

Agreement on Declaration of Principles on the Grand Ethiopian Renaissance Dam Project: A Reaffirmation of the 1929 and 1959 Agreements?

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Abstract

The central objective of this study is to assess whether or not the declaration of principles agreed between Ethiopia, Egypt and Sudan in 23 March 2015 reaffirms the past colonial agreements on the Nile. To achieve this objective, the researcher employed qualitative methodology. In order to gather data to the study, a secondary source was used. Accordingly, books, journal articles, reports and internet sources were used. Based on the data analyzed, findings of the study show that despite the seemingly positive development in the two countries' relations on the issue of Nile, the current agreement has incorporated many elements which corroborate the 1929 and 1959 agreements on Nile. It reaffirms the past colonial agreements by compromising the sovereign power of Ethiopia, recognizing Egypt's right on the management of the dam, vaguely obliging Ethiopia to give priority to downstream countries, granting Ethiopia a very restricted utilization of the Nile water, and including the tributaries of Nile river in the ambit of the agreement.

Keywords: Nile River; Ethiopia; Egypt; Declaration of principles; Colonial agreements

Introduction

After long time of political frictions, Ethiopia and Egypt including Sudan came to reach an agreement on the principles of utilization of Nile on March 23, 2015. It seems a major departure in the Ethio-Egyptian relation as regards the utilization of Nile waters. For long time, the two countries had been on opposite sides as to the issue of Nile. Egypt used to invoke the 1929 and 1959 colonial agreements on the use of Nile waters. These agreements are devoted to the interest of Egypt in the sense that they helped Egypt to exercise a veto power on the utilization of Nile waters [1]. Backed by those historic agreements, Egypt maintained its hegemony over Nile waters so far. On the other hand, Ethiopia, which is the major contributor to the total volume of Nile water, stood on the opposite side to challenge the hegemony of Egypt on Nile. Ethiopia has passed through different attempts to establish a basin wide cooperation in the utilization of Nile waters. However, as Egypt strongly committed to its status quo, no comprehensive agreement between the two countries has been put to the ground. Hence, the declaration of principles made recently is the first of its kind for the two countries come to the talk on the table round which has never been seen before.

However, though the agreement seems to have positive changes in the history of Ethio-Egypt relations, it has a number of points that needs to be considered. To put it simply, there are principles which make the declaration similar to the historic colonial agreements. Hence, this piece of paper briefly discusses how the declaration of principles reaffirms the past colonial agreements which are main references of Egyptian's argument in the struggle to maintain their hegemonic status on Nile. Accordingly, it first introduces major elements of those colonial agreements and then analyses the

declaration of principles vis-à-vis those principles. In doing so, the paper also tries to refer the relevant international agreements.

The 1929 Agreement

The 1929 agreement was signed between Egypt and Britain (on behalf of majority of other Nile riparian countries). This agreement provided Egypt an exclusive right to use Nile waters. The agreement states that "no irrigation or power works or measures are to be constructed or taken on the River Nile or its tributaries, or on the lakes from which it flows in so far as all these are in the Sudan or in countries under British administration, which would entail prejudice to the interests of Egypt" [2]. This agreement conferred 48 and 4 billion cubic meters of water for Egypt and Sudan respectively. This shows how far the agreement was committed to the interest of Egypt and downtrodden other upper riparian countries' interest. Not only this, Egypt had also been given "the right to inspect and veto upstream water projects that would affect the volume and perennial flow of the river" [3]. Moreover, the agreement expresses the recognition of Egypt's "natural and historic rights in the waters of the Nile" by Great Britain [1]. Thus, this agreement was one of the basic tools used by Egypt so as to attain and project its hegemonic influence [3] despite the fact that Ethiopia consistently opposed the application of the agreement on it.

The 1959 Agreement

Following the independence of Sudan in 1956, a pressure was posed on Egypt by Sudan to renegotiate the 1929 agreement to better secure its interest. Consequently, an agreement was signed between Egypt and Sudan in 1959. By allocating 55.5 and 18.5 bcm to Egypt and Sudan respectively and leaving 10 bcm for evaporation and other factors out of average annual Nile flow, which is agreed to be 84 bcm, the agreement totally excluded other riparian countries all in all. Let alone

other riparian countries, Ethiopia which is the major contributor of the total volume of Nile water (86%) was not part of the negotiation and has not been given any share in the water. Thus, the agreement was made in exclusion of all other riparian countries. As a result, Egypt continued to claim its share considering the 1959 agreement as being sacrosanct. The agreement also allowed Egypt to construct the Aswan Dam for “long term” water needs [1]. On top of this, in this agreement, both states agreed to stand together against the challenges from other riparian states. Ethiopia continued to resist the acceptability of this agreement, too.

