

The Nile River: Obsolete Riddles Vs the New Opportunities

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1. Introduction

The Nile River with a catchment area of 2.9 million Km² crosses eleven African states, namely Ethiopia, Tanzania, Uganda, Rwanda, Burundi, Congo, Kenya, Eritrean, the Sudan, Egypt and the newly born state, South Sudan. It is the longest river in the world that travels 6,671 kilometers.

The White Nile contributes approximately 15 percent while the Ethiopian highlands (Blue Nile, Sobat and Atbara Rivers) provide about 85 percent of total Nile waters.

Almost 200 million people live in the basin and the total population of Nile Basin countries exceeds 370 million. The Nile River Basin covers about a tenth of the African continent - 3,349,000 km².

Though the River Basin is endowed with plenty of both cultural and natural resources, unfortunately, it has been becoming source of potential disputes and disagreements. Riparian states were unable to establish equitable water resource utilization and management schemes so far. This is particularly due to the old and unfair stand of Egypt. It is Egypt which contributes nothing to the river that has been threatening riparian states not to use even a single drop of the Nile Water for ages.

2. Obsolete Riddles

Egyptians define themselves as the GIFT of Nile River and Nile as their blood vessel. Moreover, they claim that they do have natural right to exploit the river even without giving due attention to the upper riparian states that contribute 100% of the Nile waters. This is a kind of paradoxical and unnatural assertion, in fact. Egyptians who contribute nothing claim their 'natural rights' by infringing the rights of the sources of the Nile waters.

To ensure their lifelong dreams over the Nile River, they conclude coercive 'agreements' so as to have legal background. This subtopic focuses on the 1929 and 1959 Nile water 'agreements'.

The 1929 'agreement' was concluded between Great Britain and Northern Ireland, and Egypt under the title of "Exchange of Notes in regard to the Use of the Waters of the River Nile for Irrigation Purposes". This 'agreement' was solely intended to absolutely control the Nile River waters. The then President Council of Ministers M. Mahmoud wrote this exchange of notes for Great Britain to allow him control the Nile.

And Great Britain expressed her will for Egyptians need Nile to cultivate the massive cotton plantation owned by Britain. Egyptians never wrote a single note to the Sudan for it was under the colony of Great Britain. And unfortunately, Egypt and Great Britain agreed to control the Nile without proper consent of the Sudan. Moreover, they never even informed upper riparian states.

Needless to say, that 'agreement' is a colonial accord that infringes the rights and benefits of Basin countries' citizens. And it is unacceptable and unfair for it excluded the wills and consents of these citizens. But mind you, Egyptians exploit this 'agreement' as a

legal background to pressurize upper basin states from doing any development scheme on the Nile and even on its tributaries.

Paragraph 4 (a) of this ‘agreement’ warns that “*no irrigation or power works or measures are to be constructed or taken on the River Nile and its branches, or on the lakes from which it flows --- in such a manner as to entail any prejudice to the interests of Egypt, either reduce the quantity of water arriving in Egypt or modify the date of its arrival, or lower its level.*” **A warning of the 20th century Egypt! A warning that dismisses the interest, consent and rights of citizens who contribute 100% of the Nile waters! A warning that favors the concerns of those who contribute nothing at the expense of those who generate the entire water flow of the Nile! Paradoxical and unnatural warning, in fact!**

Egyptians use their diplomatic power to halt any development effort on the Nile River. They knocked every possible door to close any would-be opportunity to conduct development activities on the River. As a result, most of the upper basin countries such as Ethiopia, construct neither hydropower nor irrigation projects though hydropower and irrigation schemes were very crucial to emancipate their citizens from abject poverty and backwardness.

Of course, the erroneous policy and strategy options of these countries might be labeled as the grave bases of their destitution. Obviously, Egyptian unfair stand contributes its own share for all the economic sufferings of the upper basin states. **TRUE**, Egypt that contributes nothing and pays no single cent in return exploits the Nile Waters while citizens of the source were suffering from abject poverty and destitution. That is what Egyptians claimed for ages!

The 1959 ‘agreement’ between the United Arab Republic of Egypt and the Sudan entitled ‘For the Full Utilization of the Nile Waters’ followed similar patterns. The difference, if any, is that the Sudan directly concluded the agreement with its ‘own consent’. There was not a third state that signed with Egypt in the name of the Sudan like what had been done in the 1929 ‘agreement’.

