Have we reached an impasse with Egypt in the Tripartite Negotiation concerning the Construction of the Renaissance Dam? What should the government of Ethiopia do next?

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Like everyone else, I have been keenly following the developments in the Tripartite Negotiation taking place between Egypt, Ethiopia and the Sudan.

It appears to me with the recent round of negotiation meeting held in Khartoum, Sudan (November 4, 2013) it has now reached a point in which no further progress seems possible pursuing this track of negotiation. Egypt has made abundantly clear that it does not accept the findings of the International Panel of Experts report submitted to the three countries in June 2013, which essentially says that the construction of the Renaissance Dam does not have any impact on the lower Riparians namely: the Sudan and Egypt. Instead, Egypt is continuously demanding a new social and Environmental impact study alleging deficiencies on the June report. Egypt again insists that until such study is carried out by another group of “Experts”, it wants the construction work to be delayed or stopped. During the Khartoum meeting the Ethiopian side had correctly and rightfully rejected the Egyptian demand and the meeting is now adjourned again for December 8, 2013. With this new development, I think the negotiation has reached a crisis point. I don’t think there is a whole lot to be done to salvage and resolve the technical differences between Egypt and Ethiopia going forward with the current negotiation path and strategy. For me, it is going nowhere. What I would hope the Ethiopian Government to do is to map out a new negotiating strategy. So what should be done going forward?

I have said it before and say it again the current strategy makes the Renaissance Dam the focal point of the negotiation and that may not benefit Ethiopia. It allows Egyptians to come up with a long list of demands and secure concessions whenever they want and in return Ethiopia gets nothing in terms of her other priorities and demands. Moreover, it focuses on a tiny aspect of the trans-boundary shared watercourse basin wide problem and leaves out the regulatory regime and the peace treaty from the realm of the discussion. I understand that the issue of the Renaissance Dam and the regulatory framework for governing the Tran boundary river are related matters. However, the two issues are not identical. This is something that is overlooked. As long as we don’t address the larger issue of the regulatory framework with Egypt or The Sudan in advance we will not resolve permanently our disputes and miss understandings including the dispute on The Renaissance Dam. There are three types of views on this matter. Some folks think It is not the time to address the regulatory framework at this point in time and we should leave it the way it has been there for centuries these are the do nothing guys others
believe that this matter is already addressed in the Nile basin Initiative treaty and they imagine the multi-lateral Nile Initiative treaty provisions had already addressed them and what is left is to find some kind of deal specifically on the Rainasance Dam only end of the story. I don’t subscribe to any of these two group views because the fact that we have signed and ratified the Nile basin Initiative Treaty does not prevent us from ever negotiating a comprehensive transboundary water regime Treaty with Egypt and The Sudan. Such a negotiation as I have described more fully hereunder involves accepting a number of preconditions and must also be tied up with a comprehensive peace treaty with Egypt: Water for Peace. As it stands, the Nile Initiative treaty didn’t yet achieve a Treaty status because it doesn’t have the necessary signatures of the required number of nations for ratification. Even if it is ratified and signed by the required number of states, the multi lateral organization does not as yet have a detailed plan a technical document how the water should be allocated among all the riparians or to be used for the hydroelectric dam /irrigation or for other uses. It might take years before a diplomatic conference is convened to come up with a water allocation formula. To add some other dimension to this problem, Egypt and Sudan are not interested in the Nile initiative treaty as it stands and do not want to sign the multi-lateral treaty any time soon. No country can compell them to subscribe to the treaty. But they may agree to embark on a negotiation within a framework of a peace treaty if water is tied up with other issues to achieve a just and lasting peace between Egypt and Ethiopia. For Ethiopia to accept this kind of negotiation it must have its own preconditions for such negotiations namely: (a) the negotiation will be conducted de novo without acknowledging the 1929 or 1959 Treaty between Egypt and Sudan. (b) We must inject and include other demands and agenda items of our own. (c) We will consult and keep informed the Nile initiative organization throughout the said negotiation process. We cannot resolve the current dispute with Egypt only focused on the narrow tiny short term element of the Renaissance Dam. Are we going to ask the permission of lower riparins if we decide to build more dams on any of the Tran boundary Rivers or regarding a planned irrigation scheme in our sovereign territories? If we decide to include in our future agenda and negotiation a host of other issues and tie them up with a trans-boundary shared watercourse treaty that addresses long term issues then we will get concessions and maybe there is clear chance that the grand Renaissance Dam will be completed or resolved before the treaty negotiation itself is finalized. That is why I am proposing the following unsolicited advice and negotiating strategy for the government of Ethiopia for its consideration.

