

# Ethiopia's Grand Renaissance Dam. The Law, History, Politics and Geopolitics behind Africa's Largest Hydropower Project

by Francesca Caruso

## ABSTRACT

Since 2011, the construction of the Grand Ethiopian Renaissance Dam (GERD) has provoked a diplomatic crisis between Ethiopia, Egypt and Sudan, adding fuel to the already combustible geopolitics of the Horn of Africa. Despite its technical aspects, the GERD dispute has over time become a multi-layered geopolitical crisis where a plethora of actors and dynamics have been influencing the ongoing negotiations. Protagonists are no longer only Ethiopia, Egypt and Sudan, and the resolution of the crisis is now dependent on factors beyond technical solutions. Moreover, the crisis seems to have become an instrument that the three countries are using to deal with issues of national legitimacy, territorial disputes and regional balance. However, while instrumentalisation can be politically expedient in the short term, all parties have an interest in an equitable and regionally based, inclusive and cooperative agreement. In order to understand how multilateral organisations can contribute to the finding of an equitable and reasonable solution, a multi-layered analysis – on local, national and regional dynamics – needs to identify the main drivers for Egypt, Ethiopia and Sudan.

*Water | Security | Ethiopia | Egypt | Sudan | Conflict mediation*

**keywords**

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by Francesca Caruso\*

## Introduction

The dispute over the use of Nile waters between Ethiopia, Egypt and Sudan started a decade ago, when – during the Arab uprisings in Egypt – Addis Ababa announced the intention to build the Grand Ethiopian Renaissance Dam (GERD), Africa's biggest hydropower project. Once finished, the GERD will produce more than 5,000 megawatts and will be expected to hold 67 billion cubic metres of water, almost twice the size of Lake Tana, East Africa's biggest lake.

The construction of the GERD has provoked a diplomatic crisis between Ethiopia and downstream countries Egypt and Sudan, adding fuel to the already combustible geopolitics of the Horn of Africa. Despite formal attempts to solve the dispute peacefully, Egypt and Ethiopia have been adopting radically divergent approaches that are rooted in historical legacies, opposed ideological principles and a lack of mutual trust. Meanwhile, Sudan has adopted an ambivalent position. Indeed, local dynamics (i.e., military coups in Egypt and Sudan, Ethiopia's Tigray crisis), coupled with regional dynamics involving all the Nile riparian states as well as external countries, have made the crisis highly politicised and therefore more difficult to solve.

Despite its technical aspects – ranging from the quantity of water allocation to the management of water in case of drought – the GERD dispute has over time become a multi-layered geopolitical crisis where a plethora of actors and

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dynamics have been influencing the ongoing negotiations. Protagonists are no longer only Ethiopia, Egypt and Sudan, but also external regional and global power such as Gulf countries and China, and the resolution of the crisis is now dependent on factors beyond technical solutions. Moreover, the crisis seems to have become an instrument that the three countries are using to deal with issues of national legitimacy, territorial disputes and regional balance. However, while instrumentalisation can be politically expedient in the short term, all parties have an interest in an equitable and regionally based, inclusive and cooperative agreement.

## 1. The Nile and its historical legal use

The Nile River is the world's longest watercourse, is shared by 11 countries (Burundi, Rwanda, Uganda, the Democratic Republic of Congo, Tanzania, Kenya, Ethiopia, Eritrea, Sudan, South Sudan and Egypt) and crosses 10 per cent of the African continent. Its southernmost source is a spring in Burundi, called Kikizi, from which a river, the White Nile, originates. The White Nile and the Blue Nile, originating from Ethiopia, are the main sources of the Nile waters. The White Nile provides 15 per cent of the waters that flow into the Nile, and the rest – 85 per cent – is provided by the Blue Nile.

Yet, historically the Blue Nile waters have not been exploited equally by the riparian states, namely Egypt, Ethiopia, Sudan and South Sudan. Until 2011, Egypt – and in minimal part Sudan – has played a hegemonic role over the regulation of the Nile, benefitting from almost of its water. Cairo's historical hegemony, which is often described as "unfair" by Addis Ababa, was possible thanks to two international treaties signed during the colonial period. The first, the Anglo-Egyptian Treaty, was signed in May 1929 between (semi-independent) Egypt and the British government which, at the time, was supposedly representing its colonies in the Nile River Basin. Among many issues, the treaty recognised Egypt's "natural and historical right [...] to the waters of the Nile" and granted Egypt a veto power over construction projects in the Nile's upstream countries.<sup>1</sup> The second treaty, the Agreement for the Full Utilization of the Nile Waters,<sup>2</sup> was signed in 1959 by Egypt and Sudan but did not include the other riparian states:<sup>3</sup> the text further strengthened Egypt's hegemony over the Blue Nile and sealed a bilateral strategic alliance between the two countries regarding the use of its waters. The eight-page bilateral agreement increased the signatories' water allocation of the Blue Nile

<sup>1</sup> United Kingdom and Egypt, *Exchange of Notes between Her Majesty's Government in the United Kingdom and the Egyptian Government on the Use of Waters of the Nile for Irrigation*, 7 May 1929, <https://www.fao.org/faolex/results/details/en/c/LEX-FAOC203265>.

<sup>2</sup> United Arab Republic and Sudan, *Agreement for the Full Utilization of the Nile Waters*, Cairo, 8 November 1959, <https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280132f7f>.

<sup>3</sup> See John Waterbury, *Hydropolitics of the Nile Valley*, New York, Syracuse University Press, 1979; Terje Oestigaard, "Water, National Identities and Hydropolitics in Egypt and Ethiopia", in Emil Sandström, Anders Jägerskog and Terje Oestigaard (eds), *Land and Hydropolitics in the Nile River Basin. Challenges and New Investments*, London/New York, Routledge, 2016, p. 211-230.

(Egypt 55.5 billion cubic metres and Sudan 18.5) without making any allowance for the other riparian states' water needs, and specified that (i) if it should become necessary to hold negotiations with other riparian states, Egypt and Sudan would agree on a "unified view"; (ii) if such negotiations were to permit another riparian state an amount of the Nile water, that amount would be deducted from the shares of the two countries in equal parts.

Over the years, decolonisation and growing development ambitions of the riparian states, as well as increased frustrations toward Egypt's hegemony, caused the Nile upstream countries to question the water management status quo. From Kenya to Uganda and Tanzania, political leaders started to disagree with Egypt's "acquired rights" and claimed a more inclusive legal framework for the Nile waters.<sup>4</sup> One of the arguments most frequently used by those who criticised Egyptian hegemony stemmed from the issue of state succession, and called into question all bilateral or multilateral agreements that had been signed during the colonial era. In the 1960s and the 1970s the debate was about trying to understand how newly independent states were bound by agreements that had been signed by their colonial power, which had different interests and objectives from theirs. In other words, succession seemed to determine whether, and to what extent, independent states could assert themselves to be "new" other than merely in terms of the right to self-government.<sup>5</sup>

In this regard, two doctrines of state succession arose: the theory of universal succession and the clean-state theory as explained by Kimenyi and Mukum Mbaku.<sup>6</sup> According to the doctrine of universal succession, any rights and obligation acquired by a ruler in the performance of his public duties were expected to continue to bind the state even after a regime change. According to the clean-state doctrine, the law is an expression of sovereign will and, therefore, only the successor state can determine what the nature of the new legal regime will be. In 1978, the United Nations intervened in the debate with the UN Vienna Convention on Succession of States in Respect of Treaties. In Art. 16, the Vienna Convention stated that

A newly independent State is not bound to maintain in force, or to become a party to, any treaty by reason only of the fact that at the date of the succession of States the treaty was in force in respect of the territory to which the succession of States relates.<sup>7</sup>

<sup>4</sup> Mwangi S. Kimenyi and John Mukum Mbaku, "The Limits of the New 'Nile Agreement'", in *Africa in Focus*, 28 April 2016, <http://brook.gs/2bGGmak>.

<sup>5</sup> Matthew Craven, *The Decolonization of International Law. State Succession and the Law of Treaties*, Oxford, Oxford University Press, 2007, p. 5.

<sup>6</sup> Mwangi S. Kimenyi and John Mukum Mbaku, "Governing the Nile River Basin. The Search for a New Legal Regime", in *Africa in Focus*, 12 February 2015, <http://brook.gs/2biaEyQ>.

<sup>7</sup> *Vienna Convention on Succession of States in Respect of Treaties*, Vienna, 23 August 1978, [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=XXIII-2&chapter=23](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXIII-2&chapter=23).



The UN convention – as often happens – gave rise to several theories and one of the most radical was framed by Julius Nyerere, founding father and president of independent Tanzania, according to which any country had the right to legal self-determination. On the contrary, Ethiopia – which has always criticised the 1929 and 1959 agreements over Nile water management<sup>8</sup> – developed a more nuanced approach to state succession which is known as the “developmental approach”.<sup>9</sup> This perspective considers that all agreements that no longer serve the development needs of the sovereign state can be questioned.

If we take the issue back to the management of the waters of the Nile and the way Egypt has dealt with claims for greater use of the river by other riparian states, it can be argued that Cairo has always responded by asserting its historical rights over the Nile – so much so that Egypt has even threatened military retaliation against anyone who challenged it. This sentiment was expressed in the strongest terms by former Egyptian President Anwar Sadat in 1978: “We depend upon the Nile 100 per cent in our life, so if anyone, at any moment thinks to deprive us of our life we shall never hesitate because it is a matter of life and death”.<sup>10</sup> In this sense, Egypt’s approach is what can be called in international law the principle of absolute territorial integrity.

With regard to international law on water management, historically states have aligned themselves with either the principle of absolute territorial sovereignty or the principle of absolute territorial integrity. The absolute territorial sovereignty principle favours upstream countries arguing the unlimited use of water within their own territory, regardless of any need or consequence that may occur downstream. On the contrary, the principle of absolute territorial integrity favours downstream countries advancing the idea that every state is entitled to the natural flow of rivers crossing its borders. The two principles, however, take an extreme stance in relation to the use of transboundary watercourses which, in the case of the Nile crisis, have generated a zero-sum game approach that has contributed to the decade-long negotiations failure.<sup>11</sup>

In a compromise approach, the customary international law governing watercourses merges the aforementioned principles by advancing the “limited territorial sovereignty” approach, which is embodied within the United

<sup>8</sup> In a 2020 letter to the UN Security Council, Ethiopia describe the two treaties as “colonial based treaties [...] to which Ethiopia is not a party. Ethiopia has no obligation to such Treaties and does not recognize them”. See Ethiopia, *Letter dated 14 May 2020 from the Permanent Representative of Ethiopia to the United Nations Addressed to the President of the Security Council* (S/2020/409), point 33, <https://digitallibrary.un.org/record/3862715>.

<sup>9</sup> Mwangi S. Kimenyi and John Mukum Mbaku, “Governing the Nile River Basin”, cit.

<sup>10</sup> John Waterbury, *Hydropolitics of the Nile Valley*, cit., p. 78; Terje Oestigaard, “Water, National Identities and Hydropolitics in Egypt and Ethiopia”, cit., p. 223. The same happened with President Mohamed Morsi in 2013. See: “Egypt Warns Ethiopia over Nile Dam”, in *Al Jazeera*, 11 June 2013, <https://aje.io/dnla6>.

<sup>11</sup> Anne Funnemark, “Water Resources and Inter-state Conflict: Legal Principles and the Grand Ethiopian Renaissance Dam (GERD)”, in *PSRP Reports*, 2020, <https://peacerep.org/?p=12739>.

Nations Convention of the Law of the Non-Navigational Uses of International Watercourses (UNWC). According to the UNWC, which was codified in 1997 but came into force only in 2014, every state has an equal right to use the waters of the international river but has also the duty to ensure that such use does not harm other riparian states. The "limited territorial sovereignty" approach is embodied in two principles of the UNWC: Article 5 and Article 7. According to Art. 5, which introduces the principle of equitable and reasonable use, watercourse states shall, in their respective territories, utilise an international watercourse in an equitable and reasonable manner. Meanwhile, according to Art. 7, which introduces the principle of no harm, every state shall take all appropriate measures to prevent the causing of significant harm to other watercourse states. However, even if the UNWC moved from a state sovereignty-centred perspective to one recognising the shared nature of transboundary watercourses and the need for cooperation in the successful management thereof, it has contributed little to solving transboundary water management as both parties in a conflict can claim to have international law on their side.<sup>12</sup> In fact, in the case of the GERD, Ethiopia, as an upstream state, has claimed the principle of equitable and reasonable use, whereas Egypt relies on the principle of no significant harm as well as the two historical treaties.<sup>13</sup>

Debates around the use of the Nile's waters prompted riparian states, even before 2011, to try to understand how to cooperate on this issue. In 1999, the Nile River Riparian States (except Eritrea) created the Nile Basin Initiative (NBI) as an effort to enhance long-term cooperation on the use of the Nile. Despite the fact that the NBI was not designed to serve as a permanent solution to the Nile crisis over the allocation of water resources, it was expected to replace the nationalist approach that had characterised until then the riparian states' attitudes with a regionally based, inclusive and cooperative approach by introducing the concept of equitable water allocation in the Nile governance.<sup>14</sup> In 2009, after ten years of tense negotiations, a Cooperative Framework Agreement was ready to be signed with the aim of establishing a permanent legal and institutional framework for cooperation among the Nile Basin States.<sup>15</sup> Rather than quantifying "equitable rights" or water management, the treaty assumed that national development projects concerning the Nile would be coordinated with basin-wide development to achieve optimal use of the Nile's resources and increase national benefits of regional cooperation.<sup>16</sup> But in 2010 Egypt and Sudan refrained from signing the document, arguing that the new agreement should not affect their prior rights. This created major concern when Addis announced the construction of the GERD with no prior consultations with Egypt, which considers the dam an existential threat to its water, food and environmental security.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Mwangi S. Kimenyi and John Mukum Mbaku, "Governing the Nile River Basin", cit.

<sup>15</sup> Burundi et al., *Agreement on the Nile River Basin Cooperative Framework*, 1 January 2010, <https://nilebasin.org/nbi/cooperative-framework-agreement>.

<sup>16</sup> Ibid.

## 2. A decade of negotiations: From the IPoE to the African Union mediation

Ethiopia's announcement of the dam construction sparked a diplomatic crisis with Egypt and Sudan. Between 2012 and 2021, the three countries engaged in several negotiations involving dozens of experts, international organisations and foreign states. Yet, state-centric and radical approaches rooted in historical legacies, a lack of mutual trust and the absence of suitable legal instruments to solve transboundary water disputes have prevented an equitable and reasonable solution from emerging.

The most decisive moments of the decade of negotiations can be summarised as follows: the 2012 International Panel of Experts (IPoE), the 2013 Malabo Statement, the 2015 Declaration of Principles (DoP), the 2019 Washington and World Bank mediation and the 2020–21 African Union process.

To ease tensions with Cairo and Khartoum, Addis Ababa agreed to establish an International Panel of Experts in 2012 to provide an assessment of GERD's benefits and negative impacts, especially on Egypt and Sudan. The IPoE, which was tasked to build confidence among the three countries, was composed of ten experts – two from each of the three countries and four independent international experts. After several consultations and studies, the IPoE released a 59-page report in 2013 – which were, however, made public after one year. Whilst the document argued that the GERD would increase the overall management of the Blue Nile, augmenting resilience to the effects of climate extremes, it also stressed the need for further studies as most of the documentation provided by Ethiopia was too general for a quantitative impact assessment on Egypt and Sudan – especially with regard to the economic cost and benefits. Ethiopia and Sudan accepted the IPoE conclusion while Egypt rejected it and contested the very legitimacy of Ethiopia's construction of the dam.

Coinciding with the change of Egyptian leadership from President Mohamed Morsi to President Abdel Fattah al-Sisi in the spring-summer 2013, Cairo adopted a more flexible position towards the GERD. The first sign of this change arose in 2014 during an African Union summit in Malabo (Equatorial Guinea) when al-Sisi agreed with then Ethiopian Prime Minister Hailemariam Desalegn to resume technical negotiations and respect IPoE recommendations. Following the Malabo summit, a Tripartite National Committee (TNC), composed of four experts from Egypt, Sudan and Ethiopia, was tasked with selecting international consultants to conduct the IPoE-recommended additional studies on water resources/hydropower system simulation and transboundary environmental and socio-economic impact assessment. However, due to disagreements over the criteria for selecting the consultancy firm, the TNC failed and, consequently, Egypt asked Ethiopia (in vain) to halt construction of the dam until the studies were completed.

Surprisingly, in 2015 the three countries' foreign ministers met in Khartoum and reached a preliminary agreement called the "Declaration of Principles" (DoP). The DoP included ten basic principles expressing a willingness for cooperation in understanding downstream and upstream water needs. The signatories mentioned the principle of not causing significant harm in utilising the Blue Nile by adopting all appropriate measures in consultation with the affected state to eliminate or mitigate potential harm (principle III); the principle of equitable and reasonable utilisation of water resources in their respective territories (principle IV); and, most notably, the principle to cooperate on the first filling and operation of the dam (principle V). The document reiterated the need to implement IPoE outcomes and agreed on guidelines and rules on the first filling of the GERD and its annual operation.<sup>17</sup> Many experts and commentators considered the declaration a major breakthrough. Not only did the DoP lay the foundations of a regional cooperation framework but also represented a turning point in Egypt's hegemonic approach. Beyond technical aspects, with the DoP Egypt admitted that it was impossible to prevent Ethiopia from building the dam by claiming its rights under the Treaties of 1929 and 1959 and adopting its territorial sovereignty perspective. In this way, the DoP may have weakened Egypt's position in the dispute.<sup>18</sup>

However, successive developments – such as the unilateral move by Ethiopia to conduct the first (2020) and second filling (2021) of the dam without prior consultation with Egypt and Sudan – demonstrated that rather than solving the dispute the DoP has given rise to new discord due to the multitude of interpretations of its contents. Rather than a watertight legal treaty, the DoP indeed became one of the principal causes for negotiations remaining deadlocked.<sup>19</sup> For Cairo, the DoP is an "exclusive agreement" that binds all the three states together.<sup>20</sup> According to Egypt, as stressed in a 2020 letter to the UN Security Council, Ethiopia's unilateral filling of the GERD is "a material breach of the DoP" and in continuing this process Addis breaches its obligations under international law.<sup>21</sup> By contrast, Addis claims that Egypt's interpretation of the DoP is inaccurate as the text states that the first filling of the dam would be carried out in parallel with construction.<sup>22</sup> The GERD,

<sup>17</sup> Egypt, Ethiopia and Sudan, *Agreement on Declaration of Principles between Egypt, Ethiopia and Sudan on the GERD*, Khartoum, 23 March 2015, <https://www.sis.gov.eg/Story/121609>.

<sup>18</sup> Rawia Tawfiq, "The Declaration of Principles on Ethiopia's Renaissance Dam: A Breakthrough or Another Unfair Deal?", in *The Current Column*, 25 March 2015, <https://www.idos-research.de/die-aktuelle-kolumne/article/the-declaration-of-principles-on-ethiopias-renaissance-dam-a-breakthrough-or-another-unfair-deal>.

<sup>19</sup> "Dam Deadlock: Where Did Egypt Go Wrong in Managing the GERD Dispute for over a Decade?", in *Mada Masr*, 28 July 2021, <https://www.madamasr.com/en/?p=329535>.

<sup>20</sup> Noha El Tawil, "Declaration of Principles on Renaissance Dam Is 'Exclusive Agreement' Binding Egypt, Ethiopia, Sudan Together: Intl. Law Expert", in *Egypt Today*, 23 June 2020, <https://www.egypttoday.com/Article/1/88909/Declaration-of-Principles-on-Renaissance-Dam-is-exclusive-agreement-binding>.

<sup>21</sup> Egypt, *Letter dated 1 May 2020 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council (S/2020/355)*, <https://digitallibrary.un.org/record/3861977>.

