

Cooperation or Disagreement among Nile Basin Countries Towards Peace in the Nile Valley



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Initiative**



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Introduction:

The Nile river basin measures about three million square kilometers, which covers 10 percent of the African continent.¹ An estimated 240 million people depend on the Nile for their economic livelihoods, and about 430 million people live within the 11 basin countries.² Arguably the largest body of fresh water in the world,³ the Nile River basin is shared by eleven African countries, namely: Burundi, the Democratic Republic of the Congo, Egypt, Eritrea, Ethiopia, Kenya, Rwanda, Sudan, South Sudan, Tanzania, Uganda.⁴

As a result of climate change, fresh water is increasingly becoming a scarce resource divided unevenly between countries. What is worse is that water is non-substitutable, which makes it a potential cause for conflict.

Furthermore, when a resource base extends across political borders, misunderstandings and disagreements about allocations are more likely. Thus, the transboundary nature of the Nile River presents a challenge in terms of management, as each riparian country has ambitious national development plans to fuel economic growth and poverty alleviation efforts such as investments in energy, food production, transportation, and industrial development which critically depend on the sustainable use and management of the shared Nile River basin. Individual states, armed with sovereign rights to territorial resources, use water to serve political, economic, and social goals which increases the potential for conflict, as well as intensifies threats to state stability and national security.

Disagreements among Nile Basin countries:

¹ Kamari-Mbote. P. 2005. From Conflict to Cooperation in the Management of Transboundary Waters: The Nile Experience, in Linking Environment and Security–Conflict Prevention and Peace Making in East and Horn of Africa. Retrieved from https://waterconflictforum.org/lib_docs/transboundarywatersnile.pdf

² Ibid.

³ Ibid.

⁴ See Maps of the Nile River basin. <https://nilebasin.org/media-center/maps>





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The ongoing disagreements between Egypt, Sudan and Ethiopia, provides a perfect example of this. The tensions began to escalate following the insistence of the Ethiopian government on building the Grand Renaissance Dam on the Nile, which is a promise of electrical energy supply to the more than half of Ethiopians who lack access, as well as an opportunity to improve the general standards of living in the country.⁵ However, Egypt and Sudan, which depend almost wholly on the Nile River for fresh water in household and commercial uses, fear that the GERD may possibly compromise water their security and reduce its share of water leading to severe water shortages which affect agriculture and potentially cause insecurity.⁶

Nevertheless, the nature of the Nile River also presents a fundamental feature in the achievement of sustainable management of a water system with a development potential to satisfy the aspirations and expectations among so many different peoples living both within and beyond the Basin. Therefore, while the countries along the Nile River basin are extremely diverse, they can also be united by their dependence on the river because the transboundary Nile waters offers tremendous opportunities for growth and management of the Nile River resources which could provide a vast range of benefits, including better access to fresh water, increased hydropower and food production, enhanced management of watersheds, reduced environmental degradation and pollution and management of drought and flood damage.

However, the primacy of national interests makes a cooperation of riparian countries difficult to achieve. For example, the Nile Basin Initiative (NBI) founded in 1999, sought to increase dialogue among the basin countries as well as the equitable distribution of the Nile waters through mutually beneficial cooperation.⁷ While the initiative brought together most of the

⁵ Zeray Yihdego, International Law Connotations of US-‘Mediated’ Nile Dam Negotiations and Outcomes: Why and How the Parties Should Regain Control 0–3 (April. 16, 2020). Retrieved from <https://globalwaterforum.org/2020/04/16/international-law-connotations-of-us-mediated-blue-nile-dam-negotiations-and-outcomes-background/>

⁶ Mengiste, M. *The Nile belongs to Ethiopia too*. The Guardian, June 19, 2013. Retrieved from <https://www.theguardian.com/world/2013/jun/18/egypt-ethiopia-dam-blue-nile>

⁷ See more in The Nile Basin Initiative Website. Retrieved from <https://nilebasin.org/media-center/infographics/77-nbi-achievements-1999-2019>





