



Nile for
peace
Initiative

Water Confidence Building Measures

Prospects for A Peaceful
Settlement of GERD
Disagreement



Nile for peace Initiative

Introduction

Confidence-building measures (CBM) and their implications are growing among international actors as one of the regulating lines of intraregional -interactions: conflict and peace at all international and regional levels since the 1970s to the extent of their advancement at all military and non-military levels, and their inclusion in the final Declaration of Helsinki on August 1, 1975 in the European contexts as well as its African counterpart, the Kampala Document (May 1991).¹

In this regard, this paper wishes to shed light on the confidence-building measures and the prospects for a peaceful settlement of the GERD by framing “the confidence-building measures conceptually and its projection in water policies, in addition to drawing the limits of development in the Nile Basin and monitoring its effects on the GERD as well as its prospects.

First: the concept of “Water Confidence-Building Measures (CBM)”

¹ UNIDIR, Confidence building measures in Africa, 1978, PP20-23, <https://bit.ly/3xU3tUC>

² OXFORD Handbook online, trust in international relations, access date.16 August2021, <https://bit.ly/3yVjWcu>

³ CPD, Face- time building trust in international affairs, 24 Feb 2021, <https://bit.ly/3xRDRYJ>

The terminology of trust and its construction was popular in sociology; it was borrowed by the international relations literature in the 1990s, and its traditional image revolved around being “the willingness to risk the behavior of others based on the belief that potential trustees will do the right thing,” or “the set of expectations held by one party that one or other parties will behave in an appropriate manner in relation to a particular cause”² or “belief about the action expected from others, and belief refers to the possibilities that others will do certain things or refrain from doing certain things, which in both cases affect the well-being of the believer as well as the well-being of others.”³ The measures building trust are defined as “agreements intended to give assurance to each party that the other is not preparing for sudden action or pursuing policies associated with such future action,⁴” or as “arrangements designed to enhance this assertion of reason and belief in the credibility of states and the facts they create by Holst and Walk.”⁵

Thus, CBM have come to mean “measures that address, prevent or resolve uncertainty between states designed to prevent the particularly desired and unwanted escalation of hostilities and may be formal or informal, unilateral, bilateral, multilateral, military or

⁴ Central for European policy studies Brussels, building confidence in peace, PP60-61.

⁵ CISIS, confidence building measures, access date.16 August 2021, <https://bit.ly/3iTVMtD>





Nile for peace Initiative

political. It can be between a country or another or a non-governmental organization, and indicates the non-existence of future contracts free of risks and challenges, the dependence of confidence on future predictions, the dialectic of the relationship between the risks of trust and the risks of uncertainties, and the fact that the real test for the beginnings of trust relationships is to make commitments in the light of the national security of states, and considering that the actions of adversaries stem from fear and insecurity.⁶

In line with the developments of the decade (21), its variables, and its repercussions at all levels, especially climatic conditions, and the escalation of indicators of water conflicts to the point of threatening force and wars, and in line with international water law and its international and regional agreements, this paper presents a procedural definition of water confidence-building measures among countries that “all Measures, procedures, and efforts issued by countries in an international river basin aimed at demonstrating good faith and sincerity of endeavors in terms of peace, cooperation, and common, equitable and reasonable governance of international rivers without causing significant harm, in line with international water law and its principles, and set aside existing differences.

⁶ CSIS, Confidence -building measures, access date.16 August 2021, <https://bit.ly/3iM2oks>

Second: the limits of the development of water CBM in the Nile Basin:

Perhaps the one who looks at the manifestations of the Nile Basin and examines the conceptual contexts of confidence and measures of its construction, will see the presence of confidence-building measures. Among these measures are the attempts of the Nile Basin countries to consolidate and develop joint cooperation in order to develop water resources and their governance since the 1960s (20), which, in its bilateral paths, led to the signature of the 1959 Agreement between the two downstream countries, the establishment of the joint technical authority for the management of the river,⁷ and the conduction of research and studies on the optimal utilization of the Nile waters, and led, in its multiple paths, first to the development of the “Hydromite Project” following the sudden rise in the waters of Lake Victoria, to prepare meteorological studies, behavior and levels for the basin countries and assess the water balance, which included Egypt, Kenya, Sudan, Tanzania and Uganda in partnership with the United Nations Development Program and the World Meteorological Organization (1967: 1992), and second to the establishment of the Indogo Caucus in 1983, as well as the Technical Cooperation Committee for the

⁷ Ilyas Masih Patricia Trambauer, „A Review of droughts in African continent : A geospatial and long term perspective “Hydrology and earth system science”, April 2014, p3643.