<sup>22</sup> Ethiopia, *Letter dated 14 May 2020 from the Permanent Representative of Ethiopia to the United*



according to Addis, is designed in a way that allows simultaneous administration of construction and filling, and Egypt agreed to the DoP with full knowledge of this circumstance.<sup>23</sup> Therefore, whilst Ethiopia claims to have the right to fill the dam in compliance with the principles of equitable and reasonable utilisation and not causing significant harm as stressed in the DoP, it also does not recognise the text as a treaty. An editorial in the *Addis Standard*, a well-known English-language Ethiopian newspaper, pointed out that Ethiopia's government claims that the DoP is not a treaty but a soft non-binding instrument and therefore does not impose obligations.<sup>24</sup> According to the editorial (and evidently Ethiopia's government too), the DoP's Art. 5 cannot establish the legal issue and nothing is provided for interpretation or application of the Declaration as a treaty, as the text lacks a normative status under international law.<sup>25</sup> Therefore, according to Ethiopia's perspective, the DoP does not entitle rights and imposes obligations between and among signatories.<sup>26</sup>

The DoP was then followed by another technical mediation attempt, the National Independent Research Scientific Group, a nine-party mechanism created in 2018 to select an international consultancy group that would conduct the IPoE-recommended studies. But once again the three parties failed to agree on baseline scenarios for the studies. In fact, both Egypt and Ethiopia claimed to have launched the initiative and, subsequently, accused each other of obstructing the process. "An agreed minute of the meeting", claims Ethiopia, indicated "the consensus of the Ministers on the first filling and annual operation of the GERD was jointly prepared. While Ethiopia and the Sudan were ready to sign, Egypt declined at the last minute citing the need to consult with the higher authorities in Cairo".<sup>27</sup> According to Cairo, on the contrary, the track record of these negotiations reveals a consistent pattern of Ethiopia's overall objective: to establish a fait accompli and to avoid any restraints on its freedom of action concerning the GERD.<sup>28</sup>

In light of the 2015 DoP that includes mediation as one of the dispute resolution mechanisms, in 2019 Egypt called ("unilaterally" as Addis stressed) upon the United States and the World Bank Group to get involved in the negotiations as observers. In four months of intensive discussions among legal and technical experts and ministers of water and foreign affairs of Egypt, Sudan and Ethiopia, hopes for reaching an agreement rose. According to a joint statement by the US and the

*Nations*, cit.

<sup>23</sup> Ibid.

<sup>24</sup> Dejen Yemane Messele, "Ethiopia. Commentary: The 2015 Declaration of Principles Is Not a Treaty and Ethiopia Does Not Have Obligations Therefrom", in *Addis Standard*, 21 May 2020, <https://allafrica.com/stories/202005240122.html>.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> Ethiopia, *Letter dated 14 May 2020 from the Permanent Representative of Ethiopia to the United Nations*, cit., point 36.

<sup>28</sup> Egypt, *Letter dated 11 June 2021 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General (S/2021/565)*, <https://digitallibrary.un.org/record/3931750>.

World Bank, the three countries agreed on technical aspects, such as a schedule for a stage-based plan for filling the GERD and a mitigation mechanism for filling during droughts. But in January 2020 two conflicting statements by Egypt<sup>29</sup> and Ethiopia<sup>30</sup> showed that the two countries were not aligned on safety and security issues and the importance of completing technical studies on the social, economic and environmental impact on Egypt and Sudan. Therefore, Ethiopia refused to sign the so-called Washington Agreement, which had been drafted in its absence. According to Egypt, Ethiopia did not accept to sign the overall agreement because it rejected the mitigation measures that were designed – such as a comprehensive mitigation mechanism that includes specific amounts of water to be released from the GERD to assist downstream countries in addressing drought conditions – to ensure that Ethiopia could generate hydropower, including during periods of drought.<sup>31</sup> By contrast, Ethiopia considers that negotiations did not overcome outstanding differences on matters of fundamental importance such as the limited capacity of the dam to generate electricity and its sovereign right to operate its own dam.<sup>32</sup> After Egypt brought the issue to the United Nations Security Council, Ethiopia started the first filling of the dam, claiming that it is part of the construction process. Concomitantly, an African Union–led round of negotiations was launched despite Egypt's scepticism, as Cairo preferred a process under the aegis of the US. While the African Union (AU) succeeded in bringing all three countries to the table at the very moment when Ethiopia was filling the dam, the talks were as difficult as the previous ones. Major divergences, to which a solution has not yet been found, concerned the legal nature of the agreement to be reached, the management of the GERD during periods of drought and low rainfall, the dispute resolution mechanism and future upstream development that could limit Ethiopia's ambitions.<sup>33</sup>

Meanwhile, the GERD construction continued. Ethiopia announced the completion of the second filling of the dam's reservoir with a capacity of 13.5 billion cubic metres of water in July 2021, in addition to the 4.9 billion cubic metres stored during the first filling the year before. In February 2022, Ethiopia announced the partial operation of the dam through limited electricity generation, and the third filling started in July of the same year.

<sup>29</sup> Egyptian Ministry of Foreign Affairs, Official post [in Arabic], in *Facebook*, 31 January 2020, <https://www.facebook.com/MFAEgypt/posts/3552648898140364>.

<sup>30</sup> Ethiopian Ministry of Foreign Affairs, Official post, in *Facebook*, 31 January 2020, <https://www.facebook.com/MFAEthiopia/posts/3351672388193314>.

<sup>31</sup> Egypt, *Letter dated 1 May 2020 from the Permanent Representative of Egypt to the United Nations*, cit.

<sup>32</sup> Ethiopia, *Letter dated 14 May 2020 from the Permanent Representative of Ethiopia to the United Nations*, cit.

<sup>33</sup> PSC Report, "The AU Should Persevere on the GERD Issue", in *PSC Insights*, 28 April 2021, <https://issafrica.org/pscreport/psc-insights/the-au-should-persevere-on-the-gerd-issue>.

### 3. Domestic ambitions and regional dynamics

The dynamics of negotiations indicate that the Nile crisis stems from historical legacies and a state-centric approach, coupled with a lack of mutual trust and commonly accepted legal instruments. Also, the establishment of joint strategies for an inclusive management of the Nile's water resources is challenged by increasing geopolitical tensions which gave the Nile crisis a more highly politicised dimension rather than a merely technical one. Protagonists are no longer solely Egypt, Ethiopia and Sudan, but also other riparian States such as Uganda and South-Sudan, and external regional and global powers such as Gulf countries and China, and the issues to be resolved are no longer just about the management of the dam or how long it will take to fill it.

This can be partly explained by the fact that the Horn of Africa is a fragmented region where the absence of a hegemonic regional power coupled with weak states and a multitude of internal conflicts facilitate insecurity spill-overs.<sup>34</sup> Multipolar competition between the United States, the European Union, the Gulf states, China, Russia and Turkey over security and economic cooperation with the Horn of Africa's countries adds fuel to the region's instability.

As explained by Lawson, "the sustained engagement" of regional actors in the conflict "add elements of antagonism and alliance management that sharply increase the potential for crisis escalation throughout the region." For this reason, "any flare-up in the dispute among Egypt, Ethiopia and Sudan over the allocation of Nile River water can no longer be kept limited to these three protagonists".<sup>35</sup>

The complexity and fragmentation of the Horn of Africa requires a research effort, carried out under the project *African Challenges to Multilateralism*, to adopt a conceptual framework that takes into account the multiple layers of conflict and cooperation between the actors involved. While research on the Nile Water Agreements, hydrologic perspectives and negotiations<sup>36</sup> has grown substantially, an effort is needed to investigate more the interplay between domestic, regional and international levels from Ethiopia, Egypt and Sudan's perspective. A comprehensive and comparative approach is crucial to provide long-term solutions attainable through multilateral mediation.

<sup>34</sup> Agnès Levallois et al., "Regional Fragmentation and EU Foreign and Security Policy", in *JOINT Resarch Papers*, No. 3 (November 2021), <https://www.jointproject.eu/?p=639>.

<sup>35</sup> Fred H. Lawson, "Egypt versus Ethiopia: The Conflict over the Nile Metastasizes", in *The International Spectator*, Vol. 52, No. 4 (December 2017), p. 129-144 at p. 139.

<sup>36</sup> See for instance: Mwangi S. Kimenyi and John Mukum Mbaku, "Governing the Nile River Basin", cit.; Rawia Tawfik, "The Grand Ethiopian Renaissance Dam: A Benefit-Sharing Project in the Eastern Nile?", in *Water International*, Vol. 41, No. 4 (2016), p. 574-592; Zeray Yihdego, Alistair Rieu-Clarke, Ana Elisa Cascão (eds), *The Grand Ethiopian Renaissance Dam and the Nile Basin. Implications for Transboundary Water Cooperation*, London/New York, Routledge, 2018.

Hence, the research project has four research questions and related aims:

1. What are the main dynamics of conflict and patterns of cooperation for the governance of the Nile and how have they developed over time, from a national perspective?
2. How do the national interests of the riparian states favour or oppose such dynamics? Which stakeholders (central or local authorities, political parties, civil society) are mainly involved in the national debate and how so?
3. How do external actors – such as the Arab states of the Persian Gulf, Turkey, the US and the EU – influence these dynamics, at a national level?
4. What are the instruments and processes available to regional organisations to foster multilateral solutions for the governance of the Nile?

In order to answer to these questions, the conceptual framework of the research project breaks down into different levels. At the *national level*, the analysis should focus on the domestic and national dynamics that have led Egypt, Ethiopia and Sudan to adopt a specific attitude toward the GERD. In the last decade, Egypt went through a revolution that deposed Hosni Mubarak after thirty years in power; in 2011–2013 Egypt had a government led for the first time since independence by the Muslim Brotherhood, which however was followed by the military's resumption of power with President al-Sisi. These political changes occurred in parallel with an exponential increase of the population<sup>37</sup> and a major vulnerability to water scarcity, drought, rising sea levels and other adverse impacts of climate change. Since 2011, Sudan has also undergone critical changes such as the secession of South Sudan, the fall of President Omar Hasan Ahmad al-Bashir after thirty years in power and a political transition characterised by a tug-of-war between civilians and the military. Ethiopia underwent a succession of prime ministers, last among them Abiy Ahmed, which has altered the already fragile national balance as the latest Tigray crisis demonstrates.

The second level of analysis should focus on *inter-state relations* and see how the GERD has been used by Egypt, Sudan and Ethiopia to build alliance and gain leverage on existing inter-state disputes. In this perspective, Sudan is a good example. Since 2011, the country has been adopting an ambiguous position toward the GERD moving from a position of neutrality to an alliance with Ethiopia before swinging back towards Egypt.

Sudan's position toward Ethiopia started to shift in 2013. Official discourse moved to the potential benefits of the dam, including electricity imports, flood prevention and the trapping of the huge sediment carried by the Blue Nile.<sup>38</sup> Two years after the secession of Sudan's southern territories and the following constitution of

<sup>37</sup> According to the World Bank, in 2011 Egypt's population was 84.5 million while in 2021 the figure had increased to 104 million. See World Bank Data: *Population Total: Egypt, Arab Rep*, <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=EG>.

<sup>38</sup> "Egypt Says Date and Location of Meeting on Water Has Yet to Be Determined", in *Sudan Tribune*, 11 August 2013, <https://sudantribune.com/article46681>.



South Sudan Khartoum's position on the GERD shifted. The creation of South Sudan denied Khartoum a valuable source of oil and natural resources, a factor that led the Sudanese government to reconsider its policies in terms of energy, natural resources, security and regional alliances. Against this backdrop, Addis Ababa managed to bring Khartoum to its side by setting up a bilateral free-trading zone between the two countries in 2016–17.<sup>39</sup> However, with the fall of Omar al-Bashir in 2019 and the arrival of a civil-military government, Sudan used rising tensions over the GERD to deflect from national tensions turning its face to Addis and re-aligning with Cairo.

Territorial disputes have also influenced the shifting alignments between the three states. Sudan's 2020 rapprochement to Egypt occurred not only after the ousting of President Bashir in 2019, but also when the decades-old conflict over the al-Fashaga region,<sup>40</sup> a patch of fertile borderland claimed by both Khartoum and Addis Ababa, flared up. Tensions between the two countries increased in 2020 when Khartoum decided to expel from the region thousands of Ethiopian farmers. The move led to clashes between the two countries' forces, which claimed dozens of lives on both sides.<sup>41</sup> The event brought the Sudanese government to look for Egyptian military support, which led to a military cooperation agreement between the two countries that was signed in early 2021. This close military cooperation with Egypt might have linked the al-Fashaga dispute to the GERD as Sudan, in line with Egypt's stance, is now firmly against Ethiopia.

Together with the al-Fashaga dispute and the ongoing GERD crisis, a civil conflict between the Ethiopian government and the Tigray People's Liberation Front (TPLF) broke out in November 2019.<sup>42</sup> The Tigray crisis added further fuel to the fire between Addis and Khartoum. In September 2021, Addis accused Khartoum of hosting members of the TPLF after the Ethiopian National Defence Force stopped a "terrorist" attempt organised by the TPLF that infiltrated Ethiopia's far western region of Benishangul-Gumuz from Sudan to target the GERD. Sudan has denied involvement in the operation, dismissing such claims as a tool for political propaganda.<sup>43</sup>

The third level of analysis should assess how the GERD crisis has influenced Egypt's, Ethiopia's and Sudan's regional and *external alliances*. Since 2011, Cairo has for instance developed a water diplomacy, in particular with governments along the White Nile such as Uganda and the Democratic Republic of Congo (DRC). Egypt has provided technical and financial assistance to the DRC's construction of a high

<sup>39</sup> Fred H. Lawson, "Egypt versus Ethiopia", cit.

<sup>40</sup> Mohamed Saied, "Sudan-Ethiopia Border Dispute Deepens Internal Chaos for Both", in *Al-Monitor*, 3 December 2021, <https://www.al-monitor.com/node/45862>.

<sup>41</sup> Ibid.

<sup>42</sup> See for instance: Federico Donelli, "The Al-Fashaga Dispute: A Powder Keg in the Heart of the Horn of Africa", in *Trends Research*, 4 March 2022, <https://trendsresearch.org/?p=70059>.

<sup>43</sup> Mohamed Saied, "International Momentum Dwindles over Nile Dam Dispute", in *Al-Monitor*, 9 September 2021, <https://www.al-monitor.com/node/44593>.

dam across the Congo River, a factor that might have changed the DRC's position toward the GERD. In light of the ongoing crisis with Ethiopia, Cairo has also strengthened its cooperation with Uganda by financing the dams' construction and transferring Egyptian expertise on renewable energy.<sup>44</sup>

Interregional alliances and rivalries have been further complicated by the increasing presence of foreign actors in the region. In the last decade, Ethiopia has strengthened its commercial and military ties with the United Arab Emirates, in spite of the Arab League's official position in support of Egypt and Sudan over the Nile crisis. Meanwhile, Addis has continued to strengthen relations with China, a factor that was criticised by the Egyptian government in 2021. The day after Chinese Foreign Minister Wang Yi visited Ethiopia, Cairo warned that any involvement of an external party in the GERD crisis would add chaos in the region.<sup>45</sup> The US as well as the EU maintained good relations with both Egypt and Ethiopia until 2020, when the Tigray crisis brought Western governments to move away from the Abiy government. However, economic interests and a fear that a civil war in Ethiopia lasting for years would destabilise the entire Horn of Africa could lead Western governments to re-engage with the Ethiopian government.

### Conclusion

The tensions between Egypt, Ethiopia and Sudan pertaining to the GERD risk undermining the stability of the entire Horn of Africa, which has been already shaken by the recent crisis in Tigray, as well as by the political transition occurring in Sudan and the ongoing civil war in South Sudan.

Despite several attempts at mediation by both regional and international actors, no agreement on the functioning of the dam seems to be in sight. In fact, critical issues and local opposition in the three countries challenge the international attempts at promoting multilateral solutions.

The establishment of common strategies for an inclusive management of the Nile's water resources is also challenged by increasing geopolitical tensions. In order to understand how multilateral organisations can contribute to the finding of an equitable and reasonable solution, a multi-layered analysis – on local, national and regional dynamics – needs to identify the main drivers for Egypt, Ethiopia and Sudan.

*Updated 28 October 2022*

<sup>44</sup> Ibrahim Ayyad, "Egypt Hands Over Solar Power Plant to Uganda amid Nile Dam Crisis", in *Al-Monitor*, 2 February 2022, <https://www.al-monitor.com/node/46749>.

<sup>45</sup> Khalid Hassan, "China's Support for Ethiopian Government Complicates Ties with Egypt", in *Al-Monitor*, 14 December 2021, <https://www.al-monitor.com/node/46016>.

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# Egypt's Decade of Water Woes

by Hafsa Halawa

## ABSTRACT

As the Nile River dispute between Egypt, Ethiopia and Sudan enters a new decade, this paper seeks to map out the Egyptian perspective of the dispute, through an outline of the interventions made, opportunities lost, and challenges posed by the construction of the Grand Ethiopian Renaissance Dam. Looking at Egypt's domestic water security challenges, regional relationships and the tripartite process, and the role and influence of external actors, the paper describes a decade of diplomatic stagnation as entrenched nationalism creates forms of immovable policy on the River Nile.

*Water | Security | Egypt | Ethiopia | Sudan*

**keywords**

## Egypt's Decade of Water Woes

by Hafsa Halawa\*

### Introduction

Over the last decade, Egypt has been undergoing an evolution of sorts in its approach and policy towards its water resources, management of the River Nile and its position and relationships across the Horn/East Africa. Ethiopia's Grand Ethiopian Renaissance Dam (GERD) project has brought to the fore tensions that have existed between Egypt and its Nile partners, Ethiopia but also Sudan, for decades.<sup>1</sup> Over the last twenty years, other riparian states have sought to upend this unequal water allocation to apportion the waters of the world's longest river to better serve all states the river runs through. Throughout history the Nile has played both an integral role in Egypt's domestic politics and regional policy, as well as the curation of a strong Egyptian identity that centres itself on the promise and fruit borne from the river.

Ethiopia's GERD thus marks a major unilateral move against Egypt and Sudan, although over the decade-long dispute Egypt specifically has grappled with this existential threat to its water security, with wild policy implementation that ranges from desperate diplomatic action to appealing to the highest international negotiators and even threatening military intervention inside Ethiopia.

As the furthest downstream country, change was always inevitable, and despite great hostility at the beginning Egypt has evolved greatly, both domestically and

<sup>1</sup> Jonathan Gornall et al., "Battle for the Nile", in *Arab News Deep Dives*, 19 June 2021, <https://www.arabnews.com/node/1878956>.

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in its foreign policy towards its riparian partners, since the project first began a decade ago. However, agreement over management of the Nile remains elusive as relations among the tripartite countries deteriorate. Meanwhile, Egypt is strengthening its position as a strategic economic and security partner in the Horn of Africa, seeking a larger role and confirmation of its status across the region.

This paper will look at the GERD project through the prism of Egypt's national interest, local dynamics that have dictated diplomacy towards Ethiopia and its neighbours, and the influence of external power and mechanisms that have been attempted to negotiate a water management agreement among the tripartite countries.

### 1. National interest and local dynamics

When the GERD, in its current form, was first announced in April 2011, Egypt was in the throes of seismic political upheaval with popular protests that brought down the regime of Hosni Mubarak and decapitated a large part of the security state he had put in place for thirty years. Amid such domestic turbulence, few Egyptians – leaders or citizens – took notice of the GERD announcement by then Ethiopian President Meles Zenawi. Caught in an existential battle for the identity of the state, with the rise to power of the long-time marginalised Islamist organisation Muslim Brotherhood (MB), and the forceful and vehement rejection of its policies by a large swathe of the Egyptian public, the country had little bandwidth to look beyond its borders and acknowledge any foreign policy concerns. In addition, the turbulence of the years 2011–13 was so time-consuming and fast-moving, with numerous governments and shifting of leadership, that Egypt's government was only tasked with responding to continued popular resentment of the system. Egypt's domestic political situation remained in flux and relatively unstable and unpredictable until the popularly support military coup that unseated, in June 2013, former President Mohamed Morsi and installed then Minister of Defence, now president, Abdel Fattah Al Sisi in power.

As the political situation devolved over the course of thirty months, Egypt paid scant attention to its foreign policy issues, and Egyptians had little time for any distant or potential threats. In addition, a broader arrogance among Egyptian society, bred by the continued power exercised by Egypt over the Nile for decades, meant that there was very little fear of a material threat to its water supply. Furthermore, Egyptian civil-military relations that have long revered the military institution and the security apparatus, through slightly distorted views of success in the Arab-Israeli wars, and the role of military leaders in power, have also meant that much of the population remained confident that the Egyptian military would not hesitate to act if the river were threatened. Both a poor assessment of Egypt's declining military might, and a misunderstanding of regional dynamics and river hegemony led the country to be taken by surprise at developments further south.