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riparian countries in an institution aiming to facilitate cooperation and was successful in building some trust between the countries, it failed to bring about meaningful cooperative benefits due to a lack of commitment for cooperation by the participating countries because of the continued domination of unilateral projects .⁸

Furthermore, while the goal of the NBI was to allocate the Nile River waters fairly, it resulted in the upstream riparian countries seeking more control. For example, Ethiopian governments tried to use the NBI to revoke the Agreement for full utilization of the Nile Waters of 1959⁹ which allocated the bulk of the Nile's waters to Egypt, 55.5 billion cubic meters (BCM) (or 66%) of the rivers total 84 BCM water flow and 18.5 BCM (22%) to Sudan.¹⁰ Thus the Nile River Cooperative Framework was signed by six upstream countries namely: Burundi, Ethiopia, Kenya, Rwanda, Tanzania and Uganda, while Egypt and Sudan opposed the framework and withdrew from the NBI, because it challenged their historic rights to the Nile River.¹¹

The aforementioned examples of the primacy of national interests provide a clear argument that national interests need to be transcended to foster cooperation. However, although the primacy national interests are not the only explanation for the conflict along the Nile, reconciling them is vital for cooperation between Nile basin countries.

The Second filling of GERD without an agreement :political and economic impacts

The Nile River dispute between the Egypt, Sudan and Ethiopia has its origins in the 1929 Anglo-Egyptian Treaty on the utilization of the Nile River waters. The 1929 Anglo Egyptian Treaty is a bilateral treaty between Egypt and Britain, representing its East African colonies (Kenya,

⁸ Ghanim. Y. 2016. The Nile Basin Initiative and the Crisis of Collective Negotiations, *the Washington Institute for Near East Policy*, February 19, 2016. Retrieved from <https://www.washingtoninstitute.org/policy-analysis/nile-basin-initiative-and-crisis-collective-negotiations>

⁹ Under the 1959 Agreement, apart from Egypt and Sudan determined that the combined needs of other riparian would not exceed one to two BCM per year and any country south of Egypt must get Egypt's approval for irrigation or hydroelectric projects so that those projects don't cause a drop in Egypt's water level. See Agreement between the United Arab Republic and the Republic of Sudan for the full utilization of the Nile Waters, signed at Cairo, November 8, 1959 and Protocol concerning the establishment of Permanent Joint Technical Committee signed at Cairo, January 17, 1960. Retrieved from <http://www.salmanmasalman.org/wp-content/uploads/2013/01/Nile1959AgreementEnglish.pdf>

¹⁰ Colonial-era treaties are to blame for the unresolved dispute over Ethiopia's dam in *The Conversation*, March 25, 2020. Retrieved from <https://theconversation.com/colonial-era-treaties-are-to-blame-for-the-unresolved-dispute-over-ethiopia-dam-133538>

¹¹ Faibt. R. 2019. How Mediation based on African approaches to conflict resolution can transform the conflict over the Nile, in *Accord Conflict Trends 2019/1*. Retrieved from <https://www.accord.org.za/conflict-trends/how-mediation-based-on-african-approaches-to-conflict-resolution-can-transform-the-conflict-over-the-nile/>





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Uganda, and Tanganyika) and Sudan. Following the independence of Sudan from Anglo-Egyptian rule, Sudan and Egypt signed their own Nile River treaty agreement in 1959.¹² The 1959 treaty consolidated the 1929 treaty by allocating the bulk of the Nile's waters to Egypt, 55.5 billion cubic meters (BCM) (or 66%) of the rivers total 84 BCM water flow, Sudan was allocated 18.5 BCM (22%) and the remaining, 10 BCM (12%), was left for evaporation.¹³

Consequently, Ethiopia has expressed that the 1929 and 1959 agreements which underlie the claims of Egypt to the Nile River are colonial relics of the exploitation of Africa and maintained that both treaty agreements ignore its water rights. Thus, neither Sudan nor Egypt was consulted in April 2011, when Ethiopia launched the construction of the Grand Ethiopian Renaissance Dam GERD project.