1. The first assumption is the current negotiation is in a crisis mode. It is time to suspend it indefinitely. The government should explore the following in parallel.

2. I suggest to the Prime Minster of Ethiopia to write a letter to the President of The United States, Barack Obama, requesting him to appoint a special ambassador to facilitate negotiation between Egypt and Ethiopia concerning a comprehensive transboundary water treaty on the Nile River and other issues affecting peaceful coexistence between the three countries under consideration. The United States has been involved in the past in trans-boundary issues as far
back as 1953. America sent an envoy, Eric Johnston, to try and encourage cooperation over the water resource among the riparians of the Jordan River. Johnston, relying on a plan prepared by a Tennessee Valley Authority, managed and assisted the parties to come closer reaching an agreement. In recent years, the United States has also participated in other water negotiations in the context of the Arab Israeli conflict. The principal responsibility of the facilitator is to organize the negotiating teams from each country and smoothly run the process in accordance with the agenda items defined and agreed upon by the parties and based on acceptable rules and International standards. His authority will be clearly defined and may also be strictly limited.

3. Egypt and the Sudan will also appoint facilitators of their own from the countries of their choice be it Russia, china etc.

4. From Ethiopian perspective the new agenda items which must be included are:
   - Security related matters and commitment to respect Ethiopian national sovereignty
   - Commitment not to interfere in our internal matters overtly or through proxy wars
   - Cooperation against Islamic extremism and International terrorism
   - Cooperation on creating a transboundary water treaty and establishment of joint commissions
   - Allocation of water among the riparians denovo negotiation. Egypt or Sudan will get their fair share. No recognition for colonial treaties.

5. The issue of the Renaissance Dam is a tiny element of the larger framework of the transboundary water treaty it will be addressed accordingly once an agreement is reached on the broader framework who owns what and how much in the shared water course system.

6. This kind of multilateral negotiation will put Egypt/The Sudan in a spotlight. Those countries that appointed facilitators will put their diplomatic pressure to make the negotiation succeed and become transparent for the whole world to watch.

**Break in Failed.**

In a recently concluded negotiation Egypt attempted to “Convince” Ethiopia to accept a new Environmental, social impact assessment study on the Renaissance Dam. That attempt miserably failed. I need to say a few words about environmental impact assessment in the context of transboundary rivers dam projects. Theoretically, the importance of environmental assessments studies on all projects cannot be discounted. Almost every government requires domestic projects to undergo such impact assessment. When it comes to energy projects such as dams the interests of riparians in most cases are diametrically opposed. The primary objective of the riparian planning the construction of the dam is alleviation of poverty and economic growth. When it plans to build new dams obviously it takes every precautionary measure not to cause significant harm on a downstream riparian state or communities. Most downstream riparians do not see eye to eye with the intentions of upper riparians. For some reason, they want to see their
neighbor remain poor, backward and economically dependent. Under such divergence of interest and motives it is natural such Environmental, social impact assessment studies are oftentimes seen with a great deal of suspicion.

To complicate matters further and when we scour the literature on dams, or impact assessment studies, the vast majority is written by environmental activists whose declared mission is opposing the construction of big dams at all cost. One such activist organization is the International Rivers. It has opposed most dam projects from across the world including dam projects in Uganda and Ethiopia. It campaigned against Gilgel gibe III, it is now campaigning against the Renaissance Dam. One of the tools the organization is using is environmental, social impact assessment studies. Primarily driven by activism they oppose the construction of Hydropower development dams across the globe. The Egyptians attempted to use the playbook of the International Rivers and they failed. What would have happened if the Ethiopian Government had agreed to such environmental impact assessment study?

- It would have involved massive exchange of data on hydrological regime, water environment, water loss and soil erosion, sediment transportation issues, aquatic and terrestrial ecology, data on social impact. It will also involve collection of data to determine impact of water flow on animals, birds, flora, and other species on downstream communities. On the sociological side data collection will include migration of communities and impact on communities living downstream.
- Once the Egyptians get the data they will build their case and strengthen their arguments against the construction of the Renaissance dam in the event this dispute is referred to an adhoc or Institutional Arbitration forums.
- The Egyptians are always looking for possible avenues to collect and gather data from a variety of sources physical, biological and sociological which will ultimately be used against Ethiopia in judicial forums. When they don’t get that from the official channel as in present case the negotiating forum then they will not hesitate stealing data using rogue elements in Ethiopia.

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