

Untying the Gordian Knot: The Grand Ethiopian Renaissance Dam in Regional Hydro-Politics.

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Abstract

Solving the Nile basin dispute that currently entangles Egypt, Sudan, and Ethiopia has remained a daunting task, in theory and praxis. Egypt views the construction of the Grand Ethiopian Renaissance Dam as Ethiopia's subtle quest to upstage Cairo's regional hydro-hegemonic status, thus giving it impetus to oppose the dam. The other bone of contention revolves around water scarcity and the sharing of this resource. Egypt, and Sudan cite reduction of their water volumes as their key driving reasons for objecting to this project. This brief outlines the stalemate in the Nile basin that continues to exacerbate tensions between Egypt and Ethiopia. Historical agreements contribute to current challenges as Nation states reassert themselves and push to claim their rights. This brief gives salient recommendations to avert a crisis.

Introduction

Interdependence on shared water resources, from rivers that traverse international borders and boundaries, potentially leads to conflict as riparian states compete to secure and enforce their right to use and access these waters (Ward and Roach, 2012, p 51). Typically, nation states treat the portion of water within their territories as a resource at their exclusive disposal. The arising competing interests between riparian states that *inter alia* include water scarcity thus create tensions (Ward and Roach, 2012, p 51).

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The river Nile is mainly composed of the Blue Nile and White Nile. Egypt receives water from this source, eighty-five percent from the Blue Nile, and fifteen percent from the White Nile. The Blue Nile originates in Ethiopia and flows through Sudan linking up with the White Nile on its way to Egypt (Asiedu, 2018. p 1). It is instructive to note that in its entirety the river Nile is shared by eleven countries in Africa namely: Egypt, Sudan, South Sudan, Ethiopia, Kenya, Eritrea, Uganda, Rwanda, Burundi, Tanzania, and The Democratic Republic of Congo (DRC) (Tawfik, 2015, p 2.).

For the longest time Egypt has denied the upper riparian states full use and access to the Nile waters citing its existential dependence on this water. Colonial agreements that gave Egypt the power to decide what projects could be undertaken along the Nile, and the threat of use of force against such projects, have characterized the *modus operandi* of Egyptian foreign policy in regard to the use of the Nile (Tawfik, 2015, p 2.). Egypt has historically argued that it would use any diplomatic or military means to prevent any adverse effects it would suffer from the use of the Nile waters by any other state (Booth, 2020, pp 1-8).

Treaties and Agreements Past and Present.

Past agreements have continued to be a major challenge between two groups in the Nile basin. This is represented by the views held by (Kenya, Tanzania, Uganda, Rwanda, Burundi, Democratic Republic of Congo (DRC), Eritrea, Ethiopia, Sudan, Egypt and South Sudan) who comprise the downstream, and upstream riparian's nations states' in reference to their entitlements to the Nile waters. (Yihdego et al, 2016, p 504). Egypt and Sudan, downstream nations, continue to rely on the rights granted to them historically through past agreements.

Upstream states contest and reject these rights and claims asserting that they contravene the principle of equitable and reasonable utilization and participation. (Yihdego et al, 2016, p 504). This principle of equitable and reasonable utilization advocates for fair and mutually beneficial utilization of shared international watercourses among nation States. It is enshrined under Article 5(1) of the UN Watercourses Convention. It fundamentally entitles states to benefit from particular watercourses whilst binding them to reciprocal obligation not to deprive other States of their respective rights to the water (United Nations, 1997, p. 4).

To put things in perspective, three past treaties led to the current predicament the Nile basin finds itself in. In 1902, Britain and Ethiopia signed a treaty to determine the frontier between Sudan and Ethiopia. Of particular interest was article III which forbade Emperor Menelik II of Ethiopia from constructing a dam across the Blue Nile, Lake Tsana, and river Sobat in order not to interfere with the waters flowing into the Nile river (Ullendorff, 1967, p. 643). Another Treaty was signed in 1929 between Egypt and Great Britain where the latter acknowledged that Cairo had historical rights to the Nile (Ottaway, 2020). This Anglo- Egyptian treaty granted Egypt an annual allocation of 48 billion cubic meters of water and granted 4 billion cubic meters of water to Sudan. Furthermore, this same treaty gave Egypt veto power over any upstream projects on the Nile that would interfere with its share of the waters (Kimenyi & Mbaku, 2015). In this agreement Britain supposedly represented all the territories under its control that had an interest in the Nile. A further agreement was signed in 1959 between Egypt and Sudan where they renegotiated the 1929 agreement and increased their own share of the Nile water once again ignoring any rights of the upstream nation states (Ottaway, 2020).

