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Africa Programme Meeting Summary

Progress and Prospects of Cooperation in the Nile Basin

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Yacob Arsano

The topic of this talk is the very modest progress and future prospects for cooperation in the Nile basin. Altogether there are now eleven Nile states, while there used to be nine and in the future there is a possibility of even more countries joining this group. At the moment, seven countries are upstream; three are midstream and one, Egypt, is downstream and the recipient of water coming from all the other countries.

Some countries can be called producers, while others are recipients of the water. This to a certain degree shapes the varying interests of the countries in the Nile basin. That being said, countries must think of Nile as a symbol of unity and a permanent bond, rather than a source of differences. We have observed changes of political systems and the creation of new states, but the fundamental role of the Nile has not changed.

Nevertheless, there is a geopolitical paradox amongst the Nile states. Ethiopia is the source of 86 per cent of the Nile water; it has never claimed monopoly over this water, and at the same time has utilized very little of this resource. On the other hand, Egypt depends on 97 per cent of its water from the Nile, all of which comes from upstream countries. Unfortunately, Egypt claims a monopoly over the Nile waters. Egypt's position may be borne out of fear and uncertainty, but it is a legacy of the past and no longer a rational policy.

In the history of the Nile basin there has been a huge effort towards creating hegemony. We can look at this through different historical phases. In the pre-colonial phase, nineteenth century Egyptians expanded their territory into upstream Nile until Sudan. During the colonial period, the colonial powers gave Egypt historical and natural rights over the Nile. In the post-colonial period the two downstream countries, Sudan and Egypt, agreed to control the entire Nile with full utilization of its waters. This quest for hegemony has played very negative role which has become important today.

There is a real contention between the status quo and cooperation. Egypt and Sudan have been reluctant to change their claim based on historical and natural rights over the Nile waters and alter their bilateral agreement allowing full utilization of the Nile waters. Both countries would like more cooperation, but on the basis of the status quo. Upstream countries want cooperation based on a new opening. The contention between the status quo and the need for more cooperation best explains the statement by the Ethiopian government sent to the Egyptian government in 1958. It states that "Ethiopia may be prepared to share this tremendous God given wealth of hers with

friendly neighbour nations" and that "It is Ethiopia's sacred duty to develop the resources it possesses in the interest of its own rapidly expanding population and economy." This position has not changed since then and the current government maintains the same proposition - let us cooperate and use this wealth together. If that does not work, or is not accepted, then Ethiopia will go ahead and develop the water resources within its territorial jurisdiction, in the interests of developing the Ethiopian nation.

It is important that the countries cooperate within the three pillars of the Nile Basin Initiative framework. The first is the shared vision pillar – we should learn, think and formulate a vision together for the Nile. Secondly, on the subsidiary action programs – we should work together on the ground to plan projects that are useful not only for one country but for all the countries where possible, so that we can come together based on common interests. In this respect, the Eastern Nile basin is considered one block and the Victoria Lakes Region basin another. In each block there is an idea of joined multi-purpose water programs. Several projects from these programs can serve the trans-boundary interests and development needs of two or several countries, dependent on the issue.

Corollary to this, the negotiation for a Cooperative Framework Agreement is supposed to change the legal and institutional landscape within the Nile basin. All the Nile countries were on board and this negotiation proceeded through different stages. The first stage was technical work done by engineers and lawyers. The second phase was taken up by negotiators. These meetings were given more political clout as decisions were to be made on several colliding interests. The third stage was a ministerial committee where the technicians and ministers of all nine countries prepared the draft of the final decision. In 2009 the Cooperative Framework Agreement was accepted by a majority of seven to one votes, with one country abstaining. The final stage was signing of the agreement, scheduled between 2010 and 2011. The framework now stands with six countries having signed it, three yet to sign, and two countries having rejected it.

So where does that leave us currently on the prospect of cooperation in the Nile basin? Unilateralism has prevailed because several countries have not signed the Cooperative Framework Agreement. Countries continue to resort to unilateral measures within their jurisdiction. An example is the Grand Ethiopian Renaissance dam project which is part of Ethiopia's wider economic transformation plan and follows on from a study of the Blue Nile which took place between 1956 and 1964. The main purpose of this project is hydropower production - there is no planned irrigation scheme tied to this

project and there is no irrigable land around it. No significant negative impacts on downstream countries have been verified.

