

# 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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