Nile for peace Initiative

Promotion of Development and Environmental Protection of the Basin (TECCONILE).⁸

Water CBM reached its peak in the 1990s when the water resources ministers of Egypt, Sudan, Rwanda, Tanzania, Uganda and the Democratic Republic of the Congo signed the 1992 Agreement, which was entered into force in January 1993 until 1998. A series of Nile Conferences were held during the period (1993: 2002) to create a forum for scientific discussion and informal dialogues to exchange views and enhance cooperation for the development of the Nile Basin, and to launch the Nile Basin Initiative unanimously with (9) members, with Eritrea retaining an observer status until it joined the initiative in (1999). This step serves as a transitional stage and a prelude to a comprehensive cooperative framework agreement that will achieve the common vision of sustainable, fair, reasonable and equitable social and economic development.⁹

However, CBM in the Nile Basin have not yielded practical, adequate and consistent results with those efforts. One decade after the launch of the Nile Basin Initiative, disputes escalated over the formulation of the final version of the cooperative framework agreement and the establishment of the Permanent Basin Committee, and attitudes have varied regarding the content of Articles (8,

14, 34) on the prior notification, water security, and the voting mechanism, respectively, paving the way for conflict, distrust and prevailing tensions. These efforts concluded with 6 countries signing the agreement: Uganda, Tanzania, Ethiopia and Rwanda in 2010, and Burundi and Kenya in 2011. None of the downstream countries has welcomed the Agreement.

Between the existing confidence-building measures in the Nile Basin and cooperation efforts, but they are still far from resolving the existing and historical differences in the Nile Basin, topped by reaching a collective cooperative agreement acceptable to all parties to settle water disputes and conflicts in the Nile Basin, achieve a comprehensive and equal win for the parties, and pave the path to shared water governance.¹⁰

Third: the effects of water confidence and the GERD crisis since (2011):

Away from the water confidence, its construction measures and role, Ethiopia, unilaterally and without prior consultation or cooperation with the downstream countries as per stipulated in the Nile Basin legal systems, began in 2011 the construction of the GERD on the Blue Nile in an unprecedented challenge and escalation of the water needs of the

⁸ Governance of international water rivers in Africa and its potential in the Nile basin, PP12-14

⁹ Hydrological science journal, challenge for water sharing in the Nile basin: changing geo- politics and changing climate, 4 July 2011, <https://bit.ly/2Ts8W7g>

¹⁰ BROOKINGS, the controversy over the grand Ethiopian renaissance dam, 5 august 2021, <https://brook.gs/3ALpQT>



Nile for peace Initiative

downstream countries: Egypt and Sudan, estimated at about (97%, 80%) respectively, and the diversion of its course on May 28, 2013. Accordingly, and in its context, the negotiating process began. It passed through several intermittent rounds, witnessed a kind of confidence-building measures, which would have led to a peaceful settlement to the issue of the GERD.

In the first round from 2011 to 2013, the two downstream countries agreed to Ethiopia's condition to continue the process of building the dam along with the continuation of the negotiation process, and the formation of a joint technical committee. In the second round from 2014 to 2015, the Declaration of Principles on the GERD was signed in March 2015. The Declaration consists of (10) principles and a preamble; (4) principles on the GERD, and (6) consistent with the principles of international water law as a basic basis and framework for the negotiating process, which highlighted confidence-building measures. The Declaration's principles guaranteed Ethiopia's right to development and the legality of building the dam, and approved cooperation on the basis of mutual understanding, mutual benefit and win-win intentions and principles of international law. Besides, it recognized the water needs of the upstream and downstream countries with their various climatic changes, development, regional integration and

sustainability, the not causing significant harm, the fair and appropriate use, the confidence-building, the exchange of information and data, the dam's security, sovereignty and territorial integrity of the state, and the peaceful settlement of disputes in the text and principles of the agreement (1, 2, 3, 4, 5, 6, 7, 8, 9, 10) respectively.¹¹

In the third and fourth rounds, the political and legal aspects were neutralized in favor of the technical aspects, and space was allowed for international mediation at the Egyptian request (September, 2019) to resolve the crisis and advance its negotiating process for a peaceful and legal settlement. The United States of America intervened as a mediator in (November 6, 2019), with the participation of its Treasury Secretary, in addition to the World Bank, to sponsor the negotiations so that a legal agreement draft of (6) articles on implementing the filling of the dam in stages and in an adaptive manner with the considerations of the Blue Nile at the level of (595) meters, in addition to Ethiopia's adoption of several mitigating measures during periods of drought and extended drought in the first filling, and an effective mechanism and provisions to settle disputes, which was signed and approved by Egypt only, to end in failure.¹²