The GERD which covers an area of 1,874 square kilometers and can hold seventy four billion cubic meters of water,¹⁴ is a promise of electrical energy supply to the more than half of Ethiopians who lack access, as well as a means to improve the general standards of living in the country.¹⁵ However the consequences of the GERD for Egypt, which depends almost wholly on the Nile River for fresh water in household and commercial uses, could be more dire, severe water shortages which affect agriculture and potential insecurity.¹⁶ Thus, referring to the Anglo-Egyptian Treaty which granted it the right to veto any such project,

¹² See Agreement between the United Arab Republic and the Republic of Sudan for the full utilization of the Nile Waters, signed at Cairo, Novemebr8, 1959 and Protocol concerning the establishment of Permanent Joint Technical Committee signed at Cairo, January 17, 1960. Retrieved from <http://www.salmanmasalman.org/wp-content/uploads/2013/01/Nile1959AgreementEnglish.pdf>
The agreement included the following terms: Egypt and Sudan utilize 4 billion cubic meters of the Nile flow per year, respectively; The flow of the Nile during January 20 to July 15 (Dry season) would be reserved for Egypt; Egypt reserve the right to monitor the Nile flow in the upstream countries. Egypt assured the right to undertake Nile River- related projects without the consent of upper riparian states.

¹³ Colonial-era treaties are to blame for the unresolved dispute over Ethiopia's dam in *The Conversation*, March 25, 2020. Retrieved from <https://theconversation.com/colonial-era-treaties-are-to-blame-for-the-unresolved-dispute-over-ethiopias-dam-133538>

¹⁴ See International Panel of Experts [IPOE] on the Grand Ethiopian Renaissance Dam Project [GERDP], 2013. Retrieved from https://www.scidev.net/wp-content/uploads/site_assets/docs/international_panel_of_experts_for_ethiopian_renaissance_dam-final_report.pdf

¹⁵ Zeray Yihdego, International Law Connotations of US-'Mediated' Nile Dam Negotiations and Outcomes: Why and How the Parties Should Regain Control 0-3 (April. 16, 2020). Retrieved from <https://globalwaterforum.org/2020/04/16/international-law-connotations-of-us-mediated-blue-nile-dam-negotiations-and-outcomes-background/>

¹⁶ Mengiste, M.The Nile belongs to Ethiopia too. *The Guardian*, June 19, 2013. Retrieved from <https://www.theguardian.com/world/2013/jun/18/egypt-ethiopia-dam-blue-nile>





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Egypt initially opposed the construction of the GERD. However, in 2012, it demonstrated a degree of flexibility and agreed with Ethiopia and Sudan to charge a panel of international experts with studying the potential impact of the GERD on the Nile countries.

In addition to this, and as a pathway for a more detailed agreement which would establish rules and limits for the filling of the dam and the manner of its operation, the Declaration of Principles (DoP) was signed by Egypt, Ethiopia and Sudan in Khartoum in March 2015.¹⁷

The DoP provides a framework for further negotiation on the filling and annual operation of the dam and reflects Egypt's recognition of the importance of the Nile River to Ethiopia's development. The terms of this general agreement, further provide that Ethiopia would implement the panel's recommendation which included an Environmental Social Impact Assessment on the dam.¹⁸ From the perspective of Egypt and Sudan an ESIA is crucial to addressing the technical concerns of the GERD. Among these concerns is that the filling of the GERD's reservoir should occur slowly over a period of twelve to twenty-one years to prevent major challenges to Egypt's water security.

Furthermore, given the possibility of water shortages as early as 2025, the Government of Egypt and Sudan are determined to ensure that downstream river flow is not affected by the filling of the GERD reservoir Ethiopia's during periods of prolonged drought, when the Blue Nile's water level recedes due to lack of rainfall. However, Ethiopia subsequently reverted to its original position and refused to allow an ESIA and has continued to insist on completing the process of filling the dam within six years in order to increase its capacity to generate power, a major preoccupation as more than half of Ethiopia's population lack access to electricity.¹⁹

Ethiopia achieved its first-year filling of the Grand Ethiopian Renaissance Dam in July 2020, but not without consequences. Sudan reportedly suffered from a shortage in irrigation and drinking water after a total of 3.5 billion cubic meters of water were held by GERD's reservoir

¹⁷ See Agreement on Declaration of Principles between Egypt, Ethiopia and Sudan on the GERDP.