The result initially was outrage and anger and an almost immediate call by the public to act to stop the dam. However, one of the major triggers that precluded mass mobilisation on the streets of Egypt on 30 June 2013 was the leaking of a recorded cabinet meeting where then-President Morsi announced the country would consider invading Ethiopia to protect its water interests if construction on the GERD began.<sup>2</sup> Widely circulated, the video alarmed domestic military leaders, who called Morsi a threat to national security, and helped secure further popular support for his military ouster, instigated through carefully curated messaging that identified Morsi a threat to the country, despite fear over the dam. Although Egypt has taken a decisive and swift turn to engage in diplomatic attempts to negotiate with Sudan and Ethiopia since the fall of Morsi, Egyptian diplomats serving in the region at the time note how damaging the leaked Morsi video became for future attempts to negotiate successfully: "we continue to be regularly reminded of that video. It cannot be overstated how damaging it was. [...] It confirmed all conspiracy theories among Ethiopians that we intended to destroy the dam".<sup>3</sup>

Nevertheless, Sisi has led Egypt since June 2013, leading to a culture of more consistent political leadership in the country, which has allowed a more substantive foreign policy to take hold. Even as the domestic situation continues to fluctuate, as civil and political rights are severely curtailed, by and large President Sisi's hold on power remains strong and durable. After a turbulent immediate response to the GERD project in the days of transitional government and under President Morsi, Sisi has worked to prioritise the dam, align Egypt's interests with notable allies, including the US and Europe, as well as bargaining with partner Sudan. The effort has led to a much more focused, urgent and widespread foreign policy that centres itself on Egypt's water security demands and needs.

Despite protestations among officials that Egypt never intended to destroy the dam, until the signing of the 2015 Declaration of Principles between Cairo, Khartoum and Addis Ababa, it was an internally held belief that Egypt should have been entitled to a sort of "veto" on the project.<sup>4</sup> While the dynamics on the ground within Ethiopia, as GERD construction continues, have superseded diplomatic talks, in small quarters of the security establishment it remains a core belief that such a policy was necessary, even as the entire posture of the Egyptian government and security apparatus has shifted significantly.<sup>5</sup> Subconsciously this sentiment has trickled down – through media and regular public statements from officials over the years – to the people, who continue to view the GERD as an attempt to harm Egypt's national security and stability.<sup>6</sup> Such sentiment has lent itself to

<sup>2</sup> Ahmed Maher, "Egyptian Politicians Caught in On-Air Ethiopia Dam Gaffe", in *BBC News*, 4 June 2013, <https://www.bbc.co.uk/news/world-africa-22771563>.

<sup>3</sup> Interview with Egyptian diplomat, Cairo, June 2017.

<sup>4</sup> Interviews with security official, Cairo, 2016–18.

<sup>5</sup> Interview with retired security official, Cairo, June 2021.

<sup>6</sup> This includes newspaper articles that have threatened war with the comparison of the two countries' militaries (2018), regular criticism of Ethiopians in local media and negative reports on GERD development, including the risks posed by poor construction, etc., while government officials

opportunities for the current president to stoke anger and nationalism among the population, regularly declaring that he will ensure no harm comes to Egypt, and – at times of desperation – continuing to threaten military action of some sort if necessary. Indeed, to this day it forms a regular point of public statements by the Egyptian President in diplomatic relations with all facilitating parties to tripartite talks, that he will “not let any harm come to the country” over GERD.<sup>7</sup>

The result is an entrenched and committed Egyptian population that views Ethiopia's behaviour with contempt. This, despite the fact that numerous technical advisers – both Egyptian and foreign – have confirmed that in the first instance, Egypt can implement several mitigating processes and mechanisms that can manage the reduction of water from the GERD as it fills.<sup>8</sup> Technical experts have long agreed that there is a clear and concise agreement to be made on not only the filling of the GERD and drought management, but also longer term water management, but that “the dispute has always been political”.<sup>9</sup>

To that end, Egypt is the “mother of the world” (*Om el Donia*), at least according to its own citizens through this regular colloquial mantra that is often raised – both in defence of, and in comical reference to – Egypt's domestic and foreign policy. To this day, successive Egyptian leaders have pointed to the country's rich history, the legacy of the pharaohs in civilisation and the power of its strategic positioning linking Asia to Africa through the Sinai Peninsula. The heart of this mantra comes from this idea that Egypt is the “gift of the Nile”,<sup>10</sup> as believed by Ancient Egyptians who claimed their survival was due solely to the river.

This idea that Egypt is unique, special and a gift to the world has carried through centuries and generations till today, and is now an ingrained part of the Egyptian psyche and its national pride. The mantra, and the core belief within Egyptians that they hold such a place in history, has defined all parts of society including social, political, and economic dynamics among the people as well as in their relationship with the institutions that govern them and with their leaders – monarchy and military alike. It also extends to how they view their relationships with the rest of

have regularly used local political talk shows to highlight the existential nature of Ethiopia's actions against Egypt. The efforts culminated in an outlandish statement from former US president Donald Trump when he announced, in unscripted comments, that he “wouldn't be surprised” if Egypt were to attack Ethiopia over the GERD (October 2020). Some Egyptian officials reportedly took this as a green light from the US government to initiate strikes against the dam structure (which never went ahead). “Trump Suggests Egypt Could Order Military Strike on GERD”, in *Enterprise*, 25 October 2020, <https://enterprise.press/?p=113104>.

<sup>7</sup> “Sisi Tells Congolese President Egypt Will Not Accept Harm to Its Water Security”, in *Egypt Today*, 8 May 2021, <https://www.egypttoday.com/Article/1/102725/Sisi-tells-Congolese-president-Egypt-will-not-accept-harm-to>.

<sup>8</sup> Khalid Hassan, “Egypt Promotes Local Projects to Mitigate GERD Effects”, in *Al-Monitor*, 3 August 2020, <https://www.al-monitor.com/node/27047>; interview with US water expert, April 2018 (and thereafter regular interviews between 2018–21).

<sup>9</sup> Interview with former Egyptian agricultural minister, Cairo, May 2018.

<sup>10</sup> Geoffrey Migiro, “Why Is Egypt Called the Gift of the Nile?”, in *WorldAtlas*, 28 January 2019, <https://www.worldatlas.com/articles/why-is-egypt-called-the-gift-of-the-nile.html>.

the world. In the modern era, the mantra has been used by political leaders to rile up a domestic audience over a wide variety of issues, including the political isolation and crackdown on political Islam following the 2011 uprising that brought the Muslim Brotherhood to power for a short-lived period, and in defiance of attempts to wrestle control of the River Nile away from Egypt, through the GERD.

Within Egypt, water is a priceless commodity, both literally and (until recently) figuratively.<sup>11</sup> Owing to the inherited belief that the country's water resources are the property of all Egyptians, there have never previously been successful attempts to manage water supply within the country's borders or access to it for citizens – namely farmers and the wider agricultural sector, which gained prominent political power first under former President Gamal Abdel Nasser in the 1960s. Nasser himself was the architect of the Aswan High Dam, bringing Soviet finance and technical expertise to complete what was then the largest embankment dam in Africa,<sup>12</sup> overtaken now in size and capacity by the GERD. Aswan became a symbol not only of Egyptian nationalism through its utilisation of the river, but also a strong political signal of anti-West sentiment and growing independence in the era of the Arab-Israeli wars and following the retaking and nationalisation of the Suez Canal in 1956.

Today, however, Egyptians' relationship with water is slowly being upended. Since 2020, President Sisi has enacted legislation that seeks to price water, has raised water prices for consumer consumption (both residential use and drinking water) and recently enacted new tariffs for water use more broadly that will change centuries of effectively free water access for irrigation and farming. Much of these changes have been sold to citizens as necessary owing to the regular and constant threat of the GERD as Ethiopia continues its construction and filling of the massive reservoir without having reached a written negotiated settlement with Egypt and Sudan. However, President Sisi's actions are responding not only to a future threat of reduced water access by material construction such as the GERD, but also an immediate need to regulate water access and usage as the population in the country surpasses 103 million (2021), and under the deployment of a mass infrastructure plan that is expanding into Egypt's vast desert land.

Whilst the GERD has become a convenient catch-all for Egypt's water ills, whether warranted at this current time or not, and has provided a timely and required scapegoat for important changes to internal waste management and usage, it remains imperative that Egypt make such changes – irrespective of the GERD – as the country becomes ever more water-scarce.<sup>13</sup> Egypt's growing population

<sup>11</sup> Catherin A. Nikiel and Elfatih A. B. Eltahir, "Past and Future Trends of Egypt's Water Consumption and Its Sources", in *Nature Communications*, Vol. 12 (July 2021), Article 4508, <https://doi.org/10.1038/s41467-021-24747-9>.

<sup>12</sup> "Aswan High Dam", in *Encyclopaedia Britannica*, updated 14 September 2021, <https://www.britannica.com/topic/Aswan-High-Dam>.

<sup>13</sup> Amir Dakkak, "Egypt's Water Crisis – Recipe for Disaster", in *EcoMENA*, 11 August 2020, <https://wp.me/p2DEft-GD>.



and increased water consumption have made it now one of the most per capita water-scarce countries in the developing world.<sup>14</sup> Furthermore, the country continues to have an inefficient water delivery system, and poor irrigation that results in significant water flows being lost.<sup>15</sup> Although it remains full and provides significant water access for the country, Lake Nasser (the reservoir that sits behind the Aswan High Dam) has always been criticised for the large amount of water that is lost annually to evaporation. This is only increasing as temperatures rise as a result of climate change. Egypt has already significantly become food insecure, importing all of its wheat for domestic consumption, and in recent years more rice as it uses imports to support the curbing of water-intensive farming practices domestically.<sup>16</sup>

Even as more positive developments such as increased wastewater practices and desalination projects are announced,<sup>17</sup> as new laws are implemented there remains little to no public discussion or even forewarning of new practices that are enacted. President Sisi has governed with almost no public engagement, with regular seismic economic decisions that take the public by surprise, whilst concurrently enacting a brutal crackdown on civil society and political freedoms that has effectively silenced the public into submission. This is most prominently highlighted by the USD 12.5 billion loan agreement with the International Monetary Fund (IMF) that was signed in November 2016, which saw Egyptians' income wealth halved overnight as Egypt implemented a required currency devaluation, while fuel subsidies were simultaneously partially lifted causing a horrific spike in inflation.<sup>18</sup>

As the country now faces a long-term shock food security crisis with the recent Russian invasion of Ukraine affecting global wheat supply (Egypt being the world's top importer of wheat<sup>19</sup>), Egyptians have never truly recovered the loss of income as a result of that first deal, and now must contend with yet another devaluation of the currency, with growing rates of inflation bringing about a big hike in food and energy costs.<sup>20</sup> All of this as wages have not risen comparatively, initial positive

<sup>14</sup> Eliora Goodman, "Dual Threats: Water Scarcity and Rising Sea Levels in Egypt", in *Tahrir Institute Explainers*, 20 August 2021, <https://timep.org/?p=35121>.

<sup>15</sup> Adrien Detges, Benjamin Pohl and Stella Schaller, "Security Implications of Growing Water Scarcity in Egypt", in *Climate Diplomacy*, 20 August 2017, <https://climate-diplomacy.org/node/442>.

<sup>16</sup> Hassan Abdel Zaher, "Adapting to Water Shortages, Egypt Reduces Rice Cultivation", in *The Arab Weekly*, 11 March 2018, <https://thearabweekly.com/node/38987>.

<sup>17</sup> Patrick Werr, "Water-poor Egypt Eyes Quadrupling Desalination Capacity in 5 Years", in *Reuters*, 21 October 2021, <https://www.reuters.com/world/africa/water-poor-egypt-eyes-quadrupling-desalination-capacity-5-years-2021-10-21>; "Egypt Has 146 Wastewater Treatment Plants, 2 to Be Added", in *Egypt Today*, 8 April 2021, <https://www.egypttoday.com/Article/1/100667/Egypt-has-146-wastewater-treatment-plants-2-to-be-added>.

<sup>18</sup> Associated Press, "Egypt Inflation Surges to 33 Percent After Fuel Subsidy Cuts", in *VOA News*, 10 August 2017, <https://www.voanews.com/a/3979981.html>.

<sup>19</sup> Motasem A. Dalloul, "The Wheat Crisis in the Arab World Is Exemplified by Egypt", in *Middle East Monitor*, 23 March 2022, <https://www.middleeastmonitor.com/?p=545198>.

<sup>20</sup> Mirette Magdy and Tarek El-Tablawy, "Egypt Hikes Interest Rates and Lets Pound Fall to Absorb Shocks", in *Bloomberg News*, 21 March 2022, <https://www.bloomberg.com/news/articles/2022-03-21/>

improvement of unemployment numbers has now been hit by the pandemic, and continued lifting of subsidies amid consistent increased borrowing – domestically and abroad – has merely shifted the burden further onto citizens seeking alternative sources they can afford, be it gas, domestically subsidised food offered by the military, or accessing the flood of Chinese goods into the market replacing the more expensive European, American or other Asian alternatives.

## 2. GERD negotiations

As the country adjusts and responds to its domestic shifts in water access, pricing and usage, the GERD negotiations have generally remained stagnant in the years since the Declaration of Principles (DoP) was signed in Khartoum in 2015, now effectively frozen as domestic dynamics navigate the approach to diplomatic efforts.

President Sisi began his tenure with immediate and swift outreach to the other tripartite countries, Sudan and Ethiopia, seeking a quick and resolute end to the diplomatic dispute.<sup>21</sup> Egypt's stance in 2013, led by the military chief-turned-president, was however initially seen by its neighbouring countries as bullish and aggressive, whereby domestic politics asked of the country's leaders (themselves caught in a bid to confirm their own domestic legitimacy to lead) to seek an end to the GERD project and resolve the water apportionment spat in favour of the water flows Egypt has enjoyed for decades. At the root of this initial diplomatic effort was a push for internationally recognised and approved technical studies of the GERD project, to assess the possible risks and harm to Egypt and Sudan as downstream countries, and the effect of reduced water flows and access on their national security. Egypt has always staunchly pursued technical feasibility studies to cement its position that the GERD risks significant damage to Sudan and Egypt.<sup>22</sup>

At its heart the DoP, also known as the "Khartoum Agreement", included vague terms that would commit all three countries to such studies. However, with no agreement on one specific partner to conduct the studies, each country took its own initiatives to contract its preferred international partners to undertake studies. These studies were conducted as tripartite talks continued, albeit used as Egypt's political weapon to stall the talks based upon no agreement on the material effects of the GERD. These studies, alongside national ones conducted by each of the three countries, were never adopted and never released to the public, even after completion. To this day, granular disagreements over language persist, including the simplest terms of whether the countries could amend or make recommendations on respective

egypt-central-bank-raises-benchmark-rate-in-surprise-meeting.

<sup>21</sup> Jackson Mutinda, "Nile Dam Row: Sisi Switches to Soft Power to Bring East Africa to Egypt's Side", in *The East African*, 13 November 2013, <https://www.theeastafrican.co.ke/tea/magazine/sisi-woos-ea-to-egypt-s-side-on-dam-matters-3617448>.

<sup>22</sup> International Crisis Group, "Bridging the Gap in the Nile Waters Dispute", in *ICG Africa Reports*, No. 271 (20 March 2019), <https://www.crisisgroup.org/node/9541>.

studies produced (including the ones they had commissioned), and disagreement over requirements for endorsement of the results provided.<sup>23</sup>

In addition to the Khartoum Agreement's commitment to studies, there was the imperative agreement by all parties that no filling of the reservoir at the GERD would begin without agreement on the filling schedule and general operation of the dam (art. 5, DoP). While the Egyptians stuck to this part of the agreement as the basis for their engagement in talks among the tripartite partners, Ethiopia continued construction of the dam, leading Egyptian officials to accuse the Ethiopians of bad faith and – in hindsight, a rather prescient view – of seeking to dismantle the agreement by establishing events on the ground at the dam construction site to make the agreement effectively null and void. The period of tensions in the talks coincided with an about-turn from Sudan, with then-leader Omar Al Bashir effectively “switching sides” to support Addis's claim to the river and up the stakes in the talks by even offering Addis Sudan's share of the River Nile to complete the fill.

Then, in 2018, as Abiy Ahmed came to power in Addis Ababa, Egypt sensed an opportunity to ameliorate itself in the eyes of the new Ethiopian prime minister and make its case for a positive development in the talks that could favour a deal keeping Egypt's water allocation relatively secure. Abiy's rise to power came at a time when Sudan had slowly been moving away from its long-time partnership with Egypt over the Nile, as Khartoum came to the realisation that the GERD would be good for its own agricultural sector, and other disputes between the two countries – notably disputed territory<sup>24</sup> and suggested militarisation of islands off the coast of Egypt and Sudan<sup>25</sup> – took precedence within the bilateral relationship. With Abiy's rise to power, and his outreach to Egypt to mend fences over the dam dispute, it forced a recalibration of sorts over the GERD by both Cairo and Khartoum. While Bashir attempted to mend fences with Cairo,<sup>26</sup> Abiy visited that city to famously declare while standing next to Sisi that he would commit to no harm coming to the Egyptian people from the GERD.<sup>27</sup>

The developments in 2018 allowed Egypt to exercise more confidence than the situation warranted, and committed Egypt to its “no concessions” policy over the dam and the negotiations over water management – a policy initiative that has been the hallmark of President Sisi's time in power in most domestic and foreign policy. However, arguably the confidence was short-lived, as the tripartite itself

<sup>23</sup> Interview with Egyptian diplomat, Cairo, June 2017.

<sup>24</sup> Walaa Hussein, “Is Egypt-Sudan Border Dispute New Thorn in Renaissance Dam Negotiations?”, in *Al-Monitor*, 8 May 2016, <https://www.al-monitor.com/node/11975>.

<sup>25</sup> “Bashir Breaks with Egypt, Hitches Wagon to Gulf States”, in *Africa Intelligence*, 24 February 2017, [https://www.africaintelligence.com/eastern-and-southern-africa\\_politics/2017/02/24/bashir-breaks-with-egypt-hitches-wagon-to-gulf-states,108213474-eve](https://www.africaintelligence.com/eastern-and-southern-africa_politics/2017/02/24/bashir-breaks-with-egypt-hitches-wagon-to-gulf-states,108213474-eve).

<sup>26</sup> “Egypt: Sudan's Bashir Arrives in Cairo amid Easing Tensions”, in *Al Jazeera*, 19 March 2018, <https://aje.io/xqxy2>.

<sup>27</sup> Abdi Latif Dahir, “Ethiopia's Prime Minister Has Promised Not to ‘Harm’ Egypt's Share of the Nile”, in *Quartz Africa*, 13 June 2018, <https://qz.com/africa/1301915>.

was then overrun by two powerful and seminal political events for the region, that now forced Khartoum and Addis to focus their attention away from tripartite negotiations in much the same way Egypt's attention had been averted in 2011: the removal of Sudanese President Bashir through mass protests in 2019 and the re-start of a civil and regional war in Ethiopia in 2020 that has seen Abiy and his allied forces take on the Tigray People's Liberation Front in a brutal and violent conflict.

As Egypt has attempted to navigate its national interests throughout the turbulence, its domestic situation has stabilised – albeit under the strict and dangerous veil of authoritarianism – with politics extinguished and President Sisi exercising consolidated control over institutions and the economy, including his own military apparatus. Even so, Egypt has found little fortune throughout the decade of negotiations on the River Nile, and the entrenched nationalism that has seeped out of Addis and Cairo in particular during that time has caused talks to stagnate and halt, leaving a now largely frozen diplomatic channel – this, despite attempts to engage the international community in observation and facilitation of talks, such as the Washington process and the African Union (AU) process (detailed below). For the Egyptians neither process has yielded any result, nor has it even yielded a face-to-face meeting among heads/interim heads of state of the three countries, who have not met in person in over four years.

Egypt has, throughout the dispute and its repeated failure during negotiations, continued to contend that the GERD is a national security risk that threatens the country and with unilateral reduction in access to water, an act of aggression that harms the country's stability and could warrant the harshest of responses. However, a more measured and calculated diplomatic stance adopted since 2018 has enamoured Egypt to its international partners, including appeals to the UN Security Council and to its most fervent international allies in Europe and the US to support Egypt. While this has been utilised to maximum effect of late as Ethiopia has descended into conflict, the rigour with which Addis continues to push the completion and filling of the GERD – with no seeming intention to conclude an agreement with its downstream partners – has left Egypt at somewhat of a loss as to how to respond.