Accordingly, the unilateral and escalatory actions of the Ethiopian side contributed to

¹¹ Journal of natural source and development, the role of trust building in fostering cooperation in the eastern Nile

basin: A case of experimental of game application, 9 November 2017, 73DOI number: 10.5027/jnrd.v7i0.09

¹² CARNegie middle east center, the dam that broke open an Ethiopian -Egypt dispute, 12 Feb 2021, <https://bit.ly/3AEforE>





Nile for peace Initiative

limiting the effects of confidence-building measures, especially the unilateral filling measures: the first and second led to the faltering of the negotiating process in (April 2021), and the escalation of the crisis to the Security Council for the second time on (July 8, 2021) to no avail.¹³

Fourth: Water Confidence-Building Mechanisms around the GERD:

After extrapolating the reality of water confidence-building measures in the Nile Basin and the limits of their impact on the tracks of the GERD and obstructing them by unilateral and escalatory measures, this paper outlines the possibilities of enhancing and pushing confidence-building measures with the aim of peaceful settlement of the GERD issue, as follows:

1. Mutual reassurance measures and commitments

Peace and stability require a great deal of mutual trust by strengthening measures of reassurance and commitments, especially the need to stop and prevent unilateral and escalatory measures before returning to the negotiating process, as it is the best strategic path aimed at strengthening and building trust based on responding to the needs of others, achieving peace and mutual benefit, and returning to the Declaration of Principles signed (2015), as a common ground for the three

countries, and the expansion of opportunities for international mediation due to its role in the peaceful settlement of conflicts and disputes in order to reach a legally binding agreement on the filling and operation of the dam, which meets development aspirations and water needs, especially in periods of drought, and helps to cope with severe climatic changes: existing and expected.

2. Benefit and harm-sharing measures

Water confidence-building measures in the context of the GERD issue include the necessity for the states parties to show willingness to share the benefits and harms and to make a set of concessions, in demonstration of good faith and confidence, and to re-evaluate the accounts on the risks that pessimistic expectations and uncertainties may bring forth. The downstream countries must recognize Ethiopia's right to development and the importance of the GERD as a development project for the Nile Basin that will expectedly provide 6,500 megawatts and (9,000) work opportunity to Egypt and Sudan, respectively. Ethiopia must acknowledge the rights of the downstream countries to survival and admits their water needs estimated at (97% and 80%) in Egypt and Sudan, respectively and their growing populations estimated at (102, 40) in (2019), and (170, 80) in (2050).

¹³ The maritime executive, Ethiopian dam raises possibility of water conflict on the Nile, 28 July 2021, <https://bit.ly/2WO3Ujw>





Nile for peace Initiative

3. Regional institutional and organizational measures

Confidence-building measures require the need to develop regional institutional and organizational structures such as the “Nile Basin Initiative” launched in (1999), after their reform and resolving the existing disputes over the framework agreement signed in (2010) that caused the rejection of Egypt and Sudan, which would advance the negotiating process and strengthening it in terms of a peaceful settlement and the possibility of using it as a mechanism for future cooperation, which would ensure the effective implementation of legal agreements, oversee the process of water governance between the basin countries, coordinate policies for the crisis, and the need to establish financial funds and judicial institutions to settle disputes.

4. Information and data exchange measures

At the forefront of confidence-building measures in all contexts are “measures for exchanging information and data, supporting transparency, preventing miscalculations, and strengthening joint management of emergencies to contain their repercussions that appear in the form of droughts and floods and prevent recurrence of tragedies. Droughts in the 1980s left about (1) million deaths. In Ethiopia alone, the flood emergency intensified by (117, 100, 600) deaths, destroyed houses, and displaced people respectively in (2020). The intensity of the floods increased to the extent that 12 thousand Sudanese were

affected, and more than (800, 4,400) homes were completely and partially destroyed, respectively, in the first two days of its recurrence on (August 8, 2021), which portends severe challenges to Egypt’s water needs by about (97 percent). Egypt has entered the stage of water poverty since (1996), with a deficit of about (50) mm³.

5. Water and Development Partnership Measures

The water and development partnership measures include the necessity of solving problems, strengthening ties, increasing coordination on common challenges, exploiting available opportunities, formulating complementary plans and strategies, agreeing on a sound settlement, considering water needs and uses and maximizing benefits, especially through the development of hydropower, and increasing investments in water projects. Irrigated agriculture, infrastructure projects for navigational roads, transport and communication between the countries of the basin, projects to increase water revenues and reduce losses from evaporation and seepage, especially from the operations of connecting and diverting tributaries, draining swamps and removing plant dams, and launching projects of adaptation and resilience to climate changes in order to address climate change and its challenges from floods and droughts.