<https://english.ahram.org.eg/News/125941.aspx>

¹⁸ Ibid.

¹⁹ Egypt Independent, *Once again, GERD Negotiations between Egypt, Sudan and Ethiopia stall*, August 29, 2020. Retrieved from

<https://egyptindependent.com/once-again-gerd-negotiations-between-egypt-sudan-and-ethiopia-stall/>





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in only one week during the first filling in 2020.²⁰ In addition to the consequences of the filling of the GERD reservoir and what is at stake for all countries involved regarding water security, Egypt and Sudan continuously insist on the creation of a clear and binding legal framework to manage the operation and filling of the GERD, as well as to prevent the management of GERD from being at the mercy of the whims of a single state's, political changes and interests. Unfortunately, various rounds of African Union negotiations including the most recent round in Democratic Republic of Congo's capital of Kinshasa in April 2021 have failed to reach an agreement on the management of the GERD.²¹ While water experts assure that avoiding the damages of the second filling of the GERD is a possibility if there is cooperation among the three countries in the procedures of preparing the Sudanese dams on the Blue Nile and the High Dam in Egypt; the main issue is what is perceived as Ethiopia's monopolization of the filling of the dam reservoir, its imposition of a fait accompli and complete disregard for the negotiations in the management of the GERD.²²

What if the second filling of GERD happened without binding agreement?

Despite these rising tensions, if Ethiopia undertake the second filling of the 74 billion cubic meter capacity reservoirs without any agreement with Egypt and Sudan, this will lead to a lot of negative impacts, not only because international law, but also because the mistrust among all of the parties.²³ There is a possibility that the second filing of the GERD could have economic and political impacts on Egypt and Sudan.

²⁰ Soliman. M. Second filling of GERD to take place in July, August; floods in Sudan to be reduced : Ethiopia's PM, in Ahram online, April 18, 2021. Retrieved from <https://english.ahram.org.eg/NewsContent/1/64/409442/Egypt/Politics-/Second-filling-of-GERD-to-take-place-in-July,-Augu.aspx>

²¹ Aman. A. Egypt, Sudan refuse Ethiopian proposal on filling Nile dam reservoir, in Al-Monitor, April 19, 2021. Retrieved from <https://www.al-monitor.com/originals/2021/04/egypt-sudan-refuse-ethiopian-proposal-filling-nile-dam-reservoir>

²² Ibid.

²³ Tekuya. M.E. Sink or Swim: Alternatives for Unlocking the Grand Ethiopian Renaissance Dam Dispute. 2020. Retrieved from <https://static1.squarespace.com/static/5daf8b1ab45413657badbc03/t/602180ce7596356449f4987a/161280840023/3/59-1%28g%29+Tekuya.pdf>





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Reduced water availability would reduce food production which would translate to higher food prices and a reduction in household food consumption which would inevitably affect health.

In addition, there is the potential of social unrest, which is likely to occur while the Nile water levels remain low and could result in resentments towards the government which has the potential to increase tensions throughout East Africa and the Horn, and thereby constitute a serious threat to international peace and security. However, it has been suggested that neither Egypt nor Sudan state will be immediately affected by the filling as there should be enough water in the system to compensate for the amount which the GERD holds back.²⁴

Moreover, since the GERD is a non-consumptive hydroelectric project, it is unlikely to have any adverse impact after the filling is completed. What is more likely to cause harm related to the current and existing uses of Egypt and Sudan, is the extent of control and utilization of the waters by Ethiopia.²⁵

The Role of CSOs in Nile Peace and Cooperation: Nile for Peace Initiative:

The development strategies within the Nile Basin countries show the heavy dependence on water as an initial natural resource to generate energy and to increase agricultural output. This makes coordination among stakeholders critical, as stakeholders at all levels, including the local community level, need to understand the need for and benefits of Nile cooperation. In this regard, civil society can provide avenues to objectively address issues by providing information and exploring solutions from local and regional views as well as open communication channels which may change views and provide consideration of other alternatives to promoting peace and cooperation.

