

Spill over Effect of the Grand Ethiopian Renaissance Dam

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The Nile water resource has been a source of misunderstandings and conflicts among the down and upper stream states for centuries especially between the successive governments of Ethiopia on the one hand and Egypt and Sudan on the other. However, especially after the introduction of the Nile cooperative framework agreement and the commencement of the Grand Ethiopian renaissance Dam construction almost all riparian states are moving in the same direction based on the internationally recognised and declared principles of the right to development and friendly relations and cooperation among states. This brief article is therefore aimed at enhancing and motivating states and their respective peoples to further cooperate and commit themselves to the implementation of development agreements and schemes including the Nile Basin Cooperative Framework Agreement.

1. Shared Resources in terms of the Right to Development

Although states of the world under the umbrella of the United Nations Declared “...the right of states to Development.” and the need for “friendly relations and cooperation among states” down side ripariangovernments of the Nile Basin, particularlyEgypttill the downfall ofMubarak’sregime, had been failed to threat the case at hand based on the stated conventions of the united nations. The last paragraph of the preamble of the United Nations Declaration of the Right to Development affirmed that the right to development is an inalienable right and that equality of opportunity for development is a prerogative both of nations and individuals. Article 1 sub article 1 of the same declaration further stipulatesthat “.... the right to development is an inalienable human right which peoples are entitled to.... enjoy economic, social, cultural and political development”. These means that, taking in to account the need for cooperation, population of a state or a particular section of a society are sovereign to utilize and administer the natural resource under their jurisdiction as long as it will never have

harmful spill over effect to the society of a country beyond its boundary. Contrary to these principles of human development however successive Egyptian government including Hosni Mubarak had been employing an exclusive and colonial agreements on the Nile that absolutely denied and hindered the right to development of the riparian states in general and the predominant source of the Nile, Ethiopia, in particular. Some of the discriminatory provisions that are provided under the different agreements made between either the colonial states or Egypt and Sudan are the following.

- Article III of the Anglo Italian protocol of April 15, 1891 states that “the Italian government engages not to construct on the Atbara river, in view of irrigation, any work which might sensibly modify its flow in to the Nile”
- Article III of the treaty between Great Britain and Ethiopia of May 15, 1902 states as “Emperor, Menelik II engages himself towards the government of [Britain] not to construct or allow to be constructed any work across the Blue Nile, Lake Tana, or the Sobat, which would arrest the flow of their waters except in agreement with [Britain] and [Sudan]”.
- Article III of the Agreement between Britain and the government of the Independent state of the Congo on 9th May 1906 states as the “the government of [Congo] undertakes not to construct or allow to be constructed, any work over or near the semliki or Isango river which would diminish the volume of water entering lake albert except in agreement with the Sudanese government....”
- According to the 1925 Exchange of notes between Britain and Italy concerning Lake Tana, Italy recognizes the prior hydraulic rights of Egypt and the Sudan.... and hinders others not to construct on the head waters of the Blue Nile and the White Nile.
- The 1929 agreement between Egypt and Britain granted Egypt access to 48 bcm of water out of the 84 bn cubic metres while Sudan got 4 bcm imposing the rest riparian states not to construct any kind of development projects. None of the other countries in the Nile basin can tap the rivers bounty without Cairo’s permission.
- The 1959 agreement between Egypt and Sudan granted Egypt 55.5 bcm while Sudan gets 18.5bcm. Similarly, this bilateral agreement ignored totally the needs of other riparian countries including Ethiopia which supplies more than 84% of the Nile water.

We can learn from the mentioned discriminatory and disregarding colonial and post-colonial agreements that the rest riparian states except Egypt and Sudan are denied to exercise their sovereign rights of self-administration to their respective share resources. All agreements are contrary to the vision of “friendly relations and cooperation among states”. As a result, states other than Egypt and Sudan have been raising their claims to apply the “clean State theory principle” or “Nyerere doctrine” which provides a state the right to refuse an international treaty made in its absence. Moreover, as treaties can only govern the constituting parties and the consented one to be governed the stated bilateral and discriminatory agreements shall not be used to claim for reasons of “historical rights” and unilateral utilization of the benefits of the Nile water.