For Egypt the long-term threat of the GERD remains the precedent it sets of further upstream development of the river, without the engagement of downstream partners. The defiance in rejecting the GERD – or rather, the outrage at the lack of agreement over the last decade concerning the dam – stems from the bigger existential threat over how the river may continue to be developed, which would cause undisputed irreparable harm to Egypt and severely limit its water supply. In order to contend with this threat, the Egyptians – publicly and privately – continue to argue the existential question the GERD raises, albeit not necessarily from the structure alone. With Ethiopia's loud commitments to develop the Nile further inland,<sup>28</sup> as citizens are caught in a frenzy of nationalist fervour, Egypt's concerns

<sup>28</sup> Edward Yeranian, "Ethiopian PM's Claim About Building 100 New Dams Provokes Egyptian Ire",



over future unilateral plans for more dams and long-term reduced water access are both valid and warranted.

As talks continue to stall, Egypt is keeping military action “on the table” as an option to show its resolve against Ethiopia’s continued unilateral development, namely the idea of air strikes on the dam structure that would damage if not destroy the GERD. However, such public outbursts – a now almost annual recurrence when the rainy season nears – are largely empty threats. While President Sisi has worked to successfully consolidate much of the military apparatus around him since he came to power, he still presides over an incredibly conflict-averse military institution that neither seeks conflict nor supports it.<sup>29</sup> Furthermore, as the dam structure has been realised, the opportunity to do significant material damage to the GERD itself has become significantly harder with the sole use of targeted air strikes, without any commit to some sort of ground invasion (an option that has never been seriously entertained by the Egyptians).

While the Egyptians will continue to periodically threaten the use of force, in reality any sort of military incursion to impede or stop the construction of the GERD has never had any momentum among regional or international allies,<sup>30</sup> meaning Egypt would – if it ever deployed such action – lose significant goodwill with Western allies, and find itself isolated in its own neighbourhood. Thus, it remains an unfavourable option, notably as Egypt has managed to build upon the growing isolation of Abiy Ahmed – at home and abroad – to cement its national security needs.

### 3. External actors and influence

While the tripartite dispute remains an inherently regional and domestic issue for the three countries involved, the last decade has seen periodic influence over the diplomatic process and its outcome by external actors. This has come about either through direct invitation to engage in the dispute by one or more of the respective tripartite leaders at any given time, as well as uninvited engagement from outside, exerting influence over one or more of the countries that has ultimately negatively influenced the tripartite process.

in VOA News, 1 June 2021, <https://www.voanews.com/a/6206492.html>.

<sup>29</sup> Across the region this has been exemplified by the military’s unwillingness to heed calls from Gulf partners to support the war in Yemen, or deploy troops to various conflict zones to prop up allies. The institution is one born out of the Arab-Israeli conflicts, and the disastrous Yemen conflict in the 1960s that has turned the institution into a largely insular and inward-looking apparatus. The marginalisation, including of foreign policy, under the Mubarak regime bred an economic and business-minded military apparatus that has sought to cement its stature through continued economic investment and growth rather than mass security deployment. While President Sisi has recently expanded significant investment in the military apparatus, it remains a more defensive move, as new bases and expanded equipment purchases seek to both secure consolidated support for his rule domestically, and protect the borders from more direct hard security threats emanating from instability in Libya, Sudan and along the Gaza border/Sinai Peninsula.

<sup>30</sup> Interview with US diplomat, Cairo, June 2019.



The most notable of these has been the Washington process (2019–20) – instigated by Egypt – and the AU process that followed it (2020–present), initiated by Ethiopia, both of which were endorsed by all three countries' representatives. However, over the last decade, as the diplomacy has fluctuated, each country has concurrently taken it upon itself to attempt to secure support from among a collection of regional actors across the Middle East and East Africa. The effect has been fractures in wider geopolitics in the region, questions over sustainable Red Sea security and even border incursions as tensions increase.

Egypt has played a quiet but arguably effective role, seeking to build regional relationships across the African continent and among East African partners, such as Uganda, Kenya, Djibouti, Eritrea and South Sudan, to measured success. Initially criticised in the early years of the dispute for seeking support in the region based solely on the GERD and with relatively little to offer either economically or militarily, Egypt's position among countries in the Horn of Africa has slowly developed into a prominent one of diplomatic and security power. The first attempt at exercising soft power found little support, with minimal economic benefit beyond support to education and health facilities in Burundi (for example). However, of late Egypt's diplomacy has borne fruit in the form of joint economic, security and defence cooperation agreements with notable countries in the Horn, such as Kenya, Djibouti, Uganda and South Sudan. In particular, a growing friendship with the Ugandan leadership has come to define Egypt's security and diplomacy outreach.

While Egypt has not quite reached the level of challenging Ethiopia's relative hegemony over East Africa, it has acted to counter much of Ethiopia's expansive reach and control – including over regional institutions like the AU (based in Addis); and Egypt's outreach has seen significant success in inserting itself into regional conflict (South Sudan) and stand-offs (Ethiopia-Eritrea prior to the 2018 peace agreement). Furthermore, Ethiopia's own isolation as a result of its civil conflict has acted to reduce the potency of Addis and of Abiy as a prominent regional leader, although Ethiopia's burgeoning economy and population continue to situate it as one of the region's most powerful countries.

President Sisi has used his own personal diplomacy to build relationships with long-term autocrats in the region, seeking to bother the leadership in Addis, as well as build a broader security framework in East Africa that can better serve Egypt's own interests. The African continent broadly speaking was ignored for years by former President Mubarak, and Sisi spoke regularly in the early years of his presidency of an "African revival" in foreign policy. Egypt now boasts several security and trade arrangements with a number of countries (Uganda, Djibouti, Kenya, Sudan, South Sudan), and holds the diplomatic card of hosting the upcoming global climate conference, COP27, for the first time in Africa (Sharm el Sheikh, November 2022).

As the Global South prepares to take its climate appeals to the world stage, President Sisi and his government now hope to centre part of that global debate on water security and Africa's climate challenges, bringing the GERD front and centre on the

global stage. By using the COP27 conference as a form of diplomatic support for its climate role and by promoting itself as the leading advocate of African climate concerns, Egypt aims – in part – to give itself an opportunity to present its own water challenges, as part of the bigger discussion on climate mitigation and adaptation that is set to be the centre focus of Global South demands from the Global North. The recent flurry of action on water issues as they relate to climate and not primarily national security is a stark shift in Egypt's policy approach, and comes as the role of the Gulf countries increases in this region. The alliance with Abiy on the part of the United Arab Emirates and Turkey during the civil conflict has made Egypt nervous, particularly as it has grown to feel Abu Dhabi is undermining its legitimate national interests in the Horn region.<sup>31</sup> Meanwhile, Egypt is recalibrating its relationship with long-term political adversaries such as Qatar, in part to strengthen its regional alliances and protect its national security interests.

However, the current state of GERD talks and the diplomatic stalemate that has ensued since the collapse of the Washington process is now showing signs of abating. Egypt's insistence at the eleventh hour to make permanent agreed-upon drought measures for the fill schedule, and include an arbitration clause to resolve future disputes, prior to notifying the Ethiopians, led them to walk away from negotiations in anger. Although the AU's facilitation talks have resulted in strong bilateral attempts to bring the parties together by successive AU presidents, this has yet to yield a negotiation at the highest level or engage leaders of the three countries. The process remains unable to engage diplomacy further to bring the countries close to an agreement, even if such agreement were to focus only on the remainder of the GERD fill schedule.

Egypt has regularly looked to its international allies to support its efforts within the tripartite, and has placed significant weight and pressure on a successful outcome in Washington. That neither a supportive compensation framework for the Ethiopians could be agreed, nor a fill agreement cemented in writing, came as a deep shock to the Egyptians who, at times of late, seem dumbfounded by the developments and unable to identify how to engage diplomatic channels further.<sup>32</sup>

That the most prominent attempts to bring the parties together have never resulted in full mediation – merely facilitation of talks between the countries – reflects how far apart the countries remain on the issue of the GERD and broader Nile management. As the Horn region has remained largely quiet on the issue involving the three major powers, other countries further afield in the Middle East have had no qualms about inserting themselves into both domestic and tripartite issues. The Horn of Africa region continues to be at risk from the riches envisaged by other actors with their continued engagement. Of the highest concern, China

<sup>31</sup> Hafsa Halawa, "Burning Ambition: Egypt's Return to Regional Leadership and How Europe Should Respond", in *ECFR Policy Briefs*, October 2021, <https://ecfr.eu/?p=78605>.

<sup>32</sup> Interviews with Egyptian diplomats and current and former security officials, Cairo, November 2020 to September 2021.

and the UAE – along with other Gulf actors such as Qatar and Mediterranean countries like Turkey – eye up investment and politically strategic interventions in the Horn to support their own food security targets and Suez Corridor/Red Sea security ambitions.

These narrow interests have resulted in nefarious behaviour from external actors in domestic issues of each of the countries. In 2013, Egypt's military relied heavily upon support from the UAE and Saudi Arabia to overthrow the Muslim Brotherhood and bring Sisi to power. Since the overthrow of the Bashir regime in Sudan, all Gulf actors, Turkey, Iran, Russia and Israel have all been involved in attempting to support and secure military rule in the country, despite continued mass mobilisation that rejects all forms of military leadership. And in Ethiopia, the UAE and Turkey have become strong backers of Abiy's assault on Tigray, providing essential drone capacity that has allowed Abiy to emerge victorious as the war enters what many believe is its final phase. Meanwhile, China continues its mass investment schemes across the continent, with a specific focus on the Horn as a strategic element of its global Belt and Road initiatives, while slowly and quietly building a security presence in the region.

For Egypt this has resulted in a sense of abandonment by its regional allies and partners towards what it considers an existential threat. The support to Abiy's regime in Ethiopia and driving investment in Ethiopia, despite the material threats Cairo believes it poses to Egypt's own prosperity, have built a sense of urgency on the part of Egypt's leaders to protect its national interests. Notably, this is seen in a rising transactional nature of relationships, where Egypt has made support for its allies (namely the UAE) on other important regional issues – such as Iran, the war in Yemen, Syria, and Iraq – more conditional on an active engagement to support Egypt's own national security concerns and priorities. It has also caused Egypt to take a more independent turn in its regional alliance. Despite reengagement of Turkey by the UAE and Israel, Egypt has not pursued an active rapprochement agenda, and has turned to Qatar to expand a rapid partnership following the rapprochement that came with the ending of the Gulf Crisis in 2020.<sup>33</sup> Meanwhile, in its dealings with Abu Dhabi and Israel, Egypt leverages economic investment to cement its status as a regional ally, while continuing to pursue its own national objectives in the East Africa region., including its own deviation from allied policy in Sudan and Libya.

Alongside the influence of external actors, each of the tripartite countries has had its own hand at periodic meddling in each other's affairs. Abiy was integral in forging the first declaration that followed the removal of the Bashir regime in Khartoum, although tensions between Sudan and Ethiopia have increased as border incursions along the Al-Fashaga region have brought the two countries close to

<sup>33</sup> Ian Siddell, Mohsin Igbal and Borys Dackiw, "GCC and Egypt Sign the 'Al-Ula Declaration', Ending the Qatar Boycott", in *Baker McKenzie's Sanctions and Export Controls Update*, 6 January 2021, <https://sanctionsnews.bakermckenzie.com/?p=1809>.

direct confrontation. Sudan is also concurrently forced to withstand the flood of refugees from Tigray into its territory, numbering over 500,000 at conservative estimates. Egypt has been an integral actor in the post-Bashir developments in Sudan, backing the military council and its leadership in Khartoum, including its coup in September 2021 – although it is understood that Cairo does not completely fall in line with other regional actors over the shape of leadership within the military council. All the while, Egypt and Sudan contend with continued (albeit uncorroborated) assertions from Ethiopia's leadership that they have been directly supporting the Tigray People's Liberation Front in the raging civil conflict. Although rumours persist, these remain unsubstantiated, and both countries' militaries strenuously deny the accusations.

### Conclusion

Egypt finds itself at a crossroads. It has spent a decade trying to counter the development of the GERD to no avail. Every attempt – regionally or internationally – at solving the dispute through diplomatic means has failed, and as domestic issues dictate the policy interventions of each party, the countries are now arguably further apart than ever before at solving this dispute and reaching a negotiated settlement.

This comes as the GERD begins to produce power and the countries gear up for the year-three fill. With a drought season on the horizon in the coming 18–36 months, Egypt and Sudan are growing increasingly nervous about the continuation of the fill of the reservoir without any protections against drought, or commitments by the Ethiopians to release water.

Egypt continues to rebuff suggested attempts to return to the negotiations, arguing that Ethiopia has not shown any genuine interest in reviving the talks to a fruitful end. The GERD remains at the top of Egypt's foreign policy agenda, and a crucial part of any and all engagement with regional and international allies at all events and all bilateral meetings. However, for the moment it is hard to foresee any positive outcome in the coming months. Heads of state for the three countries have not met since 2018, and a mixture of post-pandemic economic struggles alongside domestic upheaval and a severely weakened AU institution make a solution to the crisis unlikely.

A possible result of Ethiopia respecting the outlined agreement made in Washington for the fill schedule (even though it was never signed) could then result in a moratorium on talks, allowing the countries to reset, stabilise their domestic contexts, and for Ethiopia in particular to realise power from the dam before any further talks are conducted.

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## Water Politics. How Sudan's Turbulent Transition toward Democracy Has Led It to Compromise Its Own Well-Being over the Grand Ethiopian Renaissance Dam

### ABSTRACT

Ever since the Grand Ethiopian Renaissance Dam was conceived in 2011 under Ethiopian Prime Minister Meles Zenawi, Sudan has adopted a pragmatic stance vis-à-vis the dam, playing an integral role in a 2015 Declaration of Principles (DoP). Signed in Khartoum, the declaration promised to cooperate in good faith over the dam's construction while also looking to alleviate concerns in Egypt over its water supply. This approach mainly stemmed from a recognition that Sudan stands to benefit from the power generation and economic development through the production of sustainable clean energy supply. However, as the 30-year reign of Omar al-Bashir came to an end in 2019 – and an ensuing civil campaign against the country's powerful military gained momentum – Sudan's clear-headedness toward the GERD dissipated. Instead, the country's military led by General Abdel Fattah al-Burhan has cozied up to its ally Egypt and used rising tensions over the GERD's construction to deflect from domestic tensions at home.

*Water | Security | Sudan | Ethiopia | Egypt | USA | Gulf countries*

**keywords**

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## Introduction

Situated at the confluence of the Blue Nile and White Nile, Sudan is acutely aware it has a huge amount to gain and lose by the construction of the Grand Ethiopian Renaissance Dam (GERD), the largest hydropower dam in Sub-Saharan Africa and arguably the most politically relevant infrastructure project ever developed by the government of Addis Ababa.

The Blue Nile, which begins near Lake Tana in Ethiopia, serves 70 per cent of irrigated land in Sudan and safeguards twenty million people, or half of the country's population.<sup>1</sup> But while the historic river acts as an existential lifeline for the Sudanese population, the river's fluctuations and tendencies to flood have left Sudan with little logical choice other than to engage in water politics surrounding the GERD due to its ability to regulate downstream water flow.

From the moment of the GERD's conception in 2011 under Ethiopian Prime Minister Meles Zenawi, Sudan adopted a pragmatic stance, playing an integral role in a 2015 Declaration of Principles (DoP) guiding the construction and operation of the dam. Signed in Khartoum by Ethiopia, Sudan and Egypt, the declaration

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<sup>1</sup> Internal government document. Sudan Ministry of Irrigation and Water Resources, *Sudan's Position: Safeguarding the Lives of 20 Million People Living below the GERD*, 1 December 2020.

\* For security reasons, the author, who has been living in the region for several years, prefers to remain anonymous.

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contained the three countries' pledge to cooperate legally and in good faith over the dam's construction while also looking to alleviate concerns in Egypt that its water supplies were under threat.<sup>2</sup>

This well-balanced stance was largely taken to heart by Sudan in the years following the breaking of ground for the dam. This mainly stemmed from a profound recognition that the country stands to benefit from the planned power generation and economic development through the production of sustainable and reliable clean energy supply that would come with the GERD's construction.<sup>3</sup>

However, as the 30-year reign of Sudanese President Omar al-Bashir came to an end in 2019 – and an ensuing civil campaign against the country's powerful military gained momentum – Sudan's clear-headedness toward the GERD dissipated.

Instead, the country's military regime led by General Abdel Fattah al-Burhan has used rising tensions over the GERD's construction to deflect domestic tensions at home and provide a key point of leverage in its border disputes with Ethiopia in the al-Fashaga region.

## 1. From pragmatism to precariousness

Even before the 2015 Declaration of Principles,<sup>4</sup> Sudan, under the leadership of Bashir, was publicly in favour of the project. From the early days of construction right up to talks with Ethiopia's Meles Zenawi (until 2012) and his successor (after 2018) Abiy Ahmed, Bashir consistently proved to be convinced the GERD would have limited negative impacts on Sudan's water security and irrigation network.

Indeed, studies Bashir had been presented with by officials in his government, such as the dam's admittedly limited Environmental and Social Impact Assessment, showed the Sudanese leader the great potential of the GERD for generating electricity in Sudan and reducing the risk of flooding due to its capacity to regulate the water flow of the Blue Nile. Bashir – through his generally warm ties with Meles – also recognised the right of Ethiopia to develop its water resources for the benefit and well-being of its citizens.

Unlike Egypt, Bashir continuously failed to address the long-held point of negotiation around a water sharing agreement with Ethiopia – namely that Egypt

<sup>2</sup> "GERD Will Not Affect Egypt's Nile Water Share: Sudan", in *Egypt Today*, 4 May 2018, <https://www.egypttoday.com/Article/1/49300/GERD-will-not-affect-Egypt's-Nile-water-share-Sudan>.

<sup>3</sup> Khalid Siddig, Mohammed Basheer and Jonas Luckmann, "Long-term Economy-Wide Impacts of the Grand Ethiopian Renaissance Dam on Sudan", in *ERF Working Papers*, No. 1427 (November 2020), <https://erf.org.eg/?p=25718>.

<sup>4</sup> Egypt, Ethiopia and Sudan, *Agreement on Declaration of Principles between Egypt, Ethiopia and Sudan on the GERD*, Khartoum, 23 March 2015, <https://www.sis.gov.eg/Story/121609>.



retained an annual water allocation of 55.5 billion cubic metres as stipulated in a 1959 agreement for the “full utilisation of the Nile Waters”.<sup>5</sup> Still, as time progressed and Ethiopia edged towards filling the GERD, water management officials in Sudan began to grow more concerned about the negative impacts of the dam.<sup>6</sup>

Of particular concern, Sudan – coupled with Egypt – began to disagree with Ethiopia over the binding nature of the agreement; rules surrounding future development projects and water sharing in the basin during prolonged drought; and the terms attached to a conflict resolution mechanism.<sup>7</sup>

According to one senior water resources official in Sudan, Khartoum’s attitude toward the GERD began to change in 2020 in the run-up to the first filling of the dam in July that year.<sup>8</sup> This coincided with heightened tensions between Egyptian President Abdel Fattah al-Sisi and Prime Minister Abiy at a time when both leaders used the issue of GERD to appear strong domestically and respond to internal pressures such as elections in Ethiopia and concerns about how to regulate water access and usage in Egypt as its population surpassed 100 million people.

As it became clear that Ethiopia would fill the dam unilaterally – without sharing information downstream or agreeing on how many years Ethiopia would take to fill the dam – Sudan sided more closely with Egypt. In July 2020, Ethiopia unilaterally filled the GERD, without notification, by a volume of five billion cubic metres.

This event caused a sudden drop in water level along the Blue Nile as well as a shortage of drinking water supply in Khartoum city lasting around three days.<sup>9</sup> The event also raised serious concerns in Sudan should a similar filling continue for a second year in July 2021, with a volume of 13.5 billion cubic metres.

