

The Nile River Dispute: Fostering a Human Security Approach



by Akram Ezzamouri

Between 21–26 March 2022, decision makers, multilateral institutions and representatives from civil society, the private sector and academia gathered in Dakar, Senegal, for the 9th World Water Forum. The Dakar Declaration, issued on 25 March, reiterated international commitments, including the Sustainable Development Goals (SDGs), which guarantee the right to water and sanitation for all and called for a strengthening of mutually beneficial cooperation and partnerships for an equitable management of transboundary water resources.

Applying these principles to the controversy surrounding the Grand Ethiopian Renaissance Dam (GERD) and broader tensions over the management of the Nile River is fraught with challenges. The decade-long dispute, which began in 2011 as Ethiopia unilaterally began building the dam, has been characterised by firm state-centric approaches among riparian states. The inability (or unwillingness) of Egypt, Sudan and Ethiopia to

consider compromises for an equitable sharing of these transboundary water resources has undermined the spirit of cooperation and, with it, efforts to place human security and the human right of access to water have also been overshadowed.¹

A diplomatic stalemate on the Nile

The GERD is a major hydropower project built on the Blue Nile and located in Ethiopia's Benishangul-Gumuz region. The dispute involves Egypt, Sudan and Ethiopia and has been characterised by claims of natural and historic rights to the Nile waters under the terms of 1929 and 1959 watercourse treaties. These agreements provided Cairo with veto power over projects on the river

¹ The human right of access to water is guaranteed by international treaties such as the African Charter on Human and Peoples' Rights and customary international law, as well as the UN General Assembly, which in 2010 declared access to clean water and sanitation a human right. See, UN-Water website: *Human Rights to Water and Sanitation*, <https://www.unwater.org/?p=2662>.

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Figure 1 | The Nile River and the site of the GERD



Source: Elaboration by the author.

in other riparian states and increased Egypt's annual share of Nile waters to 55.5 billion cubic metres and Sudan's to 18.5 billion, while ignoring upstream needs.

As Egypt relies on the Nile for more than 90 per cent of its water needs, any interference with the river's water flow is considered a national security issue.² Egyptian hydro-hegemony on the Nile contrasted with the ambition of Ethiopian Prime Minister Meles Zenawi of exploiting the river for enhancing domestic and regional socioeconomic emancipation. For Ethiopia, the dam has been central to the Growth and Transformation Plan which aimed at

² Mohammed Abu Zaid, "Ethiopian Dam Is 'Existential Issue' for Egypt, El-Sisi Tells US Diplomat", in *Arab News*, 6 May 2021, <https://arab.news/n9bgz>.

achieving an annual GDP growth of 11–15 per cent from 2010 to 2015 thanks to the creation of large-scale foreign investment opportunities and to the quintupling of power generation from 2,000 to 10,000 megawatts.³

Ethiopia's unilateral decision to build the dam was met by immediate Egyptian opposition. Nevertheless, after Al-Sisi took power, Egypt and Ethiopia agreed to enhance dialogue by issuing the 2014 Malabo statement,⁴ which then led to the 2015 signature of the Declaration of Principles (DoP) embodying a first framework committing Egypt, Sudan and Ethiopia to not cause significant harm and to equitably and reasonably utilise the Nile waters.⁵

While the DoP represented a turning point in the negotiations track, the legal validity of this document is contested. While Egypt and Sudan claim the DoP to be binding, Ethiopia has interpreted it as a soft-nonbinding instrument which does not inhibit the country from finalising the dam's construction and generating electricity.

In subsequent years, negotiations have been mediated by the World Bank and the United States and, since 2020, by the

³ According to the World Bank, in 2020, only 51.09 per cent of the Ethiopian population benefited from access to electricity. See, Tracking SDG7 website: *Country Reports: Ethiopia*, <https://trackingsdg7.esmap.org/node/45>.

⁴ See, Egypt State Information Service, *Egyptian-Ethiopian Negotiations on Renaissance Dam*, 26 March 2018, <https://www.sis.gov.eg/Story/121622>.

⁵ Egypt, Ethiopia and Sudan, *Agreement on Declaration of Principles on the Grand Ethiopian Renaissance Dam Project (GERDP)*, Khartoum, 23 March 2015, <https://leap.unep.org/node/14047>.

African Union. This notwithstanding, parties failed to find a comprehensive binding agreement to regulate the filling and operation of the GERD.

On 20 February 2022, amidst a continued stalemate in the negotiations, Ethiopia activated the GERD's turbines, effectively marking the launch of the production phase of the Ethiopian hydroelectric dam.⁶ This decision, adopted by Addis Ababa without any consultation with Egypt and Sudan,⁷ is yet another expression of the enduring primacy of unilateralism and sovereignty over the spirit of compromise and consultations in this crisis.

