt signed an agreement with Sudan that excluded all the other riparian countries. Based on the treaty, Egypt claims a 'historical' and 'acquired' right to the 55.5 billion cubic meters of water mentioned previously. According to that agreement, Sudan gets 18.5 billion cubic meters but does not use it all.

The 1929 and 1959 treaties excluded Ethiopia, a country that is the source of the bulk of the Nile waters and the only independent country among the relevant riparian states at the time. The treaties allocated nothing to this country. If this fixed allocation were to be followed, Egypt would have a monopoly of the usage of the Nile as, from time to time, the volume of available water could fall to less than 80 billion cubic meters.

Political pressure from nationalist constituents and the often-incompatible national priorities of riparian countries have hindered proper deliberations and still constrain cooperation over the basin. Egypt and Sudan have developed projects in the Nile Basin without prior notice to the other riparian countries. There are more than 20 projects including dams in the Nile.⁸ Furthermore, Egypt plans to divert the Nile at Damietta to the northern Sinai Desert and develop 220,000 hectares in the south-western region. Similarly, Sudan has built the 1,250 MW Merowe Dam and a 300 MW Dam at Kajbar. However, faced with the possibility of civil wars and political and economic instability, other riparian countries have postponed the construction of several projects, a notable example being the Jonglei Canal in South Sudan.^{xxxii}

All riparian countries would like to accelerate developmental projects, including irrigation and hydropower to solve food insecurity resulting from drought and famine and critical shortages of electricity. For this reason, no riparian country has been willing to grant a greater right of access to the Nile waters than it would grant to any other shared resource. Colonial agreements are not only legally unacceptable, but irrelevant to the current economic, social and political situations in the affected riparian countries. Egypt's position, however, is that any future agreement must not diminish the share of water specified in the previous agreements, regardless of the urgency of development, food security and energy demand of the populations in the other riparian countries. Naturally, the other riparian states would not agree to this.

Ethiopia has over the years sought to utilize the Nile water resources. In 1970, it approached an American company to conduct an impact study of dam construction on the Nile. This move so infuriated Egypt that the former president Anwar Sadat threatened to attack Ethiopia.^{xxxiii} As Dr Salman Ahmed, a prominent Sudanese scholar on water resources pointed out in his 2013 article, in the past five decades British colonial administrations and previous Egyptian governments have followed a successful strategy of threatening and dissuading external financial assistance to Ethiopia and the other riparian states. They have thereby weakened Ethiopia's internal capacity to construct the dam.^{xxxiii} Ethiopia has had to mobilize domestic resources to fully finance the dam. While enabling Ethiopia to advance its developmental dam construction, this approach has forced Egypt to reconsider its long-standing position of ignoring upstream states on the Nile. It has begun negotiating with all riparian countries.

For decades, Ethiopia planned for an extensive use of the Nile waters for its own development efforts. But Egypt has used three strategies to impede Ethiopia's plans: 1) threatening with military action; 2) thwarting any external funding requests made by Ethiopia to develop its water resources using its diplomatic advantage and 3) destabilizing Ethiopia by encouraging neighbouring countries to do so and by supporting domestic rebel groups.^{xxxiv}

The Nile and Geo-political Changes

In February 2020, Mnuchin, after overseeing and facilitating several ministerial and technical meetings, called for an additional ministerial meeting between Egypt, Sudan and Ethiopia but Ethiopia failed to attend the meeting. Nevertheless, the US government and the World Bank prepared an agreement on filling the GERD and on its operational management, for the three countries to sign. Mnuchin's statement imposed three demands: Ethiopia is to ensure that 'final testing and filling should not

xxxi PP Howell, (1983). The Impact of the Jonglei Canal in the Sudan. *The Geographical Journal*, 149(3), 286-300.

xxxii Bitsue, Kidan Kiros, "The Nile: From Mistrust and Sabre Rattling to Rapprochement," Institute for Security Studies Paper, Year, No. 238, Pretoria, South Africa.

xxxiii Salman Mohamed Ahmed Salman, "The Ethiopian Renaissance Dam: Opportunities and Challenges", 20 September 2013, available from <http://www.salmanmasalman.org/wp-content/uploads/2012/11/EthiopiaGrandMillenniumDamCIParticlePublished.pdf> (accessed 4May2020).

xxxiv Bitsue, Kidan Kiros, "The Nile: From Mistrust and Sabre Rattling to Rapprochement," Institute for Security Studies Paper, No. 238, Pretoria, South Africa.

take place without an agreement'; Ethiopia is to sign the agreement after finalising consultations; and Ethiopia must recognise 'the need to implement all necessary dam safety measures in accordance with international standards before filling begins.' In response, Ethiopia announced that it, 'as the owner of the GERD, will commence filling [...] in parallel with the construction of the dam, in accordance with the principles of equitable and reasonable utilisation and the causing of no significant harm.'