Despite these occurrences, Sudan’s resistance to the GERD was not only based on the hydrological facts on the ground. Its resistance also coincided with huge political upheaval in Sudan. In April 2020, Sudan’s long-time leader Bashir was overthrown by the military following months of pro-democracy protests. By September, a new government took office under Prime Minister Abdalla Hamdok as part of a three-year power-sharing agreement between the military, civilian representatives and protest groups.

While Ethiopia’s decision to fill the GERD undoubtedly pushed Sudan to be more hawkish towards the project, the country’s leaders and domestic situation have also impacted its traditionally positive relations with Ethiopia over the dam.

<sup>5</sup> United Arab Republic and Sudan, *Agreement for the Full Utilization of the Nile Waters*, Cairo, 8 November 1959, <https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280132f7f>.

<sup>6</sup> Interview with a Sudanese water management official, 11 August 2022.

<sup>7</sup> Sudan Ministry of Irrigation and Water Resources, *Sudan’s Position*, cit.

<sup>8</sup> Interview with a Sudanese water management official, 11 August 2022.

<sup>9</sup> Ibid.

Hamdok, who came in as Sudan's first civilian prime minister, lived many years in Ethiopia and was naturally inclined to side with Addis Ababa over the GERD. This was in no small part because of Egypt's historically close ties with Sudan's military<sup>10</sup> While Hamdok's civilian government set about forging close relations with Western nations and generally showed a willingness to reach a deal at a technical level, the army under General Burhan was reluctant to engage.

As Hamdok's powers were jeopardised by the military over the months and years after the ouster of Bashir, so were Sudan's positions vis-à-vis the GERD.

In the months leading up to the military coup of October 2021, Sudan's military leaders began using the GERD as political leverage, and appeared to trade their loyalties based on what was expendable at the time.

Despite the obvious benefits of reaching a deal on the GERD for both environmental and economic reasons, the head of Sudan's military, General Burhan, aligned himself closely with Egypt's position on the GERD due to Cairo's undying support for the Sudanese Armed Forces.<sup>11</sup>

Mohamed Hamdan Dagalo, who is commonly known as Hemedti and runs the paramilitary Rapid Support Forces, has by contrast held a more nuanced position having visited Prime Minister Abiy on several occasions in recent years. Hemedti is also believed to own large property assets and land in Ethiopia, which may have influenced his position on the GERD.<sup>12</sup>

All in all, the political instability that came with Sudan's revolution in 2019 and the military coup in 2021 has led the country's leaders to turn their back on what appears to be in the country's best interests. Instead, they have used the GERD as an expendable tool so that shorter term gains can be pursued.

That has led policymakers and analysts in the region to lose confidence in Sudan as a reliable player, as it situates itself between two heavy-weight regional countries for whom the GERD has become such a nationalist issue that they are in no position to compromise.

Sudan is acutely aware that it is caught in the middle between much bigger powers and is unable to shift the balance of public opinion over the GERD either way. However, even though Sudan is often hit with heavy rains that impact tens of thousands of people along the banks of the Nile, the country's leadership has shown no impetus to resolve the outstanding differences between Ethiopia, Egypt

<sup>10</sup> Interview with a Western diplomat, 12 August 2022.

<sup>11</sup> "Gerd: Sudan Talks Tough with Ethiopia over River Nile Dam", in *BBC News*, 22 April 2021, <https://www.bbc.com/news/world-africa-56799672>.

<sup>12</sup> Interview with a Western diplomat, 12 August 2022.

and Sudan. Doing so would allow Sudan to more efficiently regulate water levels in times when the banks of the Nile flood.

## 2. Dam politics: How regional relations forged Sudan's position on the GERD

When Ethiopian Prime Minister Meles Zenawi announced plans to build Sub-Saharan Africa's largest dam, Sudan's reaction was one of openness to the project. This was largely due to the close ties between Meles and Bashir. Bashir had lent support to Meles as he spearheaded his rebel movement in the Tigray region to topple the communist Derg regime in Addis in 1991.

Bashir had also appreciated Meles' role in facilitating talks between his government and South Sudanese rebels belonging to the Sudan People's Liberation Movement. At Meles' funeral parade in Addis Ababa in 2012, Bashir extolled Meles for his ability to resolve problems through their close "personal relationships".<sup>13</sup>

Indeed, the 2011 creation of South Sudan, which denied Khartoum a valuable source of oil and natural resources, also led the Sudanese government to reconsider its policies in terms of energy, natural resources, security and regional alliances.

In particular, it made competition with Egypt over the Halayeb triangle more acute from Khartoum's perspective.<sup>14</sup> The separation from South Sudan also took away nearly 80 per cent of the country's oil revenues and forced the government to draw up a three-year programme aimed at diversifying revenues by increasing gold and agriculture production.<sup>15</sup>

All of this meant the potentially cheap electricity from the GERD became ever more appealing.

Meanwhile, President Hosni Mubarak of Egypt, a long-time foe of Sudan, had been overthrown amid popular uprisings at home in early 2011. He was succeeded by Mohammed Morsi, an Islamist president, who expressed a willingness to renew Egypt's relations with Sudan. While the two leaders reportedly engaged on the issue of the Nile<sup>16</sup> and Ethiopia's plan to develop the river, Bashir never went so far as to take up Cairo's stern resistance to the GERD.

<sup>13</sup> "Sudan's Bashir Pays Tribute to Ethiopia's Zenawi", in *Sudan Tribune*, 1 September 2012, <https://sudantribune.com/article43083>.

<sup>14</sup> Sherif Mohyeldeen, "The Egypt-Sudan Border: A Story of Unfulfilled Promise", in *Carnegie Papers*, June 2020, <https://carnegieendowment.org/publications/81995>.

<sup>15</sup> William Wallis, "Sudan's Economy Reels from Loss of South", in *Financial Times*, 17 October 2011, <https://www.ft.com/content/ce7f675a-f8c9-11e0-ad8f-00144feab49a>.

<sup>16</sup> "Sudan's Bashir Visits Egypt, Confirms 'Identical Position' on Nile Water Dispute", in *Sudan Tribune*, 16 September 2012, <https://sudantribune.com/article43219>.

While upper riparian countries of the Nile, such as Ethiopia, Kenya, Uganda, Rwanda, Burundi and Tanzania used the years following 2011 to call for a new regional water regime allowing for a fair and equitable sharing of the waters of the Nile, the downstream riparian countries such as Sudan and Egypt sought to maintain the status quo, which privileges them at the expense of the upstream countries.

However, Bashir always paid attention to expert studies on the GERD,<sup>17</sup> which showed the construction project would come with several positive impacts for Sudan. These included enhanced water management for irrigation in Egypt and Sudan; improved sediment management reducing the cost of dredging irrigation canals; increased energy production at existing power stations; and an improved buffer against climate change-induced extremes such as flooding and drought.

Bashir also went along, in 2012, with the establishment of the International Panel of Experts (IPoE) on the GERD – a panel of ten experts aiming to provide an analysis of the GERD's benefit and negative impacts – which in its final report concluded that the design and construction of the GERD is up to international standards. Unlike Egypt, Sudan announced its acceptance of the IPoE report and did not stand in the way of subsequent reports assessing the impact of the GERD on downstream countries, despite the document stressing the need for further studies.

Standing in stark contrast to Sudan, after IPoE experts adopted the report in 2013, senior Egyptian officials began issuing bellicose statements against the dam, even threatening to forcefully oppose its construction.<sup>18</sup>

Morsi's reign lasted little over a year. In 2013, General Abdel Fattah al-Sisi seized on widespread public dissatisfaction and support from the army to remove him from office. Sisi then orchestrated his election as Egypt's president and immediately set about trying to convince Sudan to adopt a more critical stance vis-à-vis the GERD. In December of that year, after water resource ministers from Egypt, Ethiopia and Sudan concluded a meeting on the GERD, Cairo openly accused Khartoum of being a "biased intermediary" favouring Ethiopia.<sup>19</sup>

Sisi's relationship with Bashir and Sudan over the GERD can, therefore, be seen as initially more blunt and less tolerant of Khartoum's position than that of Morsi, who used his entrance into power as an opportunity to reset relations.

<sup>17</sup> Interview with a Sudanese water management official, 12 September 2022.

<sup>18</sup> Ethiopia, *Letter dated 14 May 2020 from the Permanent Representative of Ethiopia to the United Nations Addressed to the President of the Security Council (S/2020/409)*, <https://digitallibrary.un.org/record/3862715>.

<sup>19</sup> Khaled Mahmoud, "What Sisi Wants from Sudan", in *Sada*, 14 February 2019, <https://carnegieendowment.org/sada/78367>.



Then in April 2017 Bashir said during a press conference with Prime Minister Hailemariam Desalegn of Ethiopia that there was “no limit to the relationship between the two countries, politically, economically, commercially, culturally, socially, and in security”.<sup>20</sup> Right up until Bashir lost power in 2019, his stance on the GERD remained more or less consistent: Sudan would not actively work against Ethiopia’s plans to develop the Nile as long as the terms of the Declarations of Principles were respected.

### 3. After Bashir, off come the gloves

After Bashir was toppled, Sudan’s stance on the GERD and its relations with Ethiopia began to change, oftentimes in a very turbulent manner. This is in large part because Sudan has been willing to trade loyalties on the GERD in order to advance a broader political agenda at home.

In November 2019, the United States and the World Bank (WB) joined the negotiation process as observers to support the three riparian countries reaching a final comprehensive agreement on the filling and operation of the GERD. Despite the fact that major progress had been achieved through these negotiations, such as the speed at which the dam’s reservoir should be filled, no deal was signed. Then in February 2020 negotiations stalled, and there was an escalation in statements from both Egypt and Ethiopia.

While this was going on, Sudan – in part due to Ethiopia’s threat to unilaterally fill the GERD – was shifting its support away from Ethiopia and toward Egypt. Regional analysts and diplomats in the region say this can be seen as a direct consequence of Burhan’s need for a strong ally in Cairo as he attempts to quell deadly anti-government protests back home.

In April and May 2020 Prime Minister Hamdok led an initiative to resume negotiations to reach a fair deal before the filling of the dam in July. Hamdok invited three observers to join the negotiations, namely South Africa in its capacity as chair of the African Union (AU), the US and the European Union.

Even though Abiy initially endorsed bringing the likes of the US and the World Bank to the negotiating table, he received huge criticism at home for having done so, especially from more hard-line nationalistic elements of his government who did not want any outside interference. In Sudan, where the democratic transition was under threat but still moving forward, the civilian-military government saw lending its support to the initiative as part of its overall reintegration into the global financial system after spending years under US sanctions as a pariah state.

<sup>20</sup> Ibid.

The trilateral negotiations were able to make significant progress, reaching consensus in most of the issues, except a few but important legal and technical points. Areas where all sides agreed included a broad understanding on information sharing, sequencing for filling the dam and what to do in the eventuality of a prolonged drought. By mid-June, it was clear that the negotiations needed political commitment to resolve the key outstanding issues.

After the closed session of the United Nations Security Council in late June 2020 where the GERD was discussed, the African Union requested to host the negotiations on the GERD. The first meeting of the Extraordinary Bureau of the Assembly of Heads of State and Government was held on 26 June 2020. The meeting was chaired by President Cyril Ramaphosa of South Africa. The Bureau urged the three parties to reach an acceptable and amicable solution to the outstanding technical issues surrounding how the dam should be filled and what exactly the procedures are in the case of a prolonged drought.

Although the negotiations under the AU-led process resulted in a better understanding of these issues, no significant progress was achieved as the political rhetoric around the dam grew in tension.

The AU experts then presented their report about the outstanding issues on the GERD in July 2020. But the report was ignored by Egypt and Ethiopia. Only Sudan accepted it,<sup>21</sup> arguing that it would form a good basis for further negotiation. Meanwhile, Burhan continued to lean more heavily on Egypt.<sup>22</sup>

In July 2020, Ethiopia unilaterally and without notification filled the GERD for the first year by a volume of five billion cubic metres. A monitoring station located at the border between Ethiopia and Sudan showed the Nile's water level plummeted 100 million cubic metres between 12 July and 13, as recorded in Sudanese government logs. The last time levels had dropped that low was in 1984, the driest year on record.

This event altered the position of the Hamdok government and created a deep schism between Ethiopia and Sudan as even Khartoum's civilian representatives of the government began to lose confidence in Ethiopia's commitment to the Declaration of Principles.<sup>23</sup>

The AU-led negotiations resumed in August 2020, but Ethiopia now requested that a more beneficial water-sharing deal be a condition before reaching an agreement on the filling and operation of the GERD. Both Sudan and Egypt rejected this as a distinct deviation from the agreed terms of reference stated in the 2015 Declaration of Principles. Soon after, the countries agreed to resume negotiations only on the

<sup>21</sup> Sudan Ministry of Irrigation and Water Resources, *Sudan's Position*, cit.

<sup>22</sup> Interview with a Western diplomat, 10 August 2022.

<sup>23</sup> Interview with a senior official at Sudan's Water Ministry, 16 August 2022.

filling and operation of the GERD, and to discuss the right of Ethiopia for future development projects.

#### 4. War in Ethiopia further complicates GERD talks

As 2020 drew to a close, Ethiopia ordered a military incursion into the northern Tigray region after accusing forces loyal to the Tigray People's Liberation Front (TPLF) of attacking a military base to steal weapons.

Tensions with the TPLF, which had dominated the country's ruling coalition between 1991 and 2018, had steadily risen since Prime Minister Abiy set about consolidating power under his newly formed Prosperity Party after taking office in 2018. This event had a seismic impact on the state of the GERD talks.

Sudan's close military ties with the TPLF and Egypt's animosity towards Abiy meant that Cairo and Khartoum were now loath to give Ethiopia a free pass on the GERD. From the moment the war in Tigray began, Sudan stopped playing ball with Ethiopia. The obvious advantages of achieving a balanced deal on filling the GERD, sharing information about the GERD's operations and how to act in the case of an extended drought, were forgotten. Though quietly, both Sudan and Egypt have played a covert role in the Ethiopian government's war with the TPLF, either by allowing Tigray fighters to have a presence in the country or by allegedly facilitating the transportation of weapons.<sup>24</sup>

"Although the majority of African countries, and especially our neighbours, saw the issue as an internal matter and left it to us to solve it with our own capabilities... Sudan, on the contrary, took advantage of the situation, breached our country's border and carried out an invasion," the Ethiopian Ministry of Foreign Affairs said in January 2022.<sup>25</sup>

In November 2021, Burhan made a highly publicised visit to the al-Fashaga region – a patch of fertile borderland that both Khartoum and Addis Ababa consider part of their territories – following violent clashes between Sudanese and Ethiopian troops. After years of intermittent clashes, the dispute escalated in late 2020 after the Ethiopian troops that controlled much of al-Fashaga suddenly left to fight in Tigray.<sup>26</sup>

<sup>24</sup> Fasika Tadesse and Simon Marks, "Ethiopia Says It Downed Arms-Laden Plane Crossing from Sudan", in *Bloomberg*, 24 August 2022, <https://www.bloomberg.com/news/articles/2022-08-24/ethiopia-says-arms-laden-plane-from-sudan-shot-down-ebc-reports>.

<sup>25</sup> Internal document, Ethiopian Ministry of Foreign Affairs, January 2022.

<sup>26</sup> "Al-Burhan Vows to Protect Fashaga Area from Ethiopian Attacks", in *Sudan Tribune*, 29 November 2021, <https://sudantribune.com/article226467>.

Weeks later, Sudanese troops went on the offensive and captured a large swath of the disputed territory. Reporters visiting the area in 2021 spoke to military officers, community leaders and local farmers, who told how a long-standing territorial dispute had erupted into a serious cross-border confrontation. Hundreds of Sudanese soldiers were seen stationed in Barakat Nurein, a village that was occupied by Ethiopian farmers until Sudanese forces snatched it in January 2021.

The dispute over al-Fashaga, which is low-lying but ongoing, has been instrumental in Burhan flexing his muscles and riding a nationalist cause at a time when civilian protests against his regime are again isolating (as debt relief talks are frozen and budgetary support too) the country and preventing the flow of foreign aid.

With respect to al-Fashaga, the internal politics of Sudan suggests that any government in Khartoum would be willing to trade almost any issue in order to gain domestically. Burhan seems to be ready to scale up the border dispute with Ethiopia into open war if that distracts Sudanese population from domestic problems and consequently helps him consolidate his power.

Western diplomats and analysts also see an interest on the part of Egypt in enflaming tensions surrounding al-Fashaga and anti-Ethiopian government militias in the Benishangul-Gumuz region, where the GERD is located. Abiy has already accused Sudan and Egypt of providing such support.<sup>27</sup>

This has increasingly meant Sudan has sacrificed its credibility on the issue of the GERD as it has shifted its position in the last decade. Moreover, even though the devastating flooding going on in the country points to the benefits that Sudan would get from a deal on the GERD, Burhan is not making that argument at all.

The Sudanese leadership is approaching anything GERD-related in an entirely opportunistic way – not to harness the cause of development or environmentalism for its people, but to support the personal political fortunes of whoever is running the country at the time.

## 5. Trump and the Gulf states

Resolution of the GERD dispute has attracted interest from a wide array of international players. What started off as a mostly regional affair began to generate huge levels of global attention at the end of 2020 as Ethiopia began unilaterally filling the dam's reservoir. The end result of this has been large international heavyweights using the GERD to their own diplomatic ends.

<sup>27</sup> "Ethiopia Violence Fuelled by Fighters Trained in Sudan: PM Abiy", in *AFP News*, 19 October 2020, <https://news.yahoo.com/ethiopia-violence-fuelled-fighters-trained-135645958.html>.



For instance, Egypt's Sisi used his close ties with former US President Donald Trump to put massive pressure on Ethiopia to step back from filling the dam and agree to a water-sharing deal on the GERD. This resulted in Trump claiming in October 2020 that Egypt could "blow up" the dam if pushed too far.<sup>28</sup> His comments came during a telephone call with Sudan's Prime Minister Hamdok and Israel's Prime Minister Benjamin Netanyahu.

Israel itself has taken a keen interest in building relations with Sudan's military leaders<sup>29</sup> since the two sides normalised relations in the context of the Abraham Accords in August 2020. On several occasions in recent years members of Israel's intelligence/security services have both visited and received members of Sudan's Rapid Support Forces, including their leader Hemedti.<sup>30</sup> Amid popular demonstrations against the military by Sudanese people, Israel has made stability in Sudan a top regional priority as it continues trying to forge closer trade ties with Arab states across the Gulf and North Africa.

For the US, the outspoken remarks by Trump – which were markedly in contrast with the expert technical advice offered by Treasury officials in closed door meetings – was the culmination of the president's steady alienation of the Ethiopian state.

By the last session of the US/WB-led process on 13 February 2020, a draft agreement was in a very advanced stage with 90 per cent of the issues agreed upon by the three countries, and only few differences remaining to be resolved. But Ethiopia in the end distanced itself from the talks, feeling that the odds were stacked against it with the US so openly taking Egypt's side at a political level. A few months later in September, Washington made good on a threat to cut 100 million US dollars in aid due to its filling of the GERD.<sup>31</sup>

Later, the United Arab Emirates (UAE) entered the fray as a mediator between all parties, reportedly having hired its own technical experts. Stability in the Horn of Africa and regional cooperation between Ethiopia, Sudan and Egypt is paramount for the UAE as it seeks to gain influence both politically and economically.

In Sudan, the UAE has seemingly taken advantage of the weak state of the government to put its hands on strategic assets such as a new Red Sea port. In one deal the UAE has pledged to invest 6 billion US dollars in a new port, a free trade zone and a large agricultural project, a long-standing aim of Abu Dhabi as it seeks to increase agricultural exports from Sudan to the Gulf.<sup>32</sup>

<sup>28</sup> "Trump Comment on 'Blowing Up' Nile Dam Angers Ethiopia", in *BBC News*, 24 October 2020, <https://www.bbc.com/news/world-africa-54674313>.

<sup>29</sup> "Israeli Security Delegation Visits Khartoum at Invitation of Rapid Support Forces", in *Mada Masr*, 23 January 2022, <https://www.madamasr.com/en/?p=334263>.

<sup>30</sup> Interviews with two regional Western diplomats, 10 August 2022.

<sup>31</sup> Robbie Gramer, "U.S. Halts Some Foreign Assistance Funding to Ethiopia over Dam Dispute with Egypt, Sudan", in *Foreign Policy*, 27 August 2020, <https://bit.ly/2YILz8S>.