A paradigm shift occurred when some of the upper riparian states attained independence. Ethiopia rejected its 1902 agreement with Britain, and Kenya, Uganda, and Tanzania, under the 1962 Nyerere doctrine, declared that they would not be bound by the 1929 agreement between Britain and Egypt (Salman,2016, p. 513). This shift led to Ethiopia and Uganda progressively constructing various dams in their own territories on waters that directly affected the Nile.

In 1999, new attempts at building a consensus along cooperation on the use of the Nile waters led to the Nile Basin Initiative (NBI) (Kimenyi & Mbaku, 2015). This initiative was signed by the Nile riparian states except Eritrea. The new Cooperative Framework Agreement (CFA), introduced the concept of equitable access and sharing of the Nile waters. This agreement was presented for ratification and signature to the Nile basin states on May 10, 2010. Six states namely; Tanzania, Kenya, Ethiopia, Burundi, Rwanda, and Uganda signed it (Kimenyi & Mbaku, 2015). Egypt and Sudan refused to sign the agreement citing that article 14 (b) which stated, "*Nile Basin States therefore agree, in a spirit of cooperation: . . . (b) not to significantly affect the water security of any other Nile Basin State.*" violated their historical rights granting them access to the Nile waters. They proposed to replace this clause with, "*Nile Basin States therefore agree, in a spirit of cooperation: . . . (b) not to significantly affect the water security and current uses and rights of any other Nile Basin State,*". This counter proposal was rejected by upstream riparian states, who argued that the proposal entrenched the prior historical rights that Egypt and Sudan enjoyed which had also created the inequality on the use of Nile waters (Kimenyi & Mbaku, 2015).

It is against this backdrop that Ethiopia embarked on an ambitious project to build the Grand Ethiopian Renaissance Dam (GERD) in 2011 (Tesfa, 2013, p. 1). This mega infrastructural

project is situated on the Blue Nile river sixty kilometers from the Sudan border and is projected to generate up to 6000 Mega Watts of electricity, enough to supply 65 million Ethiopians with their energy needs, and leave a surplus that could be sold regional to other states. Through this Ethiopia aspired to become Africa's energy hub (Tawfik, 2015, p 17). This led to protestation from Egypt and Sudan who felt that the dam posed an existential threat to their way of life. It is instructive to note that the Cooperative Framework Agreement (CFA), which was mooted within the Nile Basin Initiative, received support in May 2010 from Tanzania, Kenya, Ethiopia, Burundi, Rwanda, and Uganda all upper riparian states. In this CFA, these countries agreed to utilize more of the Nile's water resources (Abebe, 2014, p. 33).

The Grand Ethiopian Renaissance Dam (GERD)



Source- <https://iasbaba.com/2020/03/grand-ethiopian-renaissance-dam-gerd-a-dam-of-contention-in-africa/> accessed 4th November 2021.

Hydro Hegemony, Geopolitical Rivalry and International Actors

Egypt and Ethiopia have been Nile basin rivals for ages. They have historical rivalry predicated on their struggle to control the Nile waters. It is notable that during the 12th century Ethiopia under the rule of Emperor Amda Syon exposed Egypt's Achilles heel when he threatened the Egyptian Sultan with the Nile's diversion because Coptic Christians were being mistreated by the latter (Gebreluel, 2014, p. 26).

This age-old rivalry has recently seen Egypt's hydro-hegemonic status being challenged by Ethiopia's emergence as a regional power. Ethiopia has in recent decades evolved to command attention as a strategic center for regional and continental diplomacy (Gebreluel, 2014, p. 29). Situated in the conflict prone Horn of Africa, Addis Ababa has also in recent years emerged as a central actor in the security architecture and conflict resolution of the region. Key examples include Ethiopia's contribution to AMISOM troops in the fight against the Al-Shabaab in 2014 (Teshome, 2019, p. 6345) and the pivotal role it has played in the 2014-2017 South Sudan peace process (CGTN, 2020). Currently Ethiopia now stands on the brink of successfully challenging Egypt's hegemony on the Nile basin given its advancements in the economic, diplomatic, and military sphere (Gebreluel, 2014, p. 30). Tawfik (2015) further argues that Ethiopia's power projection through the construction of the GERD is aimed at changing the Nile basins' power narrative through the use of "various coercive, utilitarian, discursive, and legal counter-hegemonic tactics" (Tawfik, 2015, p. 12).