The concept of the right to development recognized the right to peoples of self-determination which includes “the exercise of their inalienable right to full sovereignty over all their natural wealth and resources (Article 1/2 of the convention on the right to development). A state fully denied of sovereignty over its resources is nothing but crippled to formulate its own appropriate national development policies aimed at improving the wellbeing of the entire population. Contrary to the international agreed principle of self-determination on one’s own affairs, which includes utilization of one’s own natural resources, the right to development and the demand for cooperation on the Nile basin resource had been considered as untouchable. Egyptian regimes had been advocating the “life and death” slogan while thousands of Ethiopians and others have been passing away due to recurrent droughts and famine which can also be considered as the result of failure to exercise the right to development.

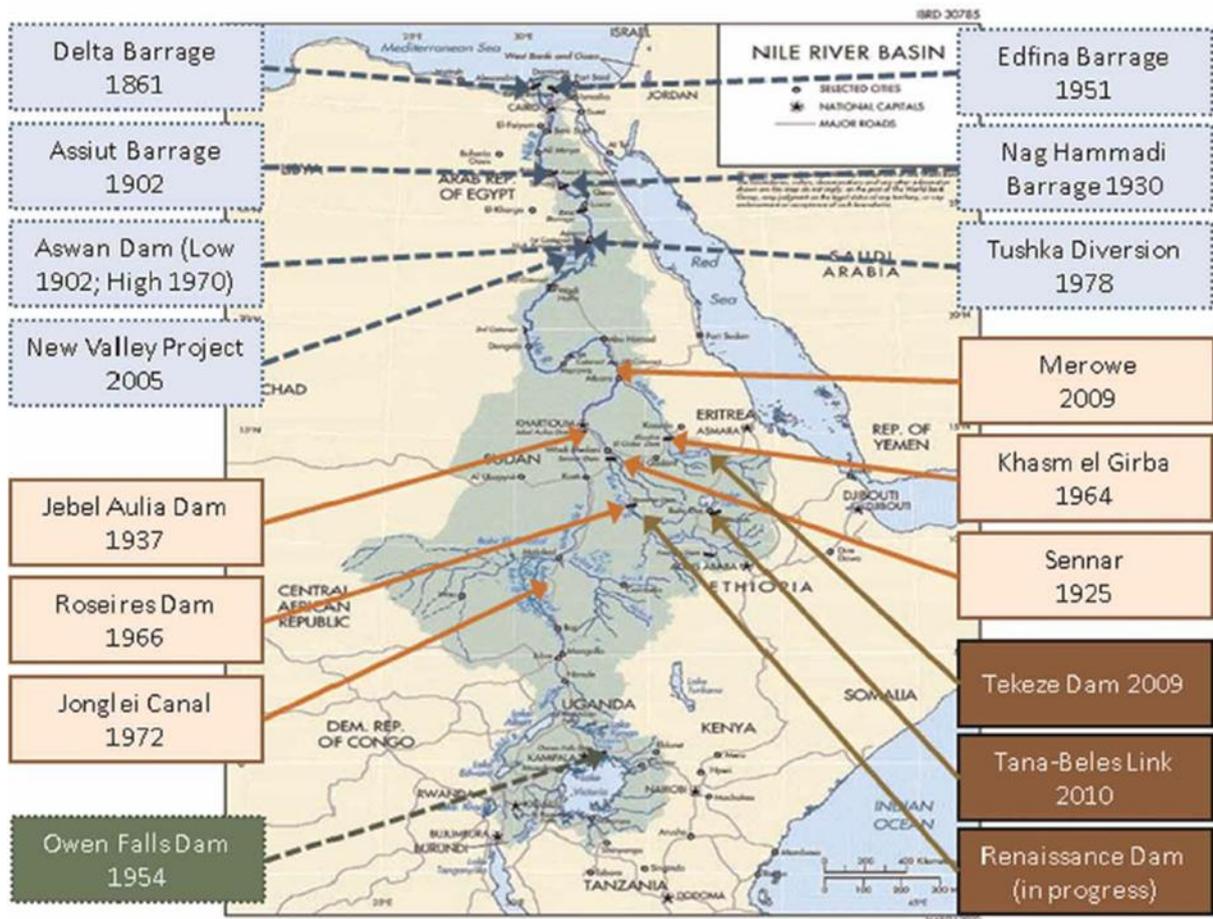


2. Shared resources in terms of the law on “ Friendly relations and cooperation among states”

States are responsible to create National and International conditions favourable to the realization of the right to development. To this effect they have the duty to cooperate each other in ensuring mutual development and benefits of their respective people. They are required to realize friendly relations and cooperation as a mechanism of resolving obstacles of development and cooperation. The establishment of friendly relation also requires primarily, respect of sovereign equality, interdependence, mutual interest and cooperation among themselves. Most importantly transboundary resources cannot serve for all unless and otherwise all riparian states are willing to implement “give and take” principle of diplomacy. It is impossible to think of friendly relations and cooperation in a condition where a single state provided a vertical monopoly over the Nile water with Veto rights of all upper stream projects as the result of the 1929 and 1959 exclusive agreements. It would be unacceptable to use 90 % of the Nile water for a single state while 99 % of Ethiopian farmer’s economic wellbeing, for example, has so far been dependent on the fate of rainfall.