Aside from recent reports about Egypt, Sudan and Ethiopia holding secret talks mediated by United Arab Emirates,⁸ it is now a year that formal tripartite negotiations are in a standoff. The deteriorating relations among these states, with reoccurring threats of military force, are clearly a cause of concern.⁹ At the same time, the lack of consultations and inclusive decision-making processes in Ethiopia, as well as neighbouring states, has led local

civil society organisations and activists to raise alarm over the GERD's social and environmental impacts¹⁰ as well as its complementarity with the global objectives outlined by the SDG agenda, made even more urgent by the present climate emergency.¹¹

Human security and an equitable sharing of the Nile waters

According to some observers, the confrontation over the Nile can be framed in terms of a clash between two conceptualisations of sovereignty and state authority.¹² This reading has contrasted Ethiopia's doctrine of absolute territorial sovereignty¹³ with Egyptian and Sudanese claims of absolute territorial integrity,¹⁴ an

⁶ "Ethiopia Starts Electricity Production at Blue Nile Mega-Dam", in *Al Jazeera*, 20 February 2022, <https://aje.io/r456za>.

⁷ "Sudan: GERD Electric Start-Up a Breach of Legal Obligations by Ethiopia", in *Radio Dabanga*, 22 February 2022, <https://www.dabangasudan.org/en/all-news/article/sudan-gerd-electric-start-up-a-breach-of-legal-obligations-by-ethiopia>.

⁸ "Ethiopia, Egypt, Sudan Hold Secret Talks on GERD Dispute in UAE", in *Sudan Tribune*, 18 March 2022, <https://sudantribune.com/article256582>.

⁹ "Egypt's el-Sisi Warns 'All Options Open' after Dam Talks Fail", in *Al Jazeera*, 7 April 2021, <https://aje.io/c4dlz>.

¹⁰ See, Nile for Peace Initiative, *Declaration on the Use of the Nile Water by Nile Basin Countries and Exploitation of Water Resources in Africa*, Kampala, 10 April 2021, <https://nileforpeace.africa/wp-content/uploads/2021/04/AWP-Nile-for-Peace-Initiative-Civil-Society-Declaration-1.pdf>.

¹¹ Important links with the SDG agenda are found with targets 6.5 (transboundary resource cooperation), 10.7 (safe and responsible migration) and 16.7 (inclusive decision making). See, Jennifer Castor, Kaylyn Bacha and Francesco Fuso Nerini, "SDGs in Action: A Novel Framework for Assessing Energy Projects against the Sustainable Development Goals", in *Energy Research & Social Science*, Vol. 68 (October 2020), Article 101556, <https://doi.org/10.1016/j.erss.2020.101556>.

¹² See, 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>.

¹³ Also known as the Harmon Doctrine, it argues that states may freely use the water present in their own territory, without considering the needs of other riparian states.

¹⁴ Absolute territorial integrity introduces the idea that every state is entitled to the natural flow of river systems crossing its border.

approach which has contributed to a zero-sum confrontation over transboundary water resources in the Nile Basin region.

To break this stalemate, one approach could include efforts to open-up and widen the negotiations, enhancing consultations with civil society, individual activists and international NGOs, and seek to move from a state-centric framework to one centred on human security and individual and collective rights to access to water and development. This would allow an understanding of the Nile as an inseparable resource, emphasising the mutual gains that flow from effective transboundary management while emphasising the interdependence of human needs in all riparian states.

Located in a sensitive regional environment facing exponential demographic growth, increasing urbanisation and energy consumption needs, climate change and water scarcity, and functioning without an Environmental Impact Assessment,¹⁵ the GERD could well challenge access to water resources for downstream countries. Egyptian farmers see the dam as a driver of increased inequality, with some defining it as a “means of death”,¹⁶ since limited water flow from the Nile may force them to sell their land or shift from rice to the less profitable vegetables market. Moreover, Egyptian

food insecurity associated with water stress and now exacerbated by the present war-related drop in wheat imports from Ukraine and Russia, makes human-centred cooperation in the management of the Nile crucial.

In circumstances of tripartite coordination, the Sudanese population could benefit from the GERD’s potential to limit the intensity of the floods that have historically devastated farming communities along the river.¹⁷ However, Ethiopia’s unilateral decisions to fill the reservoir and the broader lack of consultations make things more difficult. In the event that Addis Ababa unilaterally decided to release part of the reservoir and downstream Sudanese dams were already saturated, Sudanese structures would likely collapse, thus resulting in vast flooding and irreversible damage to human livelihoods.¹⁸

Moreover, as suggested by the Kampala declaration of the Nile for Peace Initiative, adopted and endorsed in April 2021 by 14 African civil society organisations and four independent experts, “citizens and their civil society formations should be at the centre and sufficiently informed” on “opportunities and threats” of the GERD allowing them to “contribute positively towards ongoing dialogue and negotiations

¹⁵ Mohammed Abu Zaid, “Egypt Appeals to UNSC after Ethiopia Starts Renaissance Dam Operations”, in *Arab News*, 26 February 2022, <https://arab.news/g4qp4>.