In addition, international actors have also played a role in the entrenchment of the hydro geopolitical rivalry between Egypt and Ethiopia. During the cold war era, Ethiopia and the

United States of America collaborated and prepared studies for the utilization of the waters of the Blue Nile (Tawfik, 2015, p 13). This was in response to the Soviet Union's backing of the construction of the Aswan High Dam in Egypt.

Another international actor whose indirect presence has exacerbated the geopolitics of the Nile basin is Turkey (Al-Monitor, 2021). Turkey's recent dalliance with Sudan and Somalia has caused Egypt to be wary to the extent that Cairo has re-strategize its engagement with Somalia and moved with haste to try and curtail Ankara's influence in the region. Turkey has made considerable diplomatic inroads in Sudan and Somalia. Egypt is on record accusing Turkey of funding and giving Ethiopia expertise on the construction of the GERD (*World-Bulletin*, 2014). Egypt fears Turkey's influence on Ethiopia given Turkey's own history with the construction of the Artatuk Dam on the Euphrates river leading to complaints of severe water shortages by the downstream states of Syria and Iraq. Interestingly Turkey has offered to mediate and help broker an agreement between Egypt, Sudan, and Ethiopia (*Middle East Monitor*, 2021).

Sudan is the other country that has found itself intricately affected by the Hydro politics within the Nile basin. Having renegotiated with Egypt in the 1959 agreement where the two states agreed to re-allocate their share of the Nile water, it has recently appeared to accommodate Ethiopia's ambitious dam with the assurance that it will benefit from cheap energy once the project is complete (Asiedu, January 2018, p.3). Egypt has not taken kindly to this new stance by Sudan given that the two countries had in solidarity refused to sign the CFA agreement in May 2010, (Abebe, 2014, p. 33), and even contemplated taking military action against Ethiopia's Dams' on the Nile in 2010 (Kelley & Johnson., 2012).

Diplomatic Engagements and Hurting Stalemates

Efforts to amicably resolve the Nile Basin dispute occasioned by the construction of the GERD resulted in a fragile agreement after seven tripartite ministerial meetings at reaching an agreement (Salman, 2016, pp 520-527). In an attempt at objectively evaluating the GERD project and building consensus around it, an International Panel of experts was formed in September 2011 that comprised two individuals each from Egypt, Sudan, and Ethiopia and the remaining four from outside the Nile basin. (Salman, 2016, p. 517). They were mandated to investigate any negative impacts the GERD could have on Sudan and Egypt and advice on mitigating measures. In May 2013 this panel recommended that more investigations were needed to establish the safety of the GERD, a declaration that made Egypt demand that Ethiopia suspends the building of the dam. Tensions continued to rise as Ethiopia in total disregard of Egypt's protestations diverted the Blue Nile and continued to build the Dam (Salman, 2016, p. 517).

The first tripartite ministerial meeting comprising of the ministers of water resources from Egypt, Sudan, and Ethiopia was held on 4th November 2013 in Khartoum with the aim of coming to an amicable understanding over the GERD. This meeting failed to meet its objective because Egypt demanded that Ethiopia suspend the construction the dam, a position that Addis Ababa refused (Tawil, 2020). The second tripartite meeting was held on 6th December 2013 and came on the eve of Sudan's declaration of support for the GERD which had been occasioned by its' agreement with Ethiopia that Sudan would benefit from cheap power from Ethiopia. This newfound Ethiopia-Sudan alliance angered Cairo and led to the collapse of the second attempt at unlocking the existing impasse. The third tripartite meeting took place in January 2014 in

Khartoum but proved worse than the previous engagements due to hardened positions by Egypt and Ethiopia. Egypt continued to demand for the suspension of the construction of the GERD as a precondition to further talks, a position that Ethiopia rejected. This meeting failed and the parties walked away without any discussion on whether the talks would continue in the future (Tawil, 2020)

An informal summit engagement between President Fatah El Sisi of Egypt, and Ethiopia's Prime Minister Hailemariam Desalegn at the African union meeting in Malabo Equatorial Guinea in June 2014 gave impetus to the stalled talks between the parties, when the leaders agreed to resume negotiations. This chance encounter paved way for the subsequent fourth to seventh tripartite meetings that increasingly saw Egypt and Ethiopia accommodate each other's views albeit with conditions. Egypt conceded that Ethiopia could still continue building the dam whilst Ethiopia agreed that a panel of International experts extensively study and advice on the safety concerns of the GERD project (Salman, 2016, p. 519).