In all cases, what one can understand from the above mentioned treaties is the entire exclusion of upstream countries from the Nile share and the veto power given for Egypt as regards the issue of Nile waters. The interest of all upper riparian countries has been disregarded. They neither participated nor were granted a share on Nile in both agreements

Following the unreserved struggle of Egypt to secure its hegemonic power on Nile and its failure to adhere to the comprehensive basin wide cooperation on the utilization of Nile, Ethiopia started to take its unilateral measure on its rivers. The most important and aggressive project of Ethiopia is the Grand Ethiopian Renaissance Dam (herein after GERD). In 2011, Ethiopia announced the commencement of the dam which is expected to produce 6000MW electricity upon the completion of the dam in 2017 [4]. Following such announcement, however, Egypt started to release its psychological war thereby hastening the already existing hostile and crude relations between the two countries. Egypt strived in different ways, including influencing donor countries not to give support, to avert the project. On the other hand, the Ethiopian government showed its firm position of perpetuating its project and continued its diplomatic struggle. Subsequently, the coming into power of El-Sisi in Egypt brought a new and unprecedented change in the long standing position of Egypt in the sense that he supported the construction of the dam as well as the development of Ethiopia. Most importantly, Ethiopia, Egypt, and Sudan came to reach an agreement on the principles of utilization of Nile on March 23, 2015. Though this declaration has good signs of the two countries’ future positive relations, there are a number of elements which go against the interest of Ethiopia and favor Egypt. These may, in turn, be challenges for the positive prospects of the two countries’ future amicable relations. These elements are the matters of discussion herein under.

Major Elements in the Declaration of Principles

Principle of cooperation

In examining this article, the researcher will focus on its sub article 2 titled “To cooperate in understanding upstream and downstream water needs in its various aspects”. According to Minga et al. [5], the phrase “in its various aspects” connotes the need of downstream countries for additional waters or the need for upstream countries to give up their development opportunities incase downstream countries decide to develop new habitations. This is what is apparent in Egypt that due to the increasing population growth and pressure on the Nile valley and delta region, Egyptian government decided to inhabit the people in the desert area and started developing agricultural projects [6]. Such projects have immense water requirements and the Nile water is taken to be the predominant source to satisfy those needs. Hence, the incorporation of such phrase will bind Ethiopia to consider

such water demands of Egypt in its utilization of Nile waters thereby making Ethiopia at disadvantageous position.

Principle of equitable and reasonable utilization

Here again the focus is on the guiding factors listed under sub article 2 of this principle. According to this principle, in the realization of equitable and reasonable utilization on Nile waters, the three countries need to take into consideration of certain guiding factors. The researcher will consider only the most important ones for his analysis, to mention, a) Geographic, hydrographic, hydrological, climatic, ecological and other factors of a natural character; b) The population dependent on the water resources in each Basin State; c) Existing and potential uses of the water resources; d) The availability of alternatives, of comparable value, to a particular planned or existing use.

If we look into the geographic condition of Egypt, it forms part of the Saharan desert. It is characterized by the climatic conditions of hot dry summers and mild winters and it received very low, irregular and unpredictable rainfall [7]. Egyptians are 97 percent dependent on the Nile waters with no viable alternative water resources. Hence, it is all in all dependent on the Nile waters. Therefore, in view of these factors, the treaty seems an instrument of securing and maintaining the water need of Egypt. All the forgoing elements of the principle affirmatively work for Egypt. This, in turn, keeps Ethiopia loyal to the water interest of Egypt thereby compromising its domestic interests.

Principle to cooperate on the first filling and operation of the dam

Sub article (e): Agree on guidelines and rules for the annual operation of GERD, which the owner of the dam may adjust from time to time.

This provision shows deterioration of an ownership right of Ethiopians. This is due to the reason that the agreement subjects the dam to the joint management of the three countries. As a result, all the three countries will have power to decide on the manner of annual operation of the GERD, thereby diminishing the autonomous say of Ethiopian people. This, in fact, is compromising the country’s sovereign power over its natural resources.