The stakes in the American intervention are high, both for the US and the broader Middle East. Although Trump, Mnuchin and the World Bank purport to be honest brokers in trying to settle a dispute that has lasted for most of a century, their role can easily slip from that of facilitator into one of arbiter.

But grave food insecurity due to drought and famine and critical shortages of electric power means all riparian countries would like to accelerate various developmental projects, including irrigation and hydropower, to the extent that their financial capacities permit. For this reason, no riparian country has been willing to grant a greater right of access to the Nile waters than it would grant to any other shared resource.

For Egypt, as already stated, any future agreement must not diminish the share of water specified in the previous agreements — including colonial ones — no matter how urgent the demand for development, food security and energy is in the populations of the other riparian countries. However, the other riparian states do not agree.

More than any other factor, crucial geo-political and geo-economic developments have caused, accelerated or triggered the current tensions in the Nile Basin. The first relates to the stability (or instability) and development in upstream countries. Civil wars have characterized the internal security dynamics of the upstream countries including Ethiopia and South Sudan. As a result, cooperation among the riparian states has been almost impossible. Compared to previous decades, particularly during the Cold War, the region has, in fact, experienced greater stability. Second, with enhanced stability, the upstream countries have improved their economic performance. Third, a consequence partially attributable to relative stability and development is the shift in the relative geo-political and geo-economic importance of the region to the major powers in the West and East. In the past two decades, Ethiopia's influence on the regional and continental agenda (by extension its global role) has increased drastically so that it has become a major ally of the great powers. Fourth, a cumulative effect of these changes brought a slight shift of vision by the international community, particularly in regard to global governance institutions and the emergence of China and other sources of developmental investment in various urgent projects such as infrastructure in the upstream countries. Assertiveness within the Nile Basin countries has surged significantly. This has created tensions within the Nile Basin Initiative that requires a more robust legal and institutional framework to govern the various interests of the riparian countries. Furthermore, the international community has sensed the need for a more collaborative mechanism to pursue peaceful routes towards partnership in the development of the Nile Basin.^{xxxv} The shift in US priorities in East Africa has also introduced a number of other major changes in the region.^{xxxvi} It has further diminished the importance the US gives to supporting the armies of countries in the Horn of Africa, particularly to Ethiopia. Egypt is so tightly locked into a strategic alliance with the US and Israel that it is difficult to imagine how the US or any other power in its orbit could be an impartial arbiter on the Nile dam question. Given that the Washington-Cairo umbilicus dates from the 1978 Camp David agreement, it would be almost impossible for the US to place other Nile riparian states on the same footing as Egypt. Added to this is that the US, especially under Trump's essentially transactional administration, has an unhappy history of abandoning its support for one country against another even when both parties have been its traditional allies; in this context one might recall Trump's throwing outright support from the US behind the Saudi bloc and against Qatar, after the 2019 rift in the GCC.

Clearly, different weightings in the US strategic equation mean that some riparian countries enjoy stronger support from Washington than do others. Although an ally of the US, when viewed through the prism of the present US foreign and security policy, Ethiopia carries much less weight than does Egypt and given the US backing, the latter clearly will gain the upper hand in any negotiation. The quagmire in which Ethiopia now finds itself arises from Addis Ababa's failure to recognize this geo-political reality.

xxxv Partners to NBI, see details at http://siteresources.worldbank.org/EXTWAT/Resources/4602122-1213366294492/5106220-1234469721549/33.1_River_Basin_Management.pdf (accessed 24 January 2020).

xxxvi Mehari Taddele Maru, The New Cold War in Africa, Aljazeera, available from <https://www.aljazeera.com/indepth/opinion/cold-war-africa-190630102044847.html> (accessed 24 January 2020).

This paper examines the row between Ethiopia, Egypt and Sudan on the GERD built on the Nile River and its implications for peace and security in the greater Horn of Africa.

As stated on the preceding page, more than any other factor, crucial geo-political and geo-economic developments have brought about the current tensions in the Nile Basin. The internal security dynamics of the upstream countries including Ethiopia and South Sudan, the improved economic performance of the upstream countries, the shift in the relative geo-political and geo-economic importance of the region to the major powers in the West and East have their own roles in creating the strain.

Water from the Nile River is the main trans-boundary resource causing disputes among the riparian countries. During past centuries, it was a serious source of instability, destabilization and mutual animosity. In recent decades and years, the dispute has taken on a normative element in the form of the Cooperative Framework Agreement (CFA). But the GERD constitutes the most practical and far-reaching project. It also brings to the fore the extent of the differences about the use of Nile water resources.

Deep within the dispute are the growing water demands, the impact of climate change and the triad of water, food and energy insecurity. Water has become one of the major factors that lead states toward increased tensions and, at times, violent conflicts.