Their inclusion in the matters of peace and cooperation along the Nile can help to converge the process towards an understanding based on the perspectives of people who depend on the Nile for economic livelihood rather than the narrow state interests, and thus help to

²⁴ Ibid.

²⁵ Ibid.





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transcend the narrow, state-centric focus of the governments towards resource-sharing based on social solidarity.

Furthermore, the engagement of riparian citizens is necessary to promote Nile cooperation, monitor the impacts of investment projects, share knowledge on resilience building strategies, and engage in constructive dialogue in order to ensure that Nile basin investments are sustainable and provide benefits to all its citizens.²⁶ Therefore, the role of civil society engagement in the politics of the Nile is important to transmit the interests and preferences of local people about water utilization to the regional level, which could play an important role in raising awareness on the benefits of Nile cooperation, as well as mobilizing support for cooperative dialogue and action between riparian countries.

The issues of the Nile River basin cannot be achieved by governments only. Without civil society participation, achieving peace and cooperation between countries of the Nile River basin will be more difficult. While basin countries may initiate and complete national projects, they will ultimately fail to disentangle the problems surrounding equitable use of the Nile between Nile Basin Countries while creating larger environmentally induced conflicts that further weaken their countries, the region and the continent at large. Thus in order to resolve the challenges threatening stability, as well as foster peace and cooperation in the Nile region, state as well as non-state actors need to assume a common responsibility: to promote and elaborate a new water and environmental ethic, to educate the masses, to facilitate discourse, and to broaden the consultative role civil society organizations in strengthening the relationship among the Nile basin countries by providing local and regional perspectives to add value to the inter-governmental processes, policies and programs for Nile peace and cooperation.

²⁶ Faibt. R. 2019. How Mediation based on African approaches to conflict resolution can transform the conflict over the Nile, in Accord Conflict Trends 2019/1. Retrieved from <https://www.accord.org.za/conflict-trends/how-mediation-based-on-african-approaches-to-conflict-resolution-can-transform-the-conflict-over-the-nile/>





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According to the above, a number of African civil society organizations met in the city of Kampala, Uganda, in April 2021 and launched a declaration: **“AFRICA WATERS FOR PEACE: NILE FOR PEACE CIVIL SOCIETY INITIATIVE”**.²⁷

The African civil society representatives and public figures from nine African countries, including Egypt, Sudan and Ethiopia have signed a document recommending the different governments engaging in the dispute of the Great Ethiopian Renaissance Dam "GERD" to use peaceful means to resolve the conflict and to prevent the awaited war as a result of their participation in the "Nile for Peace" conference held from 5-11 April in Uganda's capital of Kampala. Many civil society representatives from across the African continent were present, including Uganda, Kenya, Tanzania, the Democratic Republic of Congo, Burundi and Morocco. In the light of the abovementioned recommendation, the participating civil society organizations launched an initiative called "Nile for Peace" that seeks to increase awareness about the importance of water in the Nile basin and to lead the African public opinion in calling for peace and development.

The initiative called on the Egyptian government to take part in the sustainable development activities in Ethiopia, especially in the field of the infrastructure improvement and formulating a legal agreement that ensures no harm is caused to any of the three countries. It also called on the international community to contribute to compensating Ethiopia for any harm as a result of the adjournment of the dam filling.

The recommendations of the initiative

The representatives of the African civil society have agreed to localize the content of the document and to hold seminars in their own countries in order for other organizations to sign the document and form an African public opinion in favor of the document.

They also have agreed to support and present a long-term strategy that can prevent any future dispute in the Nile basin and the African continent in order to apply lasting solutions that are based on peaceful means. A short-term strategy has been scheduled to increase

²⁷ Please, visit the website of the initiative on: <https://nileforpeace.africa/>





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communication among the three countries, Ethiopia, Egypt and Sudan, to support common understanding through briefing the document.

