The Great Nile and the Controversy Surrounding its Waters

After more than a month of consultations, the UNSC adopted a chairman’s statement calling for the resumption of the African Union (AU) mediation to reach “a binding agreement on the filling and operation of the Grand Ethiopian Renaissance Dam (GERD).”

The adoption of the resolution coincided with the arrival of Christophe Lutundula Apala, Minister of Foreign Affairs of the Democratic Republic of Congo. He handed over to his Sudanese counterpart Mariam al-Sadiq al-Mahdi a document prepared by AU experts in anticipation of the resumption of negotiations under the leadership of this apex African organization. In this regard, the Sudanese minister said her country’s position on the dam is based on international law and the Declaration of Principles on GERD, which was signed in 2015 in Khartoum between Egypt, Ethiopia, and Sudan. Al Mahdi stressed Sudan’s support for the rights of the Nile River Basin countries and the need to implement projects on the river through cooperation and integration. “We recognize Ethiopia’s right to benefit from development sources, but this should not harm other Blue Nile basin countries,” she said.

Immediately after adopting the document at the UN, Ethiopia’s Foreign Ministry issued a statement rejecting the UN position, believing that the dispute between the three states was beyond its mandate. Ethiopia believes the dam holds excellent promise for lifting millions of Ethiopians out of poverty and giving them access to cheap electricity,
estimated to generate more than a billion dollars in annual revenue and a significant increase in its GDP. As conceived by Addis Ababa and of necessity, the new dam is a people’s project built with money collected from the Ethiopians’ pockets. However, despite its importance, GERD is only the first of many hydro powers, and other costly projects on the Nile and its tributaries, which is why limiting sovereignty over the Nile as defined by Egypt and Sudan is unacceptable to Ethiopia, the country’s Foreign Ministry says.

The Nile is also of great importance to Egypt. According to some Egyptian experts, the economic consequences of GERD alone for the country of Pharaohs would be unbearable. It is believed that almost 95% of the country’s freshwater needs are dependent on the Nile, meaning that all other sectors of the economy are linked in one way or another to the river. The socio-political and psychological factors are just as significant, if not more important. The Egyptians have always been concerned that another riparian state might control the Nile, especially one as determined and large and now hostile as Ethiopia. For many Egyptians, the new reality on the Nile, which is in the making, proclaims the decline of Egypt.

Prolonged negotiations in their current form or the step-by-step approach proposed by the current African Union Chair, the Democratic Republic of the Congo, are considered by many experts to be no more than attempts to revive negotiations and are stillborn. This is because, firstly, for Egypt, any transaction under the GERD phased-in or otherwise that does not secure its historic rights is invalid. Secondly, completing the second year of filling the dam will change the reality because the information on the filling and operating problem will become outdated. Thirdly, a phased approach would naturally lead to the complex issue of water sharing, which Egypt and Sudan are unwilling to allow. On the contrary, water sharing is an absolute necessity. In its absence, a binding agreement that confuses the GERD operation with water sharing will quite rightly be rejected by Ethiopia.

Therefore, if the AU-led process is to bear fruit, the tripartite negotiations must be redefined in scope, purpose and content. Such an approach should begin with the recognition that any GERD agreement is not final. Any deal on the Nile requires frequent adjustments and follow-ups that require a friendly atmosphere for cooperation between the parties. For such a relationship to be established and flourish, the three parties must, even if slowly, engage in confidence-building. In other words, the main goal of negotiations should be to find sustainable ways to build the necessary trust that helps to engage in negotiations and exchanges to remove obstacles continuously. In order to achieve this goal, it is necessary to broaden the scope of the current negotiations to encompass a wide range of issues of mutual interest.

The second year of filling the Grand Ethiopian Renaissance Dam has further provoked a polarization of views between Ethiopia, Sudan, and Egypt. Basically, Egypt views this as proof of Ethiopia’s unilateralism and violates the tripartite talks’ agreements. In turn, for Ethiopia, the process is technically inevitable and proof of its integrity, which requires a complete change in the current regime on the Nile. Both countries are struggling to grapple with the new reality facing these negotiations. At the same time, Egypt and Sudan see the process as a violation of international law and thus appear to be losing interest in a negotiated settlement. The possibility of agreeing to the kind that might even remotely recognize existing water use, known as historic rights, may already have been lost. Ethiopia may also have little or no incentive to enter into a binding agreement for a nearing completion project.

The three-sided talks have gone through several difficulties since they began just under a decade ago. Many issues have been resolved, but some critical issues remain undecided, jeopardizing the completion of the entire process. To overcome these concerns, several suggestions and adjustments have been made. However, numerous efforts have failed to reach a negotiated settlement. What is currently being proposed by the African Union as a step-by-step approach is likely to fail, as it will face the same set of problems that have constantly threatened to derail negotiations. Egypt and Sudan continue to push for a change in the negotiating format, which includes a more substantial role for observers and a UN Security Council resolution urging a six-month deadline and an end to the current filling of the dam. There has also been pressure and, according to Ethiopians, several threats made to get the Ethiopian government to sign a deal that, as it openly claims, does not protect the country’s interests. It is not very difficult to predict that the repeated remedies already tried will fail to reach an agreement that considers all three parties’ interests. With the completion of the second year of filling the dam, trilateral negotiations face an unprecedented challenge that can only be addressed through a paradigm and format shift.

The relationship between Ethiopia, Sudan, and Egypt goes back thousands of years and has had its ups and downs. But lately, we can say that not much has been recorded in terms of strengthening friendships. What could have been a helpful contribution to alleviating differences in the tripartite negotiations has been abandoned, thereby exacerbating legal and technical differences in political, business, interpersonal, and even military tensions. This results from an increased and accumulated sense of suspicion, which leads countries to conclude that working on
other aspects of the relationship will yield no results or give the wrong signal of complacency. As hostile as the current state of affairs may seem, these countries have long-standing and well-established mechanisms to strengthen bilateral cooperation. Several bilateral agreements were signed in many different sectors. These include agreements that provide cooperation on trade, investment promotion, tariff exemptions, agriculture, livestock, health, education, etc. The countries also regularly convene a Joint Ministerial Commission. The “business-to-business” and “people-to-people” aspects of the increasingly stagnant relationship could lessen the animosity. The intertwining of cities and institutions could also help revive scarce trust. Revitalizing these mechanisms and enhancing other aspects of the relationship will help make the Nile negotiations more acceptable. The three countries should seriously consider developing their relations, both bilaterally and trilaterally.

It should be noted that the stepwise approach, which has been considered the most appropriate formula to address GERD so far, has been the most appropriate. And it begins, as defined, with an agreement on the rules for filling and operating the dam, followed by a water-sharing agreement. But filling GERD made the existing approach obsolete for the second year without agreement among all three countries. Tripartite negotiations led by the African Union should move beyond efforts at revitalization and through a paradigm shift that would move away from water sharing and focus on comprehensive cooperation in areas of common interest. The starting point for revising the trilateral negotiations should be to recognize that the indissoluble ties between the three countries require a new long-term approach that includes multifaceted issues of common interest. The focus should be on the common destiny of the peoples of the three countries, not just a fading agreement on a single disputed project.

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