The Ethiopian government has outlined that this project will be beneficial not only for Ethiopia but in many respects also for the downstream countries. Firstly, the flow of Nile water will be regulated from season to season because of the dam holding water and hazards from flooding will decrease, especially in Sudan. Secondly, clean and cheaper energy will be supplied from it and made available to the region - the planned strength of the plant is 6000 MW.

This Renaissance dam caused concern among the downstream countries and to address these, the Ethiopian government established an International Panel of Experts (IPE) led by Ethiopia, Sudan and Egypt. Experts from the three countries were appointed on the basis of their merits. The tripartite panel is supported by consultants from international bodies and individual experts. The first meeting took place in May 2012 and the second was held in June in Cairo with the work concluding in January 2013. Hopefully, the outcomes will enable the governments to resolve their differences and continue cooperating. The issue of water security is the main point of controversy and an important challenge. Downstream countries want to defend their water security, based on their right to full utilization of the Nile waters. Upstream countries want a fresh agreement on the basis of equality.

Studies show that the problem with water management in downstream countries is the loss of water due to heat and evaporation, and also because of how the water is stored and used in the desert. Downstream and upstream countries face a difficult task to mitigate these challenges through cooperation. The question is first one of common political will, and second one of technical capacity, but to a large extent it is about the internal politics of these countries.

There are experiences of cooperation in international trans-boundary water basins to learn from. Cooperation between India and Pakistan over the Indus river basin is a good example, despite their history of hostility to one another. The Senegal river basin is the best example in Africa, with four countries cooperating on a variety of issues. We are also analysing examples of international consensus towards cooperation on trans-boundary water basins, drawing best practice from these rules and ideas on how to cooperate. The International Law Association's Helsinki and Berlin rules offer good support on the reasonable utilization of water. And many of the provisions in the Cooperative Framework Agreement were based on the 1997 UN convention on trans-boundary waters. Also, the International Consortium for Cooperation

on the Nile (ICOON), established in 2001, is a consortium of governments and multilateral organizations and agencies initiated to support cooperation on the Nile. ICOON has been the source of funding for Nile Basin Initiative.

The Nile is a permanent bond between African countries. This is a simple fact that we cannot change. Governments need to accept this as an imperative to cooperate. The environmental problems associate with the use of the Nile waters cannot be addressed by any one country alone. There are many aspects that if jointly managed equal a better future for the Nile. The economic imperative is one of these - it does not make much sense to plan water development in one country while forgetting about the others. In terms of bringing comparative advantage to project implementation it is strategically easier to plan together. There should be no need for the countries bonded together by this natural resource to be fearful or suspicious of others. They can benefit together and thus merge their security interests, changing mutual security perceptions. Finally, it is imperative that there is a strong institutional basis so that more transparency is introduced into cooperation between the countries. The Nile basin countries should think beyond drops of water. It is not only the amount of water that we need to discuss, but the potential to maximize mutual benefit from each drop.

Q&A:

Comment:

The international panel of experts seems to be a very important step forward in terms of cooperation in the region. Everyone is impatiently waiting for the results of the experts work. Egypt will support the construction of the Renaissance Dam when and if the panel confirms that this project does not undermine the interests of downstream countries.

Yacob Arsano:

The most important thing is that cooperation will continue and that on the basis of the final report the Renaissance Dam will be supported by Egypt. At the same time the IPE's work is not to help decide whether the Dam will be constructed; its purpose is to address important concerns that Egypt and Sudan have raised about the possible negative impacts of the dam. The IPE's findings will not condition continuation of construction, but may help towards better understand of the situation and informing the construction so that the dam can serve everyone.

Question:

There seems to be inequality between smaller and bigger countries when discussing the issues around the future of the Nile. Can the UK and possibly the EU help to energize this debate and make discussions more of a level playing field? Would international arbitration help this process? One problem that especially needs addressing is pollution of the Nile - how can we work to keep the Nile clean and are enough resources currently put towards that goal?