Ethiopia and other riparian states are in a state of transformation from agrarian economy to a more modern industrialized economy. Rapid, broad based, sustainable and equitable economic growth with the vision of reaching middle income status, within limited period of time, can only be realized in these states with the prevalence of friendly relations and cooperation so that the respective peoples of all states can enjoy the right to development. Ethiopia, for example, is intensively engaged in the realization of increased infrastructure and manufacturing development, production of quality and technology-based export products, attraction of foreign direct investment and acquisition of new and modern technology. These strategic pillars of the policy demand broad based and increased energy production and the study shows that Ethiopia’s industrialization progress requires at least 25% energy increment per year. The same applies to Tanzania, Kenya, Rwanda, Uganda, Burundi, Sudan, South

Sudan and the rest. On the other hand, Ethiopia and the rest riparian states have never been complaining against hydroelectric power and irrigation dam projects in the downstream states. To mention some, the Aswan high Dam, Sennar Dam and Owen falls Dam are built across the Nile river. However, none of the other riparian states tried to use a coercive way of diplomacy against any state only because they are wise enough to understand and cooperate for the realization of the right to development of the respective peoples. They are still employing the principle of friendly relations and cooperation toward all states whatever amount of water is under use without the consent of the other riparian states. They believe that all has historical rights on the Nile water due to its geographic situation and ecological factor. But they don't accept that the issue of "life and death" belongs only to a particular state and people. It applies the same to states like Ethiopia where 35% of



No one shall be discriminated because everyone is entitled to "the right to development". Hence, all the built or under construction Dams in the respective states are "right" because everyone has the right to development and life!

its electric power generation and 72 %of its irrigation projects are dependent on the Nile basin resources. Ethiopia therefore launched the building of Great Ethiopian Renaissance Dam as it is a lifesaving development project including to the economically integrated states such as Sudan, South Sudan, Kenya, Djibouti and Tanzania. These states, therefore, expects from the rest a friendly and cooperative approach than employing propaganda of war or threatening diplomacy. The way forward is rather formulating and joining cooperative arrangements and agreements that provides equal access to and benefits from the shared resources. In effect, the essential elements for the right to development such as peace and security would be realized in all states. Accordingly, after 10 years of negotiation the Nile Basin Cooperative Framework Agreement had been opened for signature on the 13th of April 2010 which heralded a paradigm shift concerning the utilization of the Nile basin resources. It is a shift from exclusive to inclusive diplomacy with the primary objective of ensuring sustainable socio-economic development through equitable utilization of and, benefit from the common Nile basin water resources. As of the opening for signature Ethiopia, Rwanda and Tanzania ratified the agreement. Uganda, Kenya and Burundi affirmed by signature to join the club while South Sudan is in the process of acceding the cooperative framework agreement. It is also expected that Kenya, Uganda, South Sudan and Burundi would soon ratify or accede to make effective the aimed objectives of the agreement.



Let the hands of the heads of governments Join to Implement the Cooperative Framework Agreement too!

3.Paradigm shift on the use of transboundary Resources

The long standing “slogan” and threatening diplomatic approach concerning utilization of the Nile basin resource seems overridden by integration and cooperative approach. States including Sudan starts to advocate and develop the proper way of thinking that “Nile is not subject to National appropriation by claims of sovereignty, by means of use of occupation”. Significant number of the Egyptian people and post Mubarak regime are declining from the old and unfair believes and bilateral agreements that considers transboundary river as gift of God to a particular section of the geographic states. This has been proved by the Egyptian Public diplomacy group payed to Ethiopia right after the collapse of Hosni Mubarak’s regime. It is to be recalled that Egyptian brothers and sisters declared during their visit to Ethiopia and affirmed to the late Ethiopian prime minister that “the Nile water is a matter of the right to life and development to Ethiopians too. The downstream states have come to understand that economic integration, friendly relations and cooperation among states can only be achieved through joining the clubs such as the Nile cooperative framework Agreement. Otherwise to fail joining the club would be contradictory or self-defeating while advocating economic integration or pan Africanism either at continental or sub regional level.