The seventh tripartite meeting which bears the most significance took place in Khartoum on 3rd to 5th March in 2015. It took place against the background of the release of a report by the Massachusetts Institute of Technology that had been prepared by an independent International panel of 17 water experts. This report had been released in November 2014. It stated that Ethiopia was right in utilizing the Blue Nile for its economic development but cautioned that this was to be done in a cautious manner. Ethiopia walked into the seventh meeting buoyed by this new information (Tawil, 2020).

That seventh tripartite meeting took place in Khartoum on 3rd –5th March 2015. The meeting was attended by six ministers who included two from each country. They represented the water and foreign affairs ministries of each country and signified their desire to reach an agreement. They came to an agreement and announced that the agreement would be reviewed by the leaders of their respective countries. The agreement was entitled Agreement on Declaration of Principles (DOP) between the Arab Republic of Egypt, the Federal Democratic Republic of Ethiopia, and the Republic of the Sudan on the Grand Ethiopian Renaissance Dam Project (GERDP) (Salman, 2016, p 520).

The “Declaration of Principles” (DOP) was signed by the Prime Minister of Ethiopia, and the Presidents of Sudan and Egypt on 23 March 2015 in Khartoum, in a bid to come to an understanding that would reduce heightened tensions and build a foundation that would entrench cooperation on water sharing (Booth, C. D., 2020, p. 3). The DOP comprises ten principles which are divided as follows; four principles touch on issues directly related to the GERD project, and six principles cover issues outlined in International law (Salman, 2016, pp 520-521).

Article 1 of the agreement touches on the principle of cooperation between the upstream and downstream countries based on mutual understanding and good faith between the parties. Article 2 recognizes that GERD exists for the pure purpose of power generation and contribution to economic development. Article 3 states that measure will be taken not to cause harm to any country and that any arising harm will be eliminated and compensation agreed upon. Article 4 deals with equitable and reasonable utilization of the waters in each country clearly stating the proportion of use based on laid down guidelines (DOP, 2015, pp1-3).

Article 5 deals with the principle to cooperate in the first filling and operation of the dam with the States expected to consult and follow the recommendations of the panel of experts and agree on timelines to fill the dam and operate it. Article 6 outlines confidence building and gives priority to downstream countries in the purchase of power generated by the GERD. Article 7 states that Egypt, Sudan and Ethiopia will cooperate in the sharing and provision of data and information with the TNC. Article 8 deals with dam safety with Ethiopia expected to implement recommendations of the panel in relation to dam safety. Article 9 deals with the issue of cooperation on the principle of sovereign equality and territorial integrity in order to achieve maximum utilization and adequate protection of the Nile. Finally, Article 10, deals with the principle of peaceful settlement of disputes with countries expected to amicably consult and settle any misunderstanding that may arise (DOP, 2015, pp 3-5).

A number of tripartite negotiations meetings between Ethiopia, Egypt and Sudan were held between November 2017 and January 2020 with varied results (Tawil, 2020). These ranged from outright disagreements between the three states on agreed timelines and modalities for proceeding with the GERD project, to clear stalemates on who the mediators in these talks would be. The main bone of contention lies in the timelines for filling the GERD as proposed by Egypt, and Ethiopia. Whereas Egypt proposes that the dam be filled over a period of seven years, Ethiopia proposes to do this in three years (Tawil, 2020).

Ethiopia unilaterally embarked on filling the GERD in July 2020 in what it called the first phase and managed to achieve the desired water level target of 4.9 billion cubic meters of water leading to protestations from Sudan which claimed that these occasioned water shortages on its territory

(*Aljazeera*, 2021). A declaration that it had also attained its second phase targeted 13.5 billion cubic meters in the July 2021 rainy season has further infuriated Egypt and Sudan. In its defense Ethiopia cites having taken advantage of the current heavy rainfall it has experienced this season (*Africa News*, 2021).