Principle of confidence building

Priority will be given to downstream countries to purchase power generated from GERD. As it is clear from the argument of Ethiopian government, the dam is a meant to satisfy energy demand of neighboring countries and other countries with a special emphasis to the interest of downstream countries. Hence, in the first looking, this principle does not seem paradoxical with the intention of Ethiopian government as to the priority to be given to downstream countries. However, it seems naïve if those concerned downstream countries are allowed to unduly profit in the guise of such principle. It is rational to allow them to be beneficiary as far as they are competitor to other energy demanding countries. While the priority is given to them, affording the price set (what others are ready to pay) seems mandatory.

In a nutshell, the agreement fails to put the duties/parameters to be met by those downstream countries to enjoy the aforesaid privilege. This, in turn, would result in misunderstanding and dispute.

Principle of sovereignty and territorial integrity

The three countries shall cooperate on the basis of sovereign equality, territorial integrity, mutual benefit and good faith in order to attain optimal utilization and adequate protection of the River.

This article is fairly standard. However, it seems paradoxical with other principles contained in the declaration. The points in the declaration are in one way or another instruments to erode the very sovereignty of Ethiopia. For instance, the declaration informs Ethiopia to act very carefully, at the pain of paying compensation for the damage that might be caused to Egypt, in the utilization of Nile water. As Minga et al. [5] wrote the agreement also includes tributaries of Blue Nile within its ambit. This is against the power of Ethiopia over the natural resources found in its territory. The fact that the declaration empowers Egypt on the management of the operation of the dam also seems ceding the power of Ethiopia on its national project. The whole atmosphere of the declaration restricts the sovereign power of Ethiopia while it seems fair and balanced agreement at the first view. Thus, the above stated principle seems a veil of all the inequitable elements of the declaration.

Other Related Issues

The need for public discussion on the matter

As discussed above, the agreement contains of a number of elements which are detrimental to the interest of Ethiopians. The Ethiopian government made a big decision on the Nile which is highly expected to determine the future of Ethiopians in terms of alleviating poverty. This is apparent from the strong commitment made by the government as well as the whole people of the country. Domestic residents as well as diasporas abroad have given due importance for the dam under construction through, inter alia, financing the project. This shows the fact that each and every Ethiopian has an interest in it. It is a logical conclusion, therefore, that involving the people to have their say on the issue under consideration is highly imperative. If the agreement is ratified by Ethiopia's parliament without taking into consideration of the public opinion, the researcher strongly believes that there will be public dissatisfaction and the agreement will remain a point of criticism against Ethiopian authorities, which in fact will entail adverse effect on the two countries' relations. Above all, the agreement will produce a long term negative effect on Ethiopia in the sense that it will cripple the efforts on the part of Ethiopia to realize the purpose the dam is intended to serve following its completion.

Egyptians Need Assurance for the Dam Not to Reduce the Amount of Flow

Egypt is almost exclusively dependent on the waters of Nile and this fact is affirmed by Egyptian President Abdel Fattah al-Sisi stating that

"You will develop and grow and I am with you, but be aware that in Egypt the people live only on the water that comes from this river," [8]. He further assured that "for Egyptian farmer the issue of Nile is matter of life and death, and not a choice of livelihood" [9]. To this end, they need a guarantee. The researcher strongly believes that Egypt will insist Ethiopia to adhere to those above discussed elements of the agreement. If Ethiopia ratifies this agreement, the duty will lie on its shoulder to do always for the best interest of Egypt. To conclude, the two countries' future relations will be contingent upon whether or not the dam reduces the water flow.

Conclusion

Generally, the agreement is too brief and lacks detailed explanations thereby causing ambiguity and confusions. Beyond that, as discussed above, the agreement seems positive development on the two countries' relations over the Nile River as it incorporates some fair principles. However, it is fair to conclude that the agreement has incorporated several elements which reaffirm the previous colonial agreements. The current agreement reaffirms the past colonial agreements in that it compromises the power of Ethiopia over the dam, recognizes Egypt's right on the management of the dam, vaguely obliges Ethiopia to give priority to downstream countries, and does not exclude the tributaries from the agreement. These cumulatively put Ethiopia at a disadvantageous position. The agreement consists of unfair, inequitable and unsustainable clauses that are disastrous to Ethiopia.

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