Yacob Arsano:

There is no need for international arbitration on this issue. The whole process is negotiated between the countries and much has been accomplished. At the same time we have received a lot of useful support from international organizations. On the question of pollution - there is a lot in Egypt relative to the upstream countries because of its development. We are still at the beginning of the development lift-off. That will be an issue of concern in the future, and countries will be expected not to follow the example of Egypt's poor water management. Given the health risks associated with the quality of

water in Egypt, the problem of government inactivity and lack of knowledge over environmental concerns should be addressed now.

Question:

We cannot have starving people in Ethiopia, unable to make use of the water when someone downstream uses the same water to irrigate desert. If we are to arrive at a sustainable and mutually beneficial agreement, does the status quo not need to change?

Yacob Arsano:

I agree and have argued that the status quo should not be the basis of future agreements as it does not serve cooperation.

Question:

It is extremely important that any projects on the Nile are addressed and considered in the context of multi-country perspective. At the same time I would like to point out that the flow of the Nile water to Egypt is part of the flow of nature. If the water does not flow through Egypt to the Mediterranean Sea it will have a bad environmental effect on Egypt. I am sure this is taken into consideration. Water management in Egypt needs improvement - it is not a matter of abuse as much as it is a lack of education towards maintaining and appreciating the resource. To conclude I wanted to ask whether the policies of the previous regime of Hosni Mubarak added salt to the wounds of our common problem?

Yacob Arsano:

I do not have any comment on the policies of Hosni Mubarak but it is clear that there are problems with water management. The process now underway regarding future cooperation is a multiparty one.

Question:

What do you think the panel of experts can possibly do in such a short time frame, starting in May 2012 and finishing in January 2013? Are they trying to get the Nile Basin Initiative back on track?

Yacob Arsano:

Ethiopia initiated the IPE to address the concerns of Sudan and Egypt. Its role is to identify any negative impacts that the Great Ethiopian Renaissance Dam could have downstream. If there are gaps in the safety procedures, environmental planning, socio-economic impacts and water resource impacts, the IPE will address them in a balanced manner. These tripartite experts are internationally recognized and supported. The outcome is expected to help the Ethiopian government make this dam as good as it can possibly be with the least possible impact on downstream countries. It is not the function of the panel to say that this dam cannot be constructed or should be stopped. The study will be completed in nine months which will allow us time to discuss the results together and come to conclusions.

Question:

Is the setting up of the IPE recognition of diplomatic maturity in the region and that the old treaties and way of cooperating is now dead? If that is the case, is it better to openly reject the old arrangements and move on to new forms of cooperation?

Yacob Arsano:

The process of establishing Cooperative Framework Agreement took twelve years of very difficult negotiations. This was supposed to create a new kind of relationship, but as the time for signing and ratification came it was precisely the provisions of past arrangements that were the points of contention between the parties. Egypt opposed the adoption. Several countries agreed the provisions among themselves, recognizing the importance of years of negotiations. These countries cannot accept the claims of downstream countries to natural rights and full utilization of the Nile waters; there is no reasonable argument for accepting the colonial mentality presented by Egypt and Sudan. The upstream countries will not accept being bound by agreements going back to 1959 - they are not a sustainable basis for the future.

Question:

What are the sources of lack of trust between the Nile basin countries? How can the large irrigation schemes planned in the upstream countries affect the downstream countries?

Yacob Arsano:

Even the best of friends have issues that divide them, but countries must continue to interact, help each other and benefit from one another's positive aspects. On the question of irrigation – Ethiopian water consumption studies have concluded that Ethiopia's capacity to consume water for irrigation is less than ten billion cubic meters. This means that land irrigation schemes in Ethiopia cannot take water to the extent that water flow will decrease and negatively affect Egypt. Water management problems in Egypt and Ethiopia must be addressed, but problems in both countries are different. Egypt needs to reduce water waste: which also means that if it is expensive to sustain a sugar farm in Egypt and cheaper to import the same produce from upstream countries, the possibility of collaboration should be explored.