The effects of climate change and population growth trigger the demand for more water and irrigated farms.^{xxxvii}

Conclusions and Policy Recommendations

The GERD and the CFA signify a paradigmatic shift in the relationships among Nile riparian countries. The CFA, offers a mechanism for collaborative partnerships in accordance with international law and with a close support of the global community. Beyond changes in the normative framework, Ethiopia has brought practical transformation to the Nile Basin thinking through the GERD.

The dispute about the Nile, the CFA and GERD is being manipulated by nationalistic political inputs to advance domestic power struggles. The interdependence of riparian states supported by CFA mechanisms should be sufficient to prevent conflicts among them. Ethiopia and Egypt need to strictly follow a multilateral approach and rule-bound diplomacy; demonstrate empathy with all riparian populations; and get strong support for the principle of fair and equitable water sharing. The Renaissance Dam and the CFA are being politically exploited to instil fear in the common man in Egypt and elsewhere to access or maintain power in the current struggle for supremacy at the national level, particularly in Egypt. Professional opinions and scientific facts have been made subservient to political decisions as leaders pander to electoral constituencies, nationalist politics and public pressure on governments. Sticking to the old conceptualization of national sovereignty where a state could monopolize all the resources, including those claimed by other riparian countries, inhibits cooperation.

One of the gravest challenges to cooperative sharing of the Nile River and its tributaries is the nationalistic domestic political discourse that totally rejects political accommodation and applies selective scientific evidence in support of the benefits and harms of the GERD. Another challenge is Egypt's adherence to old agreements that do not take account of current needs and its hegemonic monopoly of the Nile River waters. A third challenge relates to the focus on apportioning water sharing instead of the shared benefits gained from the river.^{xxxviii}

Changes in the geo-strategic considerations of the old and emerging global powers with regard to Africa allow Ethiopia and other riparian countries to assert their rights over the Nile, but Egypt needs to make a sustained effort to build constructive relations with the Nile riparian countries.

In this regard, the integration of early warning systems pertaining to climate, weather, and environmental changes together with conflict early warning procedures should be paramount for building predictive and responsive capabilities in such river

xxxvii FAO, 2011, The State of the World's Land and Water Resources for Food and Agriculture, www.fao.org/docrep/017/i1688e/i1688e.pdf (accessed 24 January 2020).

xxxviii Dinar, Ariel & Nigatu, S Getachew 2013, 'Distributional considerations of international water resources under externality: The case of Ethiopia, Sudan and Egypt on the Blue Nile', Water resources and Economics, vol 2, no. 3, pp. 1-16.

basins. While improving the predictive capability of anticipating the impact of climate change on water, food, and energy security, it is also important to work to identify the most vulnerable areas of such basins in order to ensure that a mechanism is developed for effective responses to climate change calamities.

With mature political leadership, visionary regional cooperation and fair international and regional leadership, the Nile can be an integrative opportunity for creating interdependence among the riparian countries. While the envisaged GERD and any other hydroelectric project on the river could be considered as integrative factors and could effectively enhance opportunities for geo-political interdependence, the NRBC may not only prevent conflicts, but could also multiply such integrative opportunities such as the establishment of regional energy pools for energy sharing among all the riparian countries. The role of energy pools, for example, the sale and transferring of electric power (already practiced between Ethiopia and Sudan, Ethiopia and Djibouti, Ethiopia and Kenya and potentially Egypt and Eritrea) among the various riparian countries, would benefit the entire region. The recent Ethiopian decision to transfer water to Djibouti free of charge is another example related to cooperation in water security. Further consolidating this interdependence, signing the CFA and support for the GERD could usher in a new fraternity among riparian states and a collaborative beginning among the states with respect to the Nile Basin.

On the subject of disputes on the CFA and the dam, the chairperson of the African Union Commission and all the riparian countries should collaborate to bring about “a win-win situation” not in the context of the ambitions of the former colonial powers, but in the context of pan-Africanism and the African Renaissance.^{xxxix} Responsive to changes on the political, socio-economic and environmental landscapes of the Nile Basin states, the CFA and NBI are exemplary initiatives that need to be supported by the AU. The AU and other international organizations need to pressure Egypt to sign and ratify the CFA in its existing form and resolve its differences under the aegis of the core principles of the NBI.

To avoid and reduce the triggers of conflicts over trans-boundary water resources and enhance cooperation, the AU needs to elaborate a continental declaration on the adoption of the UN Convention on Water Resources. An AU declaration needs to take the African and regional contexts into consideration. The African Peer Review Mechanism (APRM) may have to take trans-boundary resource governance into consideration. The APRM should help governance and its linkage to climate change, water and energy security issues in order to assess how member states are progressing in this regard. This process should start by devising projects that aim at mainstreaming climate change, water and energy security in AU and REC policies.

xxxix AU Commission Chairperson on the Renaissance Dam <http://www.youtube.com/watch?v=U8-tkjN5C8o>(accessed 24 June 2016).

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