<sup>32</sup> Nafisa Eltahir, "UAE to Build Red Sea Port in Sudan in \$6 Billion Investment Package", in *Reuters*,

The UAE talks are, however, totally opaque. While Abu Dhabi says they have made progress, there is little publicly available information about what that exactly means. Still, analysts and regional diplomats say that the UAE – unlike the US – has a focused strategy for the Horn that is much more politically and economically targeted than only security focused.<sup>33</sup>

“When there’s blood in the streets, buy real estate,” said one regional analyst speaking about the Emirates’ philosophy vis-à-vis Sudan and how it can gain influence in the country.<sup>34</sup>

Gaining trust through mediation efforts linked to the GERD is an efficient way for the UAE to achieve its goal of gaining a foothold on the Red Sea and cultivating rich agricultural land in the al-Fashaga region. In 2021, the UAE offered to settle the border dispute between Ethiopia and Sudan in a deal that would split land ownership between both countries and the UAE. But regional opposition to outside influence as well as ongoing violence in the area eventually stymied the Emirati plan, which sought to transform Sudan into a regional bread basket with trade routes operating through the Red Sea and beyond.<sup>35</sup>

Here it must be noted that the UAE has also in recent years cultivated increasingly close relations with Ethiopia as it has provided Ethiopia with military assistance in its fight against the TPLF.<sup>36</sup> But that has not resulted in the UAE acting as a one-sided proxy in Ethiopia’s civil war and jeopardising its relations with other countries in the region such as Sudan.

What all of this shows is just how much influence Sudan – through its strategic location and trade potential – can have in resolving the GERD dispute. Despite being the smaller party to the GERD talks, Sudan has quite a few carrots it can use to encourage all parties to come on board with a deal. On the other hand, Khartoum’s close ties with Egypt – and Egypt’s covert support for the TPLF – has equally reduced trust between the three riparian nations and thwarted chances for a deal.

21 June 2022, <https://www.reuters.com/world/middle-east/exclusive-uae-build-red-sea-port-sudan-6-billion-investment-package-2022-06-20>.

<sup>33</sup> Interview with a Western diplomat, 12 August 2022.

<sup>34</sup> Interview with a regional analyst, 12 August 2022.

<sup>35</sup> Simon Marks and Mohammed Alamin, “Funding Pours in at Flashpoint that Could See Africa’s Next War”, in *Bloomberg*, 6 July 2021, <https://www.bloomberg.com/news/articles/2021-07-06/at-flashpoint-that-could-see-africa-s-next-war-funding-pours-in>.

<sup>36</sup> “UAE Air Bridge Provides Military Support to Ethiopia Gov’t”, in *Al Jazeera*, 25 November 2021, <https://aje.io/5nf28m>.

## Conclusion – Recommendations and solutions

Although sandwiched between two far greater regional powers, Sudan has the capacity to play clean and pragmatic where negotiations over the GERD are concerned. This is because Khartoum has much more to gain from a sensible deal on the dam than it has to lose.

Not only does the nation of 40 million stand to gain in terms of reputation, it can also alleviate pressures around drought, flooding and irrigation for its own population. It is, therefore, essential that Sudan's leadership avoids using the GERD as leverage for its own short-term political goals.

Regrettably, Sudan has tossed and turned over its position on the GERD depending on opportunistic needs at home. In particular, Sudan's military turned its back on consistent, tacit support for the dam as soon as public resistance to its hold on power mounted and it became more dependent on Egyptian support.

Sudan would be better served in taking up a more neutral position based on the needs of its own people. Khartoum could use the current devastation caused by flooding in the country to put pressure on both Ethiopia and Egypt to reach a deal on the GERD. It could also seek to de-escalate tensions surrounding the GERD by refraining from reinforcing proxies in Ethiopia's civil war with the TPLF as well as aggravating territorial disputes over the al-Fashaga triangle with Ethiopia.

Such tensions were most recently seen in August 2022 when Ethiopia claimed to have shot down a cargo plane laden with weapons for the TPLF, which had entered its territory via Sudan. Ethiopia insinuated that the plane had come from Egypt.<sup>37</sup>

Sudan would be better served to remove itself from the tensions between Egypt and Ethiopia over the dam and use important international mediators – be it the WB, US or UAE – to weigh on its neighbours to come to a deal.

Khartoum has an opportunity to come across as a mature peacemaker in the region that takes the moral high ground whereby its own people become the country's major consideration.

Egypt, Ethiopia and Sudan are all well-versed in the technicalities that could lead to a win-win deal on the GERD. The problem left hanging over everyone's head is trust: Ethiopia holds a powerful weapon in its hands as it can turn off the water supply to Egypt at any given moment.

<sup>37</sup> See a tweet by Redwan Hussein, National Security Advisor to Ethiopian Prime Minister, 24 August 2022, <https://twitter.com/RedwanHussien/status/1562416839216578560>.

Despite signed agreements, no treaty or signature on a piece of paper will be sufficient in persuading the Egyptians that there are no circumstances under which Ethiopia will use that weapon. Sudan, therefore, can help build that trust by encouraging both sides to come back to talks and build ties based on economic development, flood mitigation and energy production.

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# The GERD from an Ethiopian Perspective: Actors, Interests and Instruments

by Jesutimilehin O. Akamo

## ABSTRACT

For Ethiopia, proposals on sharing the Nile waters and the filling and operation of the Grand Ethiopian Renaissance Dam (GERD) must demonstrate flexibility (that is, be legally non-binding) and distance from the order that existed before the Cooperative Framework Agreement (CFA, or Entebbe Agreement). The GERD represents a move by Ethiopia to enhance economic security, boost its resilience against drought and consolidate its newfound hydro-political influence towards ensuring equitable and reasonable use of the Nile waters by riparian states. Ethiopia has demonstrated intentionality and consistency in its Nile policy under which the GERD falls. The link between the GERD, Ethiopia's internal crisis and its perception of an international bias tend to threaten the likelihood of a mutually agreed deal. However, building mutual trust, strategic concessions and de-internationalising the GERD talks to the barest minimum are necessary steps to break the stalemate.

*Water | Security | Ethiopia | Egypt | Sudan*

keywords

# The GERD from an Ethiopian Perspective: Actors, Interests and Instruments

by Jesutimilehin O. Akamo\*

## 1. Background

Ethiopia announced the intent to build a Grand Millennium Dam on the Blue Nile River in 2011. This announcement came after six out of the ten Nile riparian states signed the 2010 Nile Basin Cooperative Framework Agreement (CFA), also known as the Entebbe Agreement.<sup>1</sup> From Ethiopia's viewpoint, the CFA is expected to replace the 1902, 1929 and 1959 agreements. Egypt and the Republic of Sudan considered the 1902, 1929 and 1959 agreements to be the Basin's binding legal framework which Ethiopia opposed because they were signed during the colonial era and were not in its best interest.<sup>2</sup> It is considered a historical imbalance.<sup>3</sup> Regardless, the Vienna Convention on the Law of Treaties, in its Article 34, and the Nyerere doctrine makes it clear that those agreements are legally non-binding on Ethiopia.<sup>4</sup>

<sup>1</sup> See full text of the agreement and the signatories in the Nile Basin Initiative (NBI) website: *Cooperative Framework Agreement*, <https://nilebasin.org/nbi/cooperative-framework-agreement>.

<sup>2</sup> Please read the background paper: Francesca Caruso, "Ethiopia's Grand Renaissance Dam. The Law, History, Politics and Geopolitics behind Africa's Largest Hydropower Project", in *IAI Papers*, No. 22|27 (October 2022) <https://www.iai.it/en/node/16154>.

<sup>3</sup> Ngambouk Vitalis Pemunta et al., "The Grand Ethiopian Renaissance Dam, Egyptian National Security, and Human and Food Security in the Nile River Basin", in *Cogent Social Sciences*, Vol. 7, No. 1 (2021), Article 1875598, <https://doi.org/10.1080/23311886.2021.1875598>.

<sup>4</sup> While the Article 34 of the Vienna Convention on the Law of Treaties states that a treaty does not create obligations or rights for a third party without its consent, Ethiopia was neither colonised nor a party to those agreements. Also, the Nyerere Doctrine on State Succession to colonial treaties concluded that the former colonies are not bound by colonial water treaties.

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The CFA is a product of the decade-long effort to enhance cooperation on the use of Nile Basin water under the auspices of the Nile Basin Initiative (NBI), which was instituted in 1999. The aim of this agreement is to seek a permanent legal and institutional arrangement for governing the Nile River Basin by promoting “integrated management, sustainable development, and harmonious utilization of the water resources of the Basin, as well as their conservation and protection for the benefit of present and future generations”.<sup>5</sup> The concept of equitable water allocation introduced in the text did not generate conflict between the signatories, save article 14b which remained a bone of contention.

Article 14b states that the use of the Nile waters should not “significantly affect the water security of any other Nile Basin Stat[e]”. But according to Egypt, the article should rather say that the use of Nile waters should “not to adversely affect the water security and current uses and rights of any other Nile Basin State”. Because of this debate, there has been no consensus between the upstream and downstream states (especially Egypt) on article 14b. For Egypt, “adversely” reflects the consideration of possible negative impacts of the activities of any of the riparian states on others.<sup>6</sup> Thus, ambiguity, fluidity and debate on what “water security” means and its link to national security have undermined negotiations.<sup>7</sup> Post-CFA talks have broken down because Ethiopia has refused to sign a legally binding agreement on the filling and operation of the GERD. Concerning water allocation, Ethiopia’s position has always been that it should be an all-inclusive process involving all 11 riparian states. Ethiopia’s preference is a non-legally binding guideline, and therefore it believes the CFA is sufficient.

## 2. Local dynamics and national interest

The factors that drove and strengthened Ethiopia’s continued push for the GERD vision are fourfold: ideology, development, politics and (national) security. From the ideological standpoint, the mission was to give Ethiopia’s society a shared vision with respect to Ethiopia’s advancement towards higher stages of development and independence.<sup>8</sup> Therefore, failing to use the Nile (as other countries, such as Egypt, do) is perceived as blow to national identity and prestige. The GERD discourse thus became a symbol of Ethiopian nationalism and renaissance. At the national

<sup>5</sup> See the text of the agreement in the NBI website: *Cooperative Framework Agreement*, cit.

<sup>6</sup> Tadesse Kassa Woldetsadik, “The Nile Basin Initiative and the Cooperative Framework Agreement: Failing Institutional Enterprises? A Script in Legal History of the Diplomatic Confront (1993–2016)”, in *Mizan Law Review*, Vol. 11, No. 1 (September 2017), p. 196-228, <https://doi.org/10.4314/mlr.v11i1.7>.

<sup>7</sup> Dereje Zeleke Mekonnen, “The Nile Basin Cooperative Framework Agreement Negotiations and the Adoption of a ‘Water Security’ Paradigm: Flight into Obscurity or a Logical Cul-de-sac?”, in *The European Journal of International Law*, Vol. 21, No. 2 (May 2010), p. 421-440, <https://doi.org/10.1093/ejil/chq027>.

<sup>8</sup> Ethiopia Ministry of Capacity Building, *Comprehensive Justice System Reform Program. Baseline Study Report*, Leiden, Center for International Legal Cooperation, February 2005, <https://www.cilc.nl/cms/wp-content/uploads/2014/11/CILC-Ethiopia-D-05-0103.pdf>.

level, it reflects the nationalism as driven by hydro-solidarity.<sup>9</sup> This is reiterated by evidence of the interwoven nature of political and ethnic identities in Ethiopia, which raises concerns about an ideological meeting point in which the GERD, in its potentiality, is presented as a token of “creedal national identity”.<sup>10</sup> In the same vein (especially as an extension of creedal national identity) Ethiopians view the GERD as a symbol of national prestige.<sup>11</sup>

Another, major motivation that fuels this ideological angle of the GERD’s importance is rooted in the developmental argument. Essentially, electrification and other developmental benefits that serve as the rationale for the GERD construction have been presented as way to address Ethiopia’s basic needs. In the early 2000s, the NBI’s trajectory towards inclusivity and shared use of the Nile basin raised Ethiopia’s expectation of implementing several projects for developmental and socioeconomic benefits, especially electrification.<sup>12</sup> Ethiopia needed more reliable sources of electricity which is a problem the GERD solves to a large extent, thereby putting the GERD at the core of Ethiopia’s development agenda to enhance industrialisation, citizen welfare and human development.

The GERD is also highly political as the question of the use of the Nile is presented as an Ethiopian sovereign right.<sup>13</sup> Ethiopia contributes up to 86 per cent of the Nile waters, even while it is one of the countries that has least benefited from the river due to the pre-CFA agreements favouring Egypt and Sudan, which claimed historic rights over the Nile’s water regardless of its source.<sup>14</sup> Furthermore, the GERD is integral to Ethiopian state identity and an instrument of legitimacy for the government in power.<sup>15</sup> This is evident in the naming and funding of the GERD, as well as in the framing adopted in speeches by senior government officials, describing the dam as a “flag bearer project” and an “expression of our identity”.<sup>16</sup>

<sup>9</sup> Dalia Abdelhady et al., “The Nile and the Grand Ethiopian Renaissance Dam: Is There a Meeting Point between Nationalism and Hydrosolidarity?”, in *Journal of Contemporary Water Research & Education*, Vol. 155, No. 1 (July 2015), p. 73–82, <https://doi.org/10.1111/j.1936-704X.2015.03197.x>.

<sup>10</sup> Andebet Hailu Assefa and Belayneh Taye Gedifew, “Symbolic Values and Implications of the Grand Ethiopian Renaissance Dam Project in Ethiopian Identity Politics”, in *Skhid*, Vol. 1, No. 2 (May/June 2021), p. 5–14, [https://doi.org/10.21847/1728-9343.2021.1\(2\).229192](https://doi.org/10.21847/1728-9343.2021.1(2).229192). “Creedal national identity” is a concept borrowed from Francis Fukuyama, *Identity. The Demand for Dignity and the Politics of Resentment*, New York, Farrar, Straus and Giroux, 2018.

<sup>11</sup> Evidence to support this is backed by a 2018 phone interview with a think-tank official (identity undisclosed) conducted by International Crisis Group authors. The demographic and sectoral range of individuals who donated for the GERD construction was cited. See International Crisis Group, “Bridging the Gap in the Nile Waters Dispute”, in *ICG Africa Reports*, No. 271 (20 March 2019), <https://www.crisisgroup.org/node/9541>. The army also contributed; see Haftu Gebrezgabiher, “Ethiopia: Army Contributes over 800 Million Birr to GERD”, in *The Ethiopian Herald*, 29 November 2017, <https://allafrica.com/stories/201711290631.html>.

<sup>12</sup> Rawia Tawfik, “The Grand Ethiopian Renaissance Dam: A Benefit-Sharing Project in the Eastern Nile?”, in *Water International*, Vol. 41, No. 4 (2016), p. 574–592.

<sup>13</sup> Interview with an Ethiopia country expert, 11 February 2022.

<sup>14</sup> Interview with a Horn of Africa regional Expert, 26 January 2022.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

The GERD is becoming an essential subject in Ethiopia's internal political space, especially within the context of its potential developmental benefits. Thus, the country's past and present political leaders have been unwilling to compromise because their position on the GERD potentially impacts their political career. Notably, the support for the GERD goes as deep as diaspora support and local support with local taxi drivers with #MyDam (or similar) stickers.<sup>17</sup>

Although dams had been envisioned since the late 1960s and had their roots in the survey of the Nile and Lake Tana that commenced in the 1920s, Meles Zenawi nursed the commencement of the GERD's realisation.<sup>18</sup> He believed that the GERD was an economic, political and regional tool for Ethiopia's development and the enhancement of the country's hegemonic status in the region – challenging Egypt's hydro-hegemony. Meles Zenawi dominated all branches of government and encouraged a hard-line and whole-of-society approach towards the GERD construction.<sup>19</sup> After Zenawi's death in 2012, progress on construction slowed because the country was preoccupied with an ethnic crisis in the Amhara and Benishangul-Gumuz communities, along with economic slowdown, corruption and mismanagement.<sup>20</sup> More so, the principal who had driven the agenda was no more. Regardless, construction never stopped. Zenawi's successor, Haliemariam Desalegn, later resigned bending to the tide of the political upheaval in the country. But under Abiy Ahmed, Desalegn's successor, the GERD construction picked up pace.

Abiy Ahmed's policy towards the GERD has maintained consistency with that of his predecessors. However, his approach tends to be less hard-line as he has shown more openness to talks, even though he has not compromised on the filling and operation of the GERD.<sup>21</sup> In his peace quest, another testament to a less hard-line approach, Abiy forced Intelligence Head Getachew Assefa and Armed Forces Chief Samora Yunus into retirement and showed greater sensitivity than his predecessors to the concerns of downstream countries Egypt and Sudan.<sup>22</sup> Gradually, Abiy Ahmed appears to have cultivated a friendlier terrain for talks

<sup>17</sup> See Pawlos Belete, "Ethiopians in Nuremberg, Germany Hold Fund Raising Campaign to Support GERD, Displaced", in *Walta News*, 2 September 2021, <https://waltainfo.com/?p=107984>.

<sup>18</sup> See Tadesse Kassa Woldetsadik, "The Nile Basin Initiative and the Cooperative Framework Agreement: Failing Institutional Enterprises?", cit.; and James McCann, "Ethiopia, Britain, and Negotiations for the Lake Tana Dam, 1922-1935", in *The International Journal of African Historical Studies*, Vol. 14, No. 4 (1981), p. 667-699.

<sup>19</sup> International Crisis Group, "Bridging the Gap in the Nile Waters Dispute", cit.

<sup>20</sup> Mulunesh Dessie Admassu, "Causes of Ethnic Conflict in Ethiopia and Its Effect on Development: The Case of 'Amhara' and 'Gumuz' Communities", in *Journal of Sustainable Development in Africa*, Vol. 21 No. 3 (September 2019), p. 64-79, <https://jsd-africa.com/JsdA/2019%20V21%20No3%20Fall/article19-03.html>.

<sup>21</sup> See Hamza Hendawi, "Ethiopia's Abiy Seeks to Allay Egyptian and Sudanese Fears over GERD", in *The National News*, 21 January 2022, <https://www.thenationalnews.com/mena/2022/01/20/ethiopias-abiy-seeks-to-allay-egyptian-and-sudanese-fears-over-gerd>.

<sup>22</sup> International Crisis Group, "Bridging the Gap in the Nile Waters Dispute", cit.

between the three riparian states.<sup>23</sup>

The potential setback, however, which has taken on a regional nature, is the internal crisis in Ethiopia.<sup>24</sup> This includes the Tigray crisis and unrest in Amhara, Benishangul-Gumuz and Oromia.<sup>25</sup> The conflicts can sabotage progress on GERD construction. For example, the dam's location in Benishangul-Gumuz is a direct threat to its completion and proper functioning. Also, other crises can be leveraged by external actors towards state failure or destabilisation of the government in order to disrupt work on the dam; and Ethiopia has accused Egypt of such interference in the Tigray crisis.<sup>26</sup>

### 3. Instruments and processes

The NBI's failure to implement the intended projects became a concern for Ethiopia. Arguably, the commencement of the GERD's construction without the input of upstream states has been one of the responses to the NBI's failure. From a legal viewpoint, no cooperative legal and institutional framework was arrived at. Also, after the decades of negotiation (1997–2007) there was no political consensus on the CFA (signing and ratification). This pattern of failures encouraged Ethiopia's actions to achieve electrification independently.<sup>27</sup> Over the years, Ethiopia's GERD project has spawned negotiations, studies, panels and committees, private consulting companies and signed agreements as the instruments and processes used by the riparian states and other actors to address the issue. This approach has given more allowance to multilateralism.

A significant realistic compromise deserving spotlighting is the March 2015 Declaration of Principles (DoP) that was signed by Ethiopia, Egypt and Sudan.<sup>28</sup> The DoP formed a basis upon which some of the riparian states' concerns could be addressed. A notable principle in the declaration was the agreement by all parties to use the result of the studies recommended by the International Panel of Experts for a joint definition of the guidelines and rules in the filling and operation of the dam.

<sup>23</sup> Ibid.

<sup>24</sup> International Crisis Group, "Bridging the Divide in Ethiopia's North", in *ICG Africa Briefings*, No. 156 (12 June 2020), <https://www.crisisgroup.org/node/13822>.