The initiative is thought to invite the representative of the three countries to peaceful negotiations that are backed and supported by their peoples and the African peoples in general. It is also planning to invite the African Union and other regional African organizations to take part in its activities in order to leave no one behind.

The initiative presents a set of recommendations directed to the three countries involved in the Great Ethiopian Renaissance Dam "GERD" negotiations, the Nile Basin countries, and the international community.

The most important of these recommendations are to postpone the second filling of the Ethiopian dam, the Egyptian government's request to participate in sustainable development work in Ethiopia, as well as the international community's contribution to compensate Ethiopia for any damage resulting from the delay in filling the dam. This included asking the three countries to sign a legal agreement that guarantees that none of the three peoples will be harmed.

This aims to solve disputes surrounding the controversial dam project, but also puts forward the requirements to prevent any potential conflict on rivers in Africa in the future.

Conclusion

Evidently, the development of Riparian countries is inevitably linked to the hydrological cycle of the Nile River. A coordinated approach to the management of the Nile River waters can create cooperation within Nile basin countries and sectors as well as contribute to overall peaceful and collaborative management of the Nile water resources, which can act as a catalyst for peace in a region that is characterized by conflicts. However, for this to be successful, it is important that stakeholders other than state actors be involved in the collaborative endeavors. The involvement of civil society organizations in transboundary waters' management therefore requires nurturing and trust-building among actors to create a commonality and convergence of interests to promote peace and cooperation in matters of in Nile basin.





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Recommendations

The current escalation of tensions requires an immediate need to create a trilateral agreement which will reasonably address the demands of each feuding riparian state in a manner that does not negatively affect the other. However, regardless of this, the demand for water is more than likely to continue to increase due to population growth, economic development, and urbanization. In addition to this, climate change has already begun to pose a threat to the supply of Nile waters. Hence apart from a trilateral deal to quell current escalations, it is important that Egypt, Ethiopia and Sudan as well as all other Nile Basin States namely Tanzania, Uganda, the Democratic Republic of Congo, Rwanda, Burundi, Kenya, Eritrea, and South Sudan change their zero-sum approach to the Nile River and cooperate for the mutual benefits of all.

To this end, **Nile for Peace initiative** thereby makes the following recommendations:

First, the issue at stake is mainly between Egypt, Ethiopia and Sudan, which is securing an agreement to fill the GERD reservoir. However, the broader long-term goal should be for all eleven riparian states to agree on a legal system for managing the GERD. This resource sharing agreement will likely not only resolve the dispute over Nile rights among the riparian states, but it can also solve the problems of defining concepts that have been used to criticize the downstream countries.

Second, the riverside countries must urgently understand and appreciate Ethiopia's right to development, and at the same time, Egypt's water vulnerability. However, it should not be used as a weapon to thwart the efforts of other riparian states to secure a balanced, fair and equitable deal. Recognizing and accepting Egypt's near-total dependence on the waters of the Nile River could help the riparian states develop a water management protocol that could significantly enhance fair and reasonable use while minimizing the significant damage inflicted on downstream countries.

Third, it is important for Ethiopia to cooperate with other riparian countries to develop and adopt an effective drought mitigation protocol that includes the possibility of releasing water from the reservoir, when necessary, to alleviate droughts. This may provide more acceptable





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terms for cooperation between Sudan, Egypt, and Ethiopia, as well as other riparian states, in developing and adopting an acceptable agreement to manage the Nile.

Fourth, cooperation is the only way through which Egypt, Ethiopia, Sudan and other riparian countries can resolve the ongoing tensions on the Nile River and realize uses that would contribute significantly to human and economic development. Therefore, it is necessary to improve the relations that extend beyond their connection with the Nile River between and between the eleven riparian countries, especially in areas of mutual benefit such as trade, natural resource management, climate change, threats to peace and security, etc. The riparian countries must understand that the Nile River is a shared resource that can only be effectively managed from the perspective of the wide basin for the benefit of all.

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