¹⁶ “‘Means Our Death’: Egyptian Farmers Fear Effect of Ethiopia Dam”, in *Al Jazeera*, 20 August 2020, <https://aje.io/j55a4>.

¹⁷ “Sudan Says Ethiopian Dam Made No Impact on Floods this Year”, in *Reuters*, 25 August 2021, <https://www.reuters.com/article/us-sudan-ethiopia-dam-idAFKBN2FQ1BO>.

¹⁸ Baher al-Kady, “Floods Cause Heavy Losses in Sudan amid Nile Dam Crisis”, in *Al-Monitor*, 31 July 2021, <https://www.al-monitor.com/node/43951>.

around the project”.¹⁹

Moving from a disconnected track-one diplomacy towards a more inclusive and participatory negotiation process, which consults and engages “local and indigenous communities”²⁰ whose existence closely depends on the Nile’s natural flow,²¹ would guarantee more sustainable and long-lasting solutions to the current Nile crisis, favouring cooperation and coordination among riparian states.²² This would likewise contribute to the evolution of long-term mitigation and adaptation strategies to tackle climate change, also helping to develop forms of climate justice and burden sharing among regional and international actors.

A human security-centred approach would allow Egypt and Sudan to acknowledge the legitimacy of Ethiopian needs for domestic and regional socioeconomic development, as well as for guaranteeing wider access to electricity to the population, while conversely helping to set out a possible compromise with other riparian states who also rely on the Nile waters.

¹⁹ Nile for Peace Initiative, *Declaration on the Use of the Nile Water*, cit., p. 8.

²⁰ Ibid.

²¹ Among other things, the dam’s reservoir is expected to displace around 20,000 people from the Ethiopian flooded areas to 17 new resettlement centres located within the Benishangul-Gumuz region. See, Sarah Vaughan and Mesfin Gebremichael, “Resettlement of Gumuz Communities around Ethiopia’s Blue Nile Dam”, in *FutureDAMS Working Papers*, No. 10 (July 2020), p. 13, <https://wp.me/p9REve-mP>.

²² Nile for Peace Initiative, *Declaration on the Use of the Nile Water*, cit.

Although an active role of NGOs and syndicates in the GERD discourse is arduous given the restrictions on independent associations in Egypt, Sudan and Ethiopia, the African Union, the EU and the US could encourage more inclusive forms of human-centred hydro-diplomacy.

A more extensive engagement of these actors to incentivise cooperation might see their contribution in setting up and financing compensatory mechanisms to offset significant damages or economic losses among riparian states. This can result in counterbalancing Ethiopian losses when, in times of severe drought, coordinated reductions in GERD’s hydropower production are called for.²³ Moreover, the provision of hydrological risk funds and insurance schemes supporting vulnerable communities exposed to extreme hydrological events can also be envisioned.²⁴

Future trajectories

Addis Ababa seems poised to seize the moment to launch the third filling of the GERD without concerting with Egypt and Sudan. The imminent Ethiopian *Kiremt* seasonal rainfall which intensively affects the country from June to September combined with

²³ Tobias von Lossow, Luca Miede and Stephan Roll, “Nile Conflict: Compensation Rather than Mediation”, in *SWP Comments*, No. 11 (March 2020), <https://doi.org/10.18449/2020C11>.

²⁴ Rawia Tawfik, “Beyond Statistics: The Human Security Implications of the Grand Ethiopian Renaissance Dam”, in *Alternative Policy Solutions Commentaries*, 22 March 2022, <https://aps.aucegypt.edu/en/articles/773/beyond-statistics-the-human-security-implications-of-the-grand-ethiopian-renaissance-dam>.

a complete halt to negotiations between Addis Ababa, Cairo and Khartoum, makes this possibility likely.

The recent start-up of hydroelectric turbines and plans to remove 17,000 hectares of forests around the dam suggest that Ethiopia is indeed preparing for such a scenario.²⁵ While the African continent is threatened by significant food-security concerns, further exacerbated by the conflict in Ukraine, the Nile crisis urgently requires a new and concerted diplomatic initiative to avoid further escalations and stabilise the regional environment.

Progress on this matter represents a necessity for Nile riparian states and, more broadly, for Africa and the Middle East, as it could serve as blueprint for addressing other similar issues of existential concern linked to the environment and transboundary resources. As Egypt will host the upcoming COP27 Climate Conference in November 2022, a prompt long-lasting resolution of the GERD dispute would likewise foster a spirit of compromise, one that is fundamental to allow states in the area, and internationally, to prepare to face the existential threats stemming from the present climate emergency, which is already heavily impacting these regions.

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²⁵ "Ethiopia Clears Forests at GERD Site in Preparation for 3rd Filling", in *Egypt Independent*, 14 January 2022, <https://egyptindependent.com/ethiopia-clears-forests-at-gerd-site-in-preparation-for-3rd-filling>.

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