<sup>25</sup> See Mehdi Labzaé, "Benishangul Conflict Spurred by Investment, Land Titling, Rumors", in *Ethiopia Insight*, 8 March 2019, <https://www.ethiopia-insight.com/?p=39651>.

<sup>26</sup> Abir Sorour, "Ethiopia – Tigray: What Does Egypt Stand to Gain or Lose from the One-Year War?", in *The Africa Report*, 5 November 2021, <https://www.theafricareport.com/143814>.

<sup>27</sup> Ana Elisa Cascão, "Changing Power Relations in the Nile River Basin: Unilateralism vs. Cooperation?", in *Water Alternatives*, Vol. 2, No. 2 (June 2009), p. 245-268, <https://www.water-alternatives.org/index.php/alldoc/articles/vol2/v2issue2/52-a2-2-5>.

<sup>28</sup> Rawia Tawfik, "The Declaration of Principles on Ethiopia's Renaissance Dam: A Breakthrough or Another Unfair Deal?", in *The Current Column*, 25 March 2015, <https://www.idos-research.de/die-aktuelle-kolumne/article/the-declaration-of-principles-on-ethiopias-renaissance-dam-a-breakthrough-or-another-unfair-deal>.



While Ethiopia maintains the right to make adjustments, it is obligated to inform the downstream states. Even though this is a potential point of conflict, it stands to reason that Ethiopia is more likely to agree to this condition as it is in alignment with the developmental and (geo)political interests and objectives the GERD serves. Deficient in specificity, the DoP's provisions were open to multiple interpretations and expectations whereby Ethiopia and Egypt disagree on compensation for significant harm, "acquired rights", and the dam's size and storage capacity, to mention just a few.<sup>29</sup> Thus, as much as the DoP passes for progress, its deficiency is also an Achilles' heel for a permanent solution. As of 2022, Egypt has expressed dissatisfaction over Ethiopia's lack of commitment to the DoP, in that Addis has continued the filling and operation of the dam without the consent of downstream states. Egypt, in the letter to the President of the UNSC and Russian Permanent Representative to the UN Vasily Nebeniza in February 2022, named it a "material breach" of the DoP.<sup>30</sup> Meanwhile, Ethiopia's position is that the DoP does not contain such clause that its parties shall reach an agreement before Ethiopia starts filling the dam.<sup>31</sup> Hence, from Ethiopia's viewpoint it is not breaching the DoP.

The local dynamics and national interest discussed earlier provide the ideological and political basis for such an approach; and herein lies the dilemma: Is Ethiopia willing to pursue its GERD agenda based on the consent of downstream states? Looking at electrification, which it now has the power to pursue, this is unlikely.

Another dimension is the legal status of the 2015 DoP. Egypt sent a *note verbale* dated 1 May 2020 appealing to the United Nations Security Council over what it believed to be an international legal obligation to pause the filling of the reservoir until the conclusion of a comprehensive agreement.<sup>32</sup> The claim was based on Principle 5 of the DoP. However, Ethiopia is not under any international legal obligation and therefore chose not to honour the request. First, the DoP is not a treaty; and second, it only emphasises the importance of cooperation and does not speak of duties or obligations. At best, the DoP reiterates or reaffirms the following principles in the conduct of riparian states as per the GERD: the principle of equitable and reasonable utilisation; the principle not to cause significant harm; the principle of exchange of information and data; the principle of sovereignty and territorial integrity; the principle of peaceful settlement of disputes; the principle of development, regional integration and sustainability. These principles already exist in public international law and international water laws. In essence, the technical implication is that there has yet to be a legal dispute over the GERD.<sup>33</sup>

<sup>29</sup> Rawia Tawfik, "The Grand Ethiopian Renaissance Dam: A Benefit-Sharing Project in the Eastern Nile?", cit.

<sup>30</sup> See "Egypt Categorically Rejects Ethiopia's Unilateral Operation of GERD in Letter to Security Council", in *Ahram Online*, 23 February 2022, <https://english.ahram.org.eg/News/461634.aspx>.

<sup>31</sup> Mahemud Tekuya, "Ethiopia Does Not Need Egypt's Permission to Start Filling GERD", in *Ethiopia Insight*, 30 March 2020, <https://www.ethiopia-insight.com/?p=99199>.

<sup>32</sup> Egypt, *Letter dated 1 May 2020 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council (S/2020/355)*, <https://undocs.org/en/S/2020/355>.

<sup>33</sup> Dejen Yemane Messele, "Ethiopia. Commentary: The 2015 Declaration of Principles Is Not a

More recent talks have also failed. This includes the Washington process (facilitated by the US government and the World Bank) and the South Africa and Kinshasa talks, led by the African Union (AU). The bone of contention is the potential of the proposals put forward to sabotage current and future rights over the utilisation of the Nile waters.<sup>34</sup> There is however a likelihood for a prolonged impasse because what Ethiopia considers core to its agenda is considered by the downstream states as a potentially reducing their water supply. Meanwhile, in the context of the 1959 agreement water allocation went to Egypt and Sudan, and room was left for water loss when little no allocation was made to other riparian states. Hence, from Ethiopia's perspective the claim of the downstream states as to the impact of the GERD is untenable – the Nile is a shared resource, and it should therefore take on that nature in its distribution.

The GERD crisis brings into perspective the importance of inclusion of all riparian states.<sup>35</sup> The 1966 Helsinki Rules does not agree with what the 1902, 1929 and 1959 agreements represent in terms of historic and natural rights.<sup>36</sup> The 1997 United Nations Water Convention (UNWC) follow a similar trend, thereby establishing that there is indeed a new regime, one which is not in alignment with the old order (1902, 1929 and 1959 agreements that exclude Ethiopia's interests).<sup>37</sup> However, the 2004 Berlin Rules on Water Resources constitute a meeting point for the Helsinki Rules and UNWC regarding equitable utilisation and the no-significant-harm principle.<sup>38</sup> Therefore, from Ethiopia's perspective, there is an (international) legal basis for judging the impact of the GERD on other riparian states.

The consistency of Ethiopia's response to the various instruments and processes cited above is evident.<sup>39</sup> Ethiopia is not likely to compromise the developmental, ideological, political and security objectives the GERD serves. This is also rooted in totally distancing itself from the pre-CFA arrangements. Addis Ababa has placed itself as a frontline state in the new hydro-political configuration of the Horn of Africa.<sup>40</sup> Hence, an agreement will remain elusive if Ethiopia perceives that the technical or political proposals align with the pre-CFA arrangements. Furthermore, Ethiopia's preference for the AU as moderator in the GERD talks represents, first, the need to maintain a moderator with whom some diplomatic leverage may exist;

Treaty and Ethiopia Does Not Have Obligations Therefrom", in *Addis Standard*, 21 May 2020, <https://allafrica.com/stories/202005240122.html>.

<sup>34</sup> "Three-Way Talks over Ethiopian Dam Fail in Kinshasa: Statements", in *Reuters*, 6 April 2021, <https://reut.rs/3rVDpFE>.

<sup>35</sup> See Articles 4 and 5 of the Helsinki Rules of 1966.

<sup>36</sup> The Helsinki Rules of 1966 is an international guideline on the use of rivers and their connected groundwaters that cross international boundaries.

<sup>37</sup> See Articles 5, 6 and 7 of the United Nations Water Convention of 1997.

<sup>38</sup> See Articles 12 and 16 of the Berlin Rules of 2004.

<sup>39</sup> Interview with an Ethiopia country expert, 11 February 2022.

<sup>40</sup> Kahsay Gebrehiwet, "Hydro-hegemony, an Antiquated Notion, in the Contemporary Nile River Basin: The Rise of Water Utilization in Up-Stream Riparian Countries", in *Heliyon*, Vol. 6, No. 9 (September 2020), Article e04877, <https://doi.org/10.1016/j.heliyon.2020.e04877>.

and secondly, to reduce the chances of having Britain, the US, the World Bank and their allies, and any of the allies of Sudan and Egypt outside Africa as mediator.

#### 4. Regional dynamics

The stakes of Ethiopia, Egypt, Sudan, South Sudan and Uganda in the Nile are rated high; those of Tanzania, Kenya, Burundi and Rwanda are moderate; and Eritrea and the DRC are believed to have low stakes.<sup>41</sup> The downstream riparian states (Egypt and Sudan) claim historic rights to the Nile. The upstream riparian countries are opposed to this because it contradicts equity, reasonable utilisation and participation.<sup>42</sup> In this regard, they reached a deal to end Egypt's control of the river's waters, effectively dividing the region into two:<sup>43</sup> on the one side, the upstream countries which have made little use of the Nile; and on the other, the downstream countries which claim historical rights. Sudan (a downstream state) and Ethiopia (an upstream state) have not had a smooth historical past. The relationship seemed progressive under Omar Al-Bashir allowing a more cooperative diplomatic relationship. Khartoum believed in the GERD's benefit, regards it as a welcome development and deems a cordial relationship with Ethiopia beneficial for its water security.<sup>44</sup> Unfortunately, the situation between both countries on the subject matter seem ambivalent again under Bashir's successor.

In addition, the importance of water is highly rated by East Africa region and Egypt. Scientific evidence shows the probability of years in which the growing season is likely to fail due to drought in sub-Saharan Africa. The Horn of Africa and Egypt fall within the high probability range (41–100 per cent). The risk of water scarcity or drought places water security at the nexus of the respective foreign policies, making the Nile upstream states tilt away from an Egyptian Nile monopoly concerning the GERD. In this regard, Ethiopia will likely mobilise more support than Egypt among the riparian states.<sup>45</sup> Furthermore, this will influence the posture of upstream states towards foreign intervention.

With the GERD, Ethiopia has taken on a more assertive role in the region's hydro-politics, making it more effective in playing a counter-hegemonic role to Egypt.<sup>46</sup> The relationship between Egypt and Ethiopia is historically linked both to religion

<sup>41</sup> Ibid.

<sup>42</sup> Ngambouk Vitalis Pemunta et al., "The Grand Ethiopian Renaissance Dam, Egyptian National Security, and Human and Food Security in the Nile River Basin", cit.

<sup>43</sup> Ibid.

<sup>44</sup> Yunus Turhan, "The Hydro-political Dilemma in Africa Water Geopolitics: The Case of the Nile River Basin", in *African Security Review*, Vol. 30, No. 1 (2020), p. 66-85.

<sup>45</sup> Bekele Shiferaw et al., "Managing Vulnerability to Drought and Enhancing Livelihood Resilience in Sub-Saharan Africa: Technological, Institutional and Policy Options", in *Weather and Climate Extremes*, Vol. 3 (June 2014), p. 67-79, <https://doi.org/10.1016/j.wace.2014.04.004>.

<sup>46</sup> Hala Nasr and Andreas Neef, "Ethiopia's Challenge to Egyptian Hegemony in the Nile River Basin: The Case of the Grand Ethiopian Renaissance Dam", in *Geopolitics*, Vol. 21, No. 4 (2016), p. 969-989.

and the Nile. On the one hand, religion involves the relationship between the Orthodox churches of the two countries where there were similar rituals, rites and beliefs and Egypt sending clerics to Ethiopia (until 1955). The religious angle, even though a potential sociocultural tool to enhance cooperation, does not have so much impact on the geopolitical relationship. The Nile, on the other hand, has been the most defining factor in Egypt–Ethiopia relations, driving a dynamic that has mostly been adversarial in nature.<sup>47</sup> In recent years, much has remained the same despite the changes in regime. Both countries have their own, incompatible views of the regime that should govern the distribution of the Nile waters and the filling and operation of the dam. This disagreement has shaped bilateral relations to the point of mutual distrust and suspicion.

Furthermore, Egypt's constitutional rigidity is a major concern for Ethiopia's regional ambition. This is about hydro-hegemony as a major upstream state. Apart from emphasising the importance of the Nile to Egypt's state identity, culture and civilisation, and stating access to the Nile as a right of Egyptian citizens, Article (44) of Egypt's constitution of 2014 defines the protection of the Nile waters as a responsibility of the state.<sup>48</sup> This constitution was passed after the CFA, implying that the Egyptian government is constitutionally bound not to compromise on securing Egypt's "historic rights". This is in direct contrast with the post-CFA reality from Ethiopia's viewpoint and, by extension, constitutes an anti-Ethiopian foreign policy because it directly threatens what Ethiopia considers its national interests. In essence, to a reasonable degree, Ethiopia anticipates the deployment by Egypt of instruments of statecraft that may undermine its GERD project.

Political tensions between Egypt and Ethiopia reached its peak in May-June 2013, when the Nile water was diverted in preparation for the GERD's construction. Indications were leaked of the intent of the then Egyptian President Mohammed Morsi to enter into arms deal with the Ethiopian opposition to deter Ethiopia and sabotage the GERD.<sup>49</sup> This was an extension of former President Hosni Mubarak's Nile policy.<sup>50</sup> In 2013 Egypt threatened to use force withdrew from the ministerial rounds of negotiations in January 2014. It did not take long for Egypt to realise that its withdrawal left it at somewhat of a disadvantage. The tensions remained and were only reduced when President Morsi was ousted in 2013. Notably, talks about bombing the GERD had surfaced in 2010 in a dispatch involving a high-level Egyptian security/intel source who is in regular direct contact with Hosni Mubarak and Omar Suleiman, then intelligence head. It referenced a similar action by Egypt

<sup>47</sup> Yacob Arsano, *Ethiopia and the Nile. Dilemmas of National and Regional Hydropolitics*, Zurich, Swiss Federal Institute of Technology, 2007, [https://www.files.ethz.ch/isn/31559/Ethiopia\\_and\\_the\\_Nil\\_compl.pdf](https://www.files.ethz.ch/isn/31559/Ethiopia_and_the_Nil_compl.pdf); Ineke Mules, "Tensions escalate between Ethiopia and Sudan", in *Deutsche Welle*, 19 January 2021, <https://p.dw.com/p/3o7AI>.

<sup>48</sup> Egypt, *Constitution of the Arab Republic of Egypt*, 18 January 2014, <https://www.sis.gov.eg/section/10/206>.

<sup>49</sup> Rawia Tawfik, "Reconsidering Counter-hegemonic Dam Projects: The Case of the Grand Ethiopian Renaissance Dam", in *Water Policy*, Vol. 18, No. 5 (October 2016), p. 1033-1052.

<sup>50</sup> Ibid.



in the 1970s. The quote goes thus,

The only country that is not cooperating is Ethiopia. We are continuing to talk to them, using the diplomatic approach. Yes, we are discussing military cooperation with Sudan. [...] If it comes to a crisis, we will send a jet to bomb the dam and come back in one day, simple as that. Or we can send our special forces in to block/sabotage the dam [...]. Look back to an operation Egypt did in the mid-late 1970s, I think 1976, when Ethiopia was trying to build a large dam. We blew up the equipment while it was traveling by sea to Ethiopia.<sup>51</sup>

Although the nature of Ethiopian-Egyptian relations with respect to the GERD is adversarial, both countries have remained open to having talks on points of agreement; for instance, in August 2014 the irrigation ministers of both countries agreed to constitute a Tripartite National Committee made up of twelve Egyptian, Sudanese and Ethiopian experts to implement the recommendations of the International Panel of Experts with the aid of an international consulting company.

This move also reflected Ethiopia's and Egypt's attempt to keep Sudan close. Ethiopia and Egypt have both attempted to counter each other's growing cooperation with Sudan using military cooperation. Ethiopia signed an agreement with Sudan to establish a joint military force for border security in January 2014. Egypt later signed an agreement with Sudan in March 2014 to strengthen Sudan's military capacity.

Although Ethiopia and Sudan have had a longstanding relationship over the centuries, disputes over water emerged as early as the 19th century, mixed with land and religious conflicts.<sup>52</sup> Sudan's geography as a downstream state, alongside colonial legacies and religious differences have all contributed to a strained relationship with Ethiopia.<sup>53</sup> In recent times, closer (especially military) ties with Egypt raises eyebrows.<sup>54</sup> Also, cordiality between both countries have been unstable. Meles Zenawi cultivated close ties with Al-Bashir. Within this context, Al-Bashir supported Ethiopia to isolate Eritrea and build the GERD, which is just about 20 km from the Sudanese border.<sup>55</sup> Meles Zenawi's administration also supported the Sudanese Government and the Southern Sudan Administration to peacefully

<sup>51</sup> Michael B. Kelley and Robert Johnson, "STRATFOR: Egypt Is Prepared to Bomb All of Ethiopia's Nile Dams", in *Insider*, 13 October 2012, <https://www.businessinsider.com/hacked-stratfor-emails-egypt-could-take-military-action-to-protect-its-stake-in-the-nile-2012-10>.

<sup>52</sup> Ibid.; also see Abel Abate Demissie et al., "Africa Aware: Relations between Ethiopia and Sudan", in *Chatham House Africa Podcasts*, 9 April 2022, <https://www.chathamhouse.org/node/28691>.

<sup>53</sup> Ibid.

<sup>54</sup> See Mohamed Saied, "Egypt Deepens Military Ties with Sudan as Ethiopia Moves Forward with Nile Dam", in *Al-Monitor*, 22 March 2022, <https://www.al-monitor.com/node/47721>.

<sup>55</sup> Belete Belachew Yihun, "Ethiopia's Troubled Relations with the Sudan, 1956-1983", in *International Journal of Ethiopian Studies*, Vol. 10, No. 1-2 (2016), p. 67-88.



resolve the crisis.<sup>56</sup> Despite these, the ties between both countries did not enjoy continuity. After a brief diplomatic romance between Sudanese Prime Minister Abdalla Hamdok and Ethiopian Prime Minister Abiy Ahmed, there was a downturn. Lack of communication and Sudan's alleged interference in the Tigray crisis is blamed for this.<sup>57</sup> At this juncture, it would be vital to recall that the Tigray People's Liberation Front (TPLF) and the TPLF-dominated Ethiopian People's Revolutionary Democratic Front (EPRDF) government of Ethiopia have a cordial history with Sudan's military and political officers which impacts the conflict-cooperation oscillation between Ethiopia and Sudan.<sup>58</sup> This is also a factor to consider when examining the context of the Tigray and GERD/Nile issues as it concerns Sudan.

Furthermore, both countries are on opposite ends of border disputes that are somewhat (politically) intertwined with the GERD crisis.<sup>59</sup> There is contention over the demarcation and management of al-Fashaga borderlands (referred to as Mazega in Ethiopia) in relation to the 1902 Anglo-Ethiopian treaty. Although a compromise was reached in 2007, Sudan's sudden claim to the land amidst the GERD crisis with the Ethiopian forces focussing on the Tigray crisis makes Ethiopia suspicious.<sup>60</sup>

Ethiopia has growing concerns about its national security concerning possible Egyptian involvement with the Tigray People's Liberation Front (TPLF) and Gumuz rebels.<sup>61</sup> These crises are entry points that serve the interest of downstream states if they succeed in their political objective.<sup>62</sup> The outbreak of armed rebellion undermines the Ethiopian government from within. An example is the TPLF. Another example is the Gumuz People's Democratic Movement (GPDM). Benishangul-Gumuz, where the latter is based, is home to the GERD. The threat these militias pose puts Ethiopia at risk of state collapse. While evidence of the interference of downstream states' involvement is anecdotal at best, the Ethiopian government has directly accused the Egyptian government of sponsoring and directly contacting the GPDM's leadership.<sup>63</sup> The broader ramification of the success

<sup>56</sup> Tesfa Alem Tekle, "Ethiopia PM, U.S. Senator Hold Talks on South Sudan Referendum", in *Sudan Tribune*, 8 November 2010, <https://sudantribune.com/article36579>.

<sup>57</sup> See International Crisis Group, "Containing the Volatile Sudan-Ethiopia Border Dispute", in *ICG Africa Briefings*, No. 173 (24 June 2021), <https://www.crisisgroup.org/node/16884>; and Mohamed Saied, "Ethiopia-Sudan Tension Rises over Tigray Conflict", in *Al-Monitor*, 10 August 2021, <https://www.al-monitor.com/node/44109>.

<sup>58</sup> John Young, "Conflict and Cooperation: Transitions in Modern Ethiopian-Sudanese Relations", in *HSBA Briefing Papers*, May 2020, <https://www.smallarmssurvey.org/node/5632>.