“.....the relation between Egypt and Ethiopia is broader than this issue only. It goes back deep in history. It is a multidimensional. It has got a lot of aspects. [we are looking for the relation from the itinerary off] the economy, the trade and the cultural, the religious, the academia [and] the parliamentarian relations. Not from the narrow angle of water. There was a misperception here. Many Egyptians thought that diversion [of the river] means that the Nile water [would be disrupted from] reaching Egypt. Here was again the role of responsible positive media in clarifying issues in an objective manner. Some unforeseen circumstantial aspects led to complicated reaction at that moment. It is misperception.this Great river should be a source of cooperation. It should be an area of common benefit to all countries. Not an area of dispute, contention or disagreement...”

Mohamed Fathy Idrees-Former Egyptian Ambassador to Ethiopia

The Launching of the Grand Ethiopian Renaissance Dame has also brought a better rapprochement among Egypt, Sudan and Ethiopia than the long standing repulsive and aggressive nature of diplomacy mainly from the Egyptian side. The three states are engaged under continues and constructive discussions aimed at proving that GERD shall not significantly affect the benefits of the downstream state, particularly Egypt, and employing a mechanism that all states can be benefited from the GERD

hydroelectric power generation. The introduction of this dam has brought a spill over effect in changing the long existed hostile nature of diplomacy among the riparian states. The Grand Ethiopian Renaissance Dam has now reached at 65 % construction stage. 80% of the Dam construction has already been done while 23% of the electromechanical work is completed. On average 65% of the construction is accomplished. It is also said that after two years two units of the station are expected to generate electricity. Now we are in a stage of diplomacy demanding further paradigm shift focusing on how to use the fruit than employing sanctioning mechanisms on the progress of this huge investment which could also be considered as a matter of “life and death” for all Ethiopians and others waiting to benefit from the production.

“...Sudan is waiting expectedly for the cheap power that will soon transmit across its boarder. It will regulate the flow of the Blue Nile. The combination of energy and regular water level would be blessing to Sudan...”

A paraphrased statement of BBC's journalist



GERD- A flagship project of the Ethiopian Nations, Nationalities and the rest riparian states

4. The Way Forward to realize the right to development and cooperation among riparian states



Signing agreements on multilateral sectors including tourism. Tourism requires most importantly developed infrastructure and provision of quality services. Where there is no full supply of energy, for example, no one can expect increased flow of tourists because it affects quality provision of services in the area of hotel and tourism. As all rights are interdependent and inseparable the right to development including tourism sector is also dependant on the fully-fledged provisions of electricity. Each elements of development are interdependent, interrelated and shall be realized at equal footing.

As it has been reiterated in the previous section states are more and more on the way of establishing friendly relations and cooperative arrangements that led for the introduction and implementation of development projects in and among the riparian states. The Eastern African states are networking themselves by railway projects. The eastern Africa Electric power pool project is also an essential element of integration and cooperation. Ethiopia, for example, is networking itself with Djibouti, Sudan, Kenya, Tanzania and Somalia through electric power transmission line projects, road and railway transport infrastructures and port utilizations. Oil transmission pipe line projects are also significant elements of the integration scheme. Trade relations and exchange of products such as through the basic objectives of East African Community is also a leading factor for the realization of friendly relations and cooperation among eastern African states in general and the Nile riparian states in particular. The internal conflict in South Sudan is resolved based on the newly agreed arrangements among the conflicting parties which is a determinant factor for the South Sudanese to exercise their

right to development from within and through cooperative schemes with the Nile riparian states. Ethiopia and Eritrea have agreed to resolve their border claims and counter claims through peaceful mechanism. And more importantly Ethiopia is working for the realization of peace and stability and cooperation among and within Djibouti, Somalia and Eritrea which is paving the way for more cooperation and integration. Having these positive indicators in progress the following are important elements towards further realization of the right to development and to strengthen friendly relations and cooperation among the riparian states.