Addis Ababa has stated that it does not have direct control of the filling of the GERD reservoir citing the given topography of the land which tilts in the direction in which the reservoir is located (Zane, 2021). This reservoir began filling during the July – September 2020 rainy season after the construction level of the dam reached a particular height. Assurances from Ethiopia that it will take between four to six years to completely fill the dam and attain the envisioned 74 billion cubic meters of water has not assuaged Egypt and Sudan (Zane, 2021). Tensions continue to build up in this Nile basin threatening to burst into a hydro-conflagration of epic proportions.

Policy Recommendations

There is need for concerted efforts within the Horn of Africa region to address the various challenges that have been presented by the negotiating parties in the GERD dispute. This brief makes the following recommendations;

There is a need for clear debate at the international level on the ambiguous and contradictory principles that are espoused by the International Law on transnational watercourses. On one hand international law argues that sovereign states have the rights to utilize resources within their jurisdiction, but inversely also state that such usage and exploitation should not harm other states that share this resource. This ambiguity has thus created a lacuna that exacerbates water resource

conflicts as can be currently witnessed in the Nile River Basin where all parties cite international law as they justify their varied positions.

The African Union should re-look at the Convention on the Law of the Non-Navigational Uses of International Watercourses adopted by the UN General Assembly in 1997 and brought into force on 17th August 2014 with view of using it in dealing with challenges as witnessed in the Nile Basin. This international instrument brings into force a regime that regulates the sharing and management of international watercourses. This convention allows and advocates for the recognition of watercourse agreements between riparian states. Egypt, Sudan, and Ethiopia have been in negotiations to come up with a watercourse agreement on the use of the Nile waters. These negotiations however have not borne fruit, a situation that continues to escalate the tensions between these states. Egypt, Sudan, and Ethiopia should be encouraged to come up with a clear watercourse agreement to avert conflict in the future.

The African Union and Intergovernmental Authority on Development (IGAD) need to change the GERD narrative from a Zero-sum game to a Non-Zero-sum game in the context of Egypt, Ethiopian, and Sudan relations. The narrative would highlight the benefits accrued from the shared Nile River waters. The potential gains from the shared resource that is the Nile should be the rallying call that potentially helps foster greater regional cooperation on the GERD project. This narrative should highlight the regional socio-economic benefits that would accrue from among others, the hydro power that Ethiopia would produce which it would be able to sell to Egypt and Sudan. Furthermore, Egypt would potentially benefit from more water over time as

the GERD reservoir in the Ethiopian highlands safeguards the water from loss which occurs more in the Aswan High Dam in Egypt due to evaporation.

Furthermore, all the riparian states should be encouraged to use the Nile River waters optimally and in a sustainable manner. Cairo should utilize its share of the Nile waters prudently. Major reforms are needed in Egyptian water infrastructure where experts opine major losses occur. Areas that require reform include the canals that need modernization as well as the *ancien* irrigation infrastructure still in use. This increasingly becomes imperative given projections that predict that Egypt would lose up to twenty-five percent of its freshwater access to the Nile River as Ethiopia progressively fills up the GERD reservoir.

There is also clear need for the African Union and other regional actors to diplomatically encourage Ethiopia to re-examine its trajectory even as it seeks to sovereignly exercise its right to use the Nile River waters. Ethiopia should be encouraged to stagger its planned filling of the GERD reservoir so as not to adversely affect Egypt and Sudan as the three countries continue to engage in talks about the project. Staggering the filling up of the GERD should also consider the varied rainy seasons so that significant gains are achieved in seasons that have more rainfall as witnessed in 2021 as claimed by the Ethiopian government. This will go a long way in avoiding disruptions to the Nile water flow to the downstream riparian states.

Conclusion

Ethiopia's realist decision to construct and unilaterally fill the GERD continues to pose a serious threat to peace in the Nile River Basin. Egypt and Sudan's protestations have not dissuaded Ethiopia, which is determined to exercise its right of use of a natural resource, and a helpless African Union that is unable to contain the situation. A mutually and agreed negotiated watercourse agreement would go a long way in easing tensions in the Nile basin and setting a good precedent for the continent on how mutually shared resources should be managed.

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