<sup>59</sup> Abel Abate Demissie et al., "Africa Aware: Relations between Ethiopia and Sudan", cit.

<sup>60</sup> "Ethiopia Warns Sudan It Is Running Out of Patience over Border Dispute", in *Reuters*, 12 January 2021, <https://reut.rs/3bxbesd>. Also see "Egypt, Sudan Conclude Joint Military Drill amid Tensions with Ethiopia", in *Africanews*, 1 June 2021, <https://www.africanews.com/2021/06/01/egypt-sudan-conclude-joint-military-drill-amid-tensions-with-ethiopia>.

<sup>61</sup> Interview with a Horn of Africa regional expert, 26 January 2022.

<sup>62</sup> It is the opinion of some Ethiopian country experts based on evidence available to them that Egypt and Sudan's actions (overt or covert) tend towards state collapse rather than reform or reinvention of the Ethiopian state.

<sup>63</sup> Interview with an Ethiopia country expert, 11 February 2022. Also see "Ethiopian Official Claims Egypt behind 'Destabilisation' Campaign", in *Africanews*, 24 January 2021, <https://www.africanews>.

of the rebels is its direct impact on the GERD. Therefore, Ethiopia's scepticism is not far-fetched. Specifically, Ethiopia's suspicion of Egypt might not be misplaced because Egypt has a history of armed action to hinder dam construction in Ethiopia dating from the 1970s.<sup>64</sup>

The Western (donor) community has demonstrated some degree of bias in failing to play the role of neutral arbitrator which ought to be a priority on the basis of the fact that there is evidence of US' support for TPLF in the past.<sup>65</sup> The US's mediation was shrouded in uncertainty because of the sanctions imposed by Trump against Ethiopia halting foreign aid to Addis Ababa.<sup>66</sup> While some sanctions are still in place, the US announced its de-link from its policy towards Ethiopia's GERD.<sup>67</sup> The draft agreement prepared by the US and the World Bank in 2020 was also problematic for Ethiopia. The US contradicted Ethiopia's GERD policy by requesting that the filling of the dam be put on hold until an agreement was signed. However, the US attempt to change the direction of Ethiopia's GERD policy failed. Given the colonial nature of the origin of "historic rights" claimed by the downstream states and of the 1902, 1929, and 1959 agreements, this sort of interference creates distrust that such actors will attempt to continue the pre-CFA order, which Ethiopia vehemently opposes.

While Ethiopia maintains the African Solutions to African Problems (AfSol) principle, Egypt and Sudan have gone to Brussels and Moscow, respectively, mobilising diplomatic contacts to support its position.<sup>68</sup> European involvement, so far, has mostly been through the European Union which plays a rather observer role in the GERD crisis/talks. The EU has remained vocal about a positive outcome for all parties and its interest to be involved in the negotiations, especially in terms of engaging the three parties (Egypt, Ethiopia and Sudan).<sup>69</sup> In July 2021, for example, the EU's interest in a peaceful resolution over the GERD was substantiated. The European Parliament presented an in-depth analysis on climate changed-induced security threats to Europe. The report highlighted that Egypt will not be affected by the GERD except there is a prolonged drought. It also indicated that the EU needs

com/2021/01/24/ethiopian-official-claims-egypt-behind-destabilisation-campaign.

<sup>64</sup> See Mohamed Maher, "Navigating the Ongoing Grand Ethiopian Renaissance Dam Negotiations", in *Fikra Forum*, 29 September 2021, <https://bit.ly/3F2WaPy>.

<sup>65</sup> Interview with an environment and development expert, 9 February 2022. Aregawi Berhe, "The EPRDF and the Crisis of the Ethiopian State", in *International Conference on African Development Archives*, No. 5 (August 2001), p. 2-4, [https://scholarworks.wmich.edu/africancenter\\_icad\\_archive/5](https://scholarworks.wmich.edu/africancenter_icad_archive/5).

<sup>66</sup> See Robbie Gramer, "U.S. Halts Some Foreign Assistance Funding to Ethiopia over Dam Dispute with Egypt, Sudan", in *Foreign Policy*, 27 August 2020, <https://bit.ly/2YILz8S>.

<sup>67</sup> "U.S. to De-Link Ethiopian Aid Pause from Dam Policy", in *Reuters*, 20 February 2021, <https://reut.rs/37zqCBI>.

<sup>68</sup> See "GERD Crisis: After the Security Council, Egypt Heads to Brussels", in *commonsplace.eu*, 8 July 2021, <https://www.commonspace.eu/node/10617>.

<sup>69</sup> Nicola Farina, "The Grand Ethiopian Renaissance Dam and the Water Diplomacy of the European Union", in *A Path for Europe*, 8 August 2020, <https://pathforeurope.eu/?p=3786>, also see Al-Masry Al-Youm, "EU Ready to Contribute to Solving GERD Crisis: Neighborhood Commissioner", in *Egypt Independent*, 7 June 2022, <https://egyptindependent.com/?p=2700731>; and "EU Says Ready to Engage More to Reach Agreement on GERD", in *Ahram Online*, 1 March 2022, <https://english.ahram.org.eg/News/462057.aspx>.

to be more proactive on the GERD crisis due to its link with climate security and humanitarian impact.<sup>70</sup> However, Ethiopia's resolute for an AU-led peace process and the AfSol principle is a sign of prospective limitations to the extent to which the EU can impact the GERD talks in terms of having all parties reaching agreeable terms. This reflects in Ethiopia's rejection of Sudan's proposal to include the EU in negotiations.

Efforts by Ethiopia to ensure that UK, Sudan and Egypt or any of its allies in Europe do not play a determining role by being less open-minded stifles the EU's efforts. There is also a normative debate on the fact that, first, when the imbalanced water sharing formula existed in favour of downstream states, there was little or no concrete effort to support a more equitable formula. Second, the statement of the EU's spokesperson on the filling of the Dam on 8 July 2021 reiterated the allegation of Ethiopia's unilateral action concerning the GERD – a term Ethiopia is displeased with.<sup>71</sup> Furthermore, Egypt's cordiality with the EU is also a factor to consider in terms of Ethiopia's perception of how neutral the EU can be.<sup>72</sup>

Amidst Ethiopia's (non)acceptance of EU's involvement, European states like Germany has distanced itself from allegations that it invested in the GERD which Egypt formally protested against.<sup>73</sup> Others have tried to maintain neutrality.<sup>74</sup> However, there has been private sector involvement of European states – not necessarily state-sanctioned. For example, two French consulting groups were agreed upon by Egypt, Ethiopia and Sudan to study the Dam's impact in 2016.<sup>75</sup> Germany's Voith signed an agreement to supply Ethiopia with 13 of the 16 turbines Ethiopia needs; and Salini Impregilo (now known as Webuild), an Italian firm, was the main (civil) contractor in charge of the Dam construction.<sup>76</sup> Although questions may arise in the near future as to whether these companies are being used as

<sup>70</sup> Dimitrios Kantemnidis, "Europe Can Help Prevent a 'Water War' over Ethiopia's Nile Dam", in *#CriticalThinking*, 12 July 2021, <https://www.friendsofeurope.org/insights/europe-can-help-prevent-a-water-war-over-ethiopia-nile-dam>.

<sup>71</sup> European Union External Action Service (EEAS), *Grand Ethiopian Renaissance Dam: Statement by the Spokesperson on the Announcement of the Second Filling*, 8 July 2021, <https://www.eeas.europa.eu/node/101507>.

<sup>72</sup> See "Ethiopia Categorically Rejects EU Statement on GERD Crisis, Describing as 'Biased'", in *Egypt Independent*, 24 June 2022, <https://egyptindependent.com/?p=2703056>; and Getahun Tsegaye, "News: EU Should Reconsider Biased Stance on Grand Ethiopian Renaissance Dam: MoFA", in *Addis Standard*, 23 June 2022, <https://addisstandard.com/?p=27749>.

<sup>73</sup> See Taha Sakr, "German Government Has Nothing to Do with GERD Construction: Ambassador Hartmann", in *Daily News Egypt*, 21 September 2021, <https://dailynewsegypt.com/?p=766711>.

<sup>74</sup> See for example, the statement delivered by Permanent Representative Ambassador Mona Juul in a Security Council meeting: see UN Security Council, *8816th Meeting: Peace and Security in Africa (S/PV.8816)*, 8 July 2021, p. 9, <https://undocs.org/en/S/PV.8816>.

<sup>75</sup> See Rod Sweet, "French Firm Picked to Study Ethiopia's Mega Dam as Uneasy Truce Holds", in *Global Construction Review*, 21 January 2016, <https://www.globalconstructionreview.com/french-firm-picked-study-ethiopia-mega-dam>.

<sup>76</sup> See "Germany's Voith to Supply More Turbines for Ethiopia's Renaissance Dam", in *Reuters*, 17 October 2018, <https://reut.rs/2yMSr74>; and "Webuild CEO Says Honored to Partake in GERD Construction", in *Ethiopian Monitor*, 20 February 2022, <https://ethiopianmonitor.com/?p=24069>.

foreign policy tools for their respective countries or not. Although, evidence as of yet does not suggest such.

A foreign actor that also avoided being caught up in the intra-regional scuffle is Russia, which became active in diplomatic attempts at enhancing multilateral cooperation in 2021, emphasising its support for an AU-led initiative. Russia has maintained a non-interference policy in dealing with the concerned parties bilaterally and at the multilateral level.<sup>77</sup> In July 2021, Egypt perceived Russia as biased towards Ethiopia but the mistrust did not escalate as Russia bolstered cooperation in other areas.<sup>78</sup>

Historically, the Western actors have been the predominant external actors. However, China, India, the Arab League and Gulf states as investors in recent times have affected the balance of cooperation in the region. They have served as alternatives to Western donors who have been very slow to offer loans to upstream countries for water projects.<sup>79</sup> Such loan alternatives include a private Chinese investment loan of 269.4 million US dollars and other hydro-project investments for upstream countries Burundi, Ethiopia, Kenya, Tanzania, the DRC and Uganda.<sup>80</sup> This alternative is even more attractive as upstream countries are not concerned about China's political interference in internal politics. In this way, upstream countries have received enough support to challenge Egypt's hydro-hegemony. In contrast, Egypt has the international financial institutions (IFIs) on its side.<sup>81</sup>

### Conclusion

Ethiopia's foreign and security policy are a continuation of its developmental pursuits (electrification) since the 1960s, which are now defined in terms of an imperative to complete the GERD. Successive Ethiopian governments have been unwilling to compromise due to political, security and developmental expediency. In addition, upstream states are more likely to back Ethiopia's GERD policy because it captures the new order that allows them more access to use the Nile waters as opposed to what was obtainable before the 2010 CFA was signed. While internal

<sup>77</sup> Russia offered technical assistance to Ethiopia, Egypt and Sudan. See Sarah El-Sheikh, "Russia Offers Technical Assistance to 3 Countries in Ethiopian Dam Negotiations", in *Daily News Egypt*, 8 July 2020, <https://dailynewsegypt.com/?p=735612>.

<sup>78</sup> See this policy analysis on Russia's involvement in the GERD crisis: Samuel Ramani, "Russia and the GERD: An Uneasy Balancing Act", in *MEI Articles*, 16 August 2021, <https://www.mei.edu/node/83239>.

<sup>79</sup> Jack Kalpakian, "Ethiopia and the Blue Nile: Development Plans and Their Implications Downstream", in *ASPJ Africa and Francophonie*, Vol. 6, No. 2 (2nd Quarter 2015), p. 40-57, [https://www.airuniversity.af.edu/Portals/10/ASPJ\\_French/journals\\_E/Volume-06\\_Issue-2/kalpakian\\_e.pdf](https://www.airuniversity.af.edu/Portals/10/ASPJ_French/journals_E/Volume-06_Issue-2/kalpakian_e.pdf).

<sup>80</sup> Mahlakeng Khosi Mahlakeng, "China and the Nile River Basin: The Changing Hydropolitical Status Quo", in *Insight on Africa*, Vol. 10, No. 1 (January 2018), p. 73-97.

<sup>81</sup> These IFIs include the World Bank which will not assist the GERD construction without Egypt's endorsement, and the European Investment Bank.



crises and border dispute with Sudan are reasons to be sceptical of Egypt and Sudan in case of any agreement, how Ethiopia perceives proposed agreements before and after the signing of the CFA will determine whether the talks will remain stalled or can advance. A silver lining is that Addis Ababa is open to AU-led initiatives.

Ethiopia will continue to oppose a return of the old order (pre-CFA Agreement), consolidate its newfound and desired hydro-hegemonic status, and pursue socioeconomic development through wider electrification. Ethiopia's GERD policy is a move beyond "political lamentations and deep-seated sense of exclusion".<sup>82</sup> The GERD represents Ethiopia's most significant move on the use of the Nile to its benefit, and in its aftermath Egypt and Sudan explored diplomatic means to impede funding for the GERD.<sup>83</sup> Thus, the diplomatic impasse provides leverage for Ethiopia and a counter-hegemonic context constraining Egypt.

Ethiopia is not suffering from a significant setback from the impasse and may therefore be unconcerned about the implications of the finalisation of the GERD, as has been the case within the last decade. Although the technical cooperation under the NBI and political negotiations under the CFA recorded success and reduced the chances of direct confrontation, reaching an agreeable permanent legal and institutional framework among the riparian states has remained and will remain a challenge from Ethiopia's viewpoint.<sup>84</sup> The various proposals in this regard are significantly judged (by Ethiopia) based on their alignment with the post-CFA order. Thus, Ethiopia will oppose any position that seeks to further the letter and the intent of the 1902, 1929 and 1959 agreements.

## Policy recommendations

### *The international community*

- There is a need to de-internationalise the GERD talks to the barest minimum. The context of the GERD crisis is such that engaging more actors beyond the riparian states is more likely to impede the peace process. The multiplicity of actors from outside Africa beyond observer status has proven detrimental to the success of talks. Ethiopia does not support the past bias of Western actors and the Arab League. The involvement of Eastern actors like China is likely to invite countermoves by their Western counterparts. This escalates the tension and politicking beyond the riparian states who are the primary stakeholders, by potentially pitching power blocs against each other over the Nile rather than seeking means through which the technicalities of the filling and operation of the dam can be resolved.

<sup>82</sup> Interview with an Ethiopia country expert, 11 February 2022.

<sup>83</sup> Interview with an environment and development expert, 9 February 2022.

<sup>84</sup> Ana Elisa Cascão and Alan Nicol, "GERD: New Norms of Cooperation in the Nile Basin?", in *Water International*, Vol. 41, No. 4 (2016), p. 550-573.



- Perceived nationalistic bias unfavourable to Ethiopia which seems to dominate academic and policy discourse, and its suspected adoption by external actors, impedes the popularity of a mutual agreement in Ethiopia's policy and academic space. Therefore, there is a need to promote balance in knowledge production as regards the GERD and refocus research agendas towards solving the impasse rather than framing either of the parties as the obstacle to a mutual agreement.

### *Riparian states*

- Building mutual trust is a starting point for all parties. Instead of picking sides or adding to the existing frame of distrust, all riparian states could explore their bilateral relations with others within the region to enhance cooperation and reach agreeable terms.
- While Egypt needs to tone down its constitutional rigidity on the Nile policy (with the GERD benefits in sight), Ethiopia's GERD policy needs to demonstrate that it understands and appreciates Egypt's Nile dependence and vulnerability.

*Updated 26 October 2022*

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## **Podcast & Video**

### **The African Union and the GERD crisis**

The dispute between Egypt, Sudan and Ethiopia over the Grand Ethiopian Renaissance Dam (GERD) has been ongoing for a decade and attempts to negotiate have ended in a stalemate. Under the motto “African solutions to African problems”, the African Union (AU) has been trying to mediate talks between the three riparian states since 2020. Nevertheless, parties have failed to find a comprehensive agreement regulating the filling and operation of the Ethiopian dam.

In this episode, we are joined by Ambassador Frederic Ngoga Gateretse, Head of the conflict prevention and early warning division at the African Union Commission. We will be tackling the GERD controversy from the perspective of the AU, trying to fully understand the role that the organisation can play in the peaceful settlement of the Nile crisis.

<https://www.iai.it/en/news/african-union-and-gerd-crisis>

### **African Civil Society for a Peaceful Nile**

The decade-long dispute over the Nile, which began in 2011 as Ethiopia unilaterally started building the Grand Ethiopian Renaissance Dam, has been characterised by firm state-centric approaches among riparian states. The inability of Egypt, Sudan and Ethiopia to transcend unilateralism for a spirit of compromise has undermined the chances for cooperation and, with it, efforts to place human security and the human right of access to water have also been overshadowed.

In this episode we are joined by Raymond Ruyoka, Executive Director of the Youth Advocacy and Development Network Uganda and one of the signatories of the Nile for Peace Initiative – Civil society Declaration. We will be addressing the GERD controversy from the civil society perspective, tackling the claims and recommendations that can be found in the text of the Nile for Peace Initiative Declaration and understanding what role African organisations can play in the equitable and reasonable resolution of the Nile conflict.

<https://www.iai.it/en/news/african-civil-society-peaceful-nile>

### **International law and the Grand Ethiopian Renaissance Dam**

The long-standing transboundary watercourse dispute between Egypt, Sudan, and Ethiopia over the Grand Ethiopian Renaissance Dam (GERD) represents a danger to the region's stability. Despite a long decade of negotiation, the crisis has been characterized by high levels of tension and low levels of cooperation between the three states.

In this episode, we are joined by Anne Funnemark, researcher fellow at the Norwegian Institute of International Affairs, to understand how and if international law may suggest some key principles and approaches useful to supporting the Nile crisis resolution. Anne Funnemark is also the author of the report “Water Resources and Inter-state Conflict: Legal Principles and the Grand Ethiopian Renaissance Dam”.

<https://www.iai.it/en/news/international-law-and-grand-ethiopian-renaissance-dam>

### **African Challenges to Multilateralism: the Nile between History, Conflict and Cooperation**

Since the dawn of recorded history, the Nile is considered to be the lifeblood of Egypt. Its role was crucial to the point that the ancient Egyptians developed a (remarkably accurate) calendar based on its flooding. Still today, the Nile remains the life line for the region's agriculture, transportation and tourism. In the last decade, competition for the Nile Basin's freshwater has been growing markedly.

In 2011, Ethiopia started to build the Grand Ethiopian Renaissance Dam (GERD) along the Nile River without prior notification to Egypt and Sudan, thus generating a long-decade diplomatic crisis among the three countries. Indeed, today the tensions between Egypt, Ethiopia and Sudan over the GERD risk undermining the stability of the entire Horn of Africa, which has already been severely strained by the Tigray crisis, the Sudanese transition to democracy, and the ongoing civil war in South Sudan. Despite various mediation attempts by international bodies, and at a time when the GERD is about to start functioning, no agreement on dam's operation is yet in sight.

Speakers will focus on each of these aspects, with the aim of connecting the ongoing dynamics with the past and the future of one of the most important and iconic rivers of the world.

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FRIDAY, 25 MARCH 2022  
11.00 – 12.30 CET

*Working language: English (no translation)*

*Since the dawn of recorded history, the Nile is considered to be the lifeblood of Egypt. Its role was crucial to the point that the ancient Egyptians developed a (remarkably accurate) calendar based on its flooding. Still today, the Nile remains the life line for the region's agriculture, transportation and tourism. In the last decade, competition for the Nile Basin's freshwater has been growing markedly.*

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### OPENING REMARKS

**DANIELA HUBER**, Istituto Affari Internazionali-IAI

**LORENZO KAMEL**, University of Turin and Istituto Affari Internazionali-IAI

**NICOLÒ RUSSO PEREZ**, Compagnia di San Paolo Foundation

**STEFANO DE MARTINO**, University of Turin; Center for Archaeological Research and Excavation

### KEYNOTE SPEECH

**CHRISTIAN GRECO**, Museo Egizio, Turin

Chair **FRANCESCA CARUSO**, Istituto Affari Internazionali-IAI

*Egypt Perspective*

**HAUSA HALAWA**, Independent Consultant

*Ethiopia Perspective*

**JESUTIMILEHIN O. AKAMO**, Africa Peace and Security Programme (APSP), Institute for Peace and Security Studies (IPSS), Addis Ababa University

*Sudan Perspective*

**AKRAM ABDEL GAYOUM ABBAS**, Italian Agency for Development Cooperation (AICS), Sudan

Open discussion

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