- The major source of internal and external conflict in the continent of Africa is lack of proper and cooperative management and utilization of shared resources which have spill over effect to the prevalence of migration. Where there is no proper and cooperative management of shared resources there is no right to development. Where the right to development is denied there is poverty and lack of peace and order. Where there is poverty and lack of peace and security there is overflow of migration. Ethiopia, Tanzania and Kenya, for example, are overflowed by immigrants from their respective neighbouring states. Although it is necessary to give prior attention for refugees and displaced persons we urge the heads of states and governments of the riparian states to give special attention to the Nile Basin Cooperative Framework Agreement and on the need to strengthen friendly relations and cooperation among themselves so that the remaining states can ratify or accede the agreement because migration is after all the result of poverty, lack of proper implementation of the right to development and lack of cooperation and proper management in utilizing shared resources.
- States are expected to commit themselves to ratify or accede the Nile Cooperative Framework agreement and enforce to benefit from its aimed objective.



Displaying the signed Nile Basin Cooperative Framework Agreement at Afya House, Nairobi *May 19, 2010.*

“...treaty will enhance equitable utilisation of resources and boost development for its population....”

- Riparian States are required to recognize and support the power generation projects based on the Nile basin resource as their end result is to realize the right to development endeavours of all peoples in the respective states



“In East Africa, more than 200 million people are off the grid, accounting for around 80 per cent of its population. Ethiopia, Kenya, Uganda [and Tanzania] are among the most populous countries in the region, and have the largest populations both with and without access to electricity. The region, much like the rest of Africa, has continued to display a diverse range of economic and energy sector development”

- Exchange of public diplomacy group between the riparian states aimed at promoting more and more friendly relations and cooperation among the riparian states is necessary
- Financial institutions and Development partners are the major responsible ones in the process of realizing the right to development and creation of friendly relations and cooperation among states. Before criticizing the development failure of developing countries, they have to make sure that they are recognizing and supporting the principles of the right to development and development projects based on the cooperative agreements. Accordingly, financial institutions and development partners should play significant role for the achievements of development arrangements such as the Cooperative Framework Agreement and development projects emanated from the agreements
- Export and exchange of High standard construction companies and professionals for Mega Projects in the respective riparian states is relevant. For example, Ethiopia is qualifying itself in building of Dam projects including the production of electro mechanical equipment and highly experienced professionals. As a result, for example, Ethiopia and Tanzania can exchange and export construction companies and professionals in the areas of infrastructure development.



Tanzanian Vice President underscores importance of Nile Cooperation- “Our Shared Nile - Source of Energy, Food and Water for All”

- Increased Foreign Direct Investment and trade relations among the riparian states is an important factor for integration and cooperation. So far, for example:-

- The Ethiopian Investment in Tanzania is \$3.64 Million (official data)
 - The Egyptian investment in Ethiopia is \$750 million (not official)
 - In 2014 the Sudanese Investment in Ethiopia was \$2.4 bln(not official)
- Riparian states shall take in to account that Ethiopia has already conducted an impact assessment on the Environmental and down stream states related effect of the Dam. Moreover, a group of high-profilepanels of experts including representatives of Ethiopia, Sudan and Egypt had been conducted an impact assessment and proved that the Dam will not cause significant harm on the downstream states both in terms of water flow and environmental implication. The heads of pertinent government organs of the three states and technical experts are also engaged in a serious of negotiation concerning on how to fill the reservoir aimed at protecting the benefits and rights of the downstream states. Therefore, there is no significant and convincing reason to advocate against the building of the GERD as it is one of the major development projects in order to realize the right to development of the riparian states, including Egypt, as long as there is a will to cooperate for economic integration.
- The riparian states shall take in to account that hydroelectric power dams, particularly the Grand Ethiopian Renaissance Dam, shall not consume water hence no reduction in the flow of water. The total incoming water keeps on flowing out to the drainage system in a way of revolving cycle. However, we have to bear in mind that it is not the water that changed in to energy hence it has nothing to do with reduction in the flow and volume of the Nile basin water. A dam built in a small area of coverage like the GERD have very minimal evaporation resulttherefore it will not have significant harm and reduction of water flow to the downstream states.
- Hydroelectric power Dam reservoirs can act to prevent floods downstream by holding and regulating the flow during major flood events. Reservoirs can also be used to balance flow during different weather conditions, such as decreasing the flow by holding water back during heavy rainfall and releasing more water during droughts. Accordingly, the Ethiopian government is building this dam in a way to release regulated water to the downstream states.



“There would be regulated, smooth and constant flow of water which is convenient for irrigation projects of the downstream countries”

Paraphrased statement from the speech of his Excellency Dr. Debretsion Gebremichael, Deputy President of the Tigray regional state

- The riparian states shall take in to account that Ethiopia has been achieving a lot in water and soil conservation which increases the flow of water to and volume of the Nile basin. Hence, Ethiopia is working responsibly not to cause significant harm on the downstream states