According to the 1959 ‘agreement’, Egypt and the Sudan absolutely divided the 84 billion Cubic meters annual flow of Nile waters between themselves by ignoring other upper basin states. Hence Egypt acquired 48 billion cubic meters per year while the Sudan 4 billion cubic meters per year as measured at Aswan. While the remaining 32 billion Cubic meters per year was left for evaporation.

Moreover, Egypt and the Sudan further agreed that “*if it becomes necessary to hold any negotiations concerning the Nile waters, with any riparian state, outside the boundaries of the two Republics, the Governments of the Sudan Republic and the United Arab Republic shall agree on a unified view after the subject is studied.*”

Egypt has been adamantly insisting to rule the Nile waters as per these old fashioned and unfair 20th century accords. None of the ‘agreements’ include the consent and wills of upper riparian states. Moreover, none of these upper Basin countries acknowledge these ‘agreements’.

And, in fact, these ‘agreements’ are automatically outlawed by the Vienna Convention on the Law of Treaties (1969). Article 34 of this Convention stipulates that “*A treaty does not create either obligations or rights for a third State without its consent.*” This article is very plain and straightforward. As addressed in the previous paragraphs, the so-called 1929 and 1959 ‘agreements’ excluded the wills and consents of upper Basin states. None of the upper riparian states have acknowledged these ‘agreements’. As a result, the upper Basin countries could never be bound by the rules of these ‘accords’. Thus, these two ‘agreements’ are reified riddles only found in the mindset of some Egyptian politicians. These unfounded riddles are internationally unacceptable, though.

These ‘agreements’, I think, produce nothing but mistrust and poverty among citizens of Nile Basin member states. Moreover, they weakened cooperation and mutual benefits among citizens of these nations. Egyptian politicians and their colonizers should be liable for all the mistakes committed so far. They must be accountable for the persistent destitution and recurrent famine in the region. They intentionally infringe upper Basin states and their citizens. Particularly, Egyptian politician passed a sentence of poverty and backwardness over citizens of these states. ***And, I think, they must pay even compensation to the rest members of the Nile Basin.***

Egyptian Politicians intentionally infringed citizens of upper riparian states. They have been exploiting the Nile while contributing nothing to it. Egyptians mercilessly consume the Nile while citizens of the upper Basin States have been suffering from lack of electric power and irrigation schemes. Fortunately, Egyptians pay nothing to the sources of the River. They utilize the Nile waters free of charge at the expense of upper Basin States. ***But, I think, Egypt must fairly pay for the Nile waters.***

Even today, some Egyptian politicians are still hibernated as if they were leading the life of early 20th century. They explicitly threaten any development scheme on the Nile River. They openly glorify the importance of the so-called Nile water treaties though nine of the Basin states officially rebuffed them.

Recently, the ex-president of Egypt, Mohammed Morsi, summoned all Egyptian political parties to express their open determination to halt the Grand Ethiopian Renaissance Dam. Mori opened the discussion by stating “*I say loud and clear that all options are available to us.*” Moreover, Saad Al-Katatni, chairman of Freedom and Justice Party, accepted the opening note of Morsi by saying “*we will support all the options.*” Chairman of Al-Nur Party, Younes Makhious, on his part further intensified the situation. He added that Egyptian agreement to the building of this dam would be a dangerous strategic mistake. Surprisingly, Younes created ridiculous fabrications during his address to the meeting by alleging USA and Israel being behind the Dam.

These political parties presented five effective strategies to destabilize Ethiopia thereby halt construction of the Dam. The strategies which these political parties suggested were: (a) supporting rebel groups such as OLF and ONLF, (b) infiltrating intelligence agents in order to destroy any dam that undermines Egypt’s security, (c) supporting opposition political parties, (d) forming an axis with Eritrea, Somalia and Djibouti and finally (e) using diplomatic as well as military forces. Morsi concluded the meeting saying “We have very serious measures to protect every single drop of Nile water.”

TRUE, these all are nothing but the extension of the old riddles. The unfounded fabricated riddles that were worshiped throughout their ages! The old riddles that procreate bitter seeds of mistrust and intended to perpetuate destitution and backwardness among the upper riparian states and their citizens! But, I think, none of these ideas will be fruitful for they represent the ideas of the already shown century which has nothing to do with this modern era of cooperation and joint efforts to ensure sustainable development across the Basin. And for sure, Egypt will inevitably incur costs for what it has been doing. It must indeed!

3. The New Opportunities

The globe enters to a new era called Globalization where cooperation and joint efforts have become very crucial elements of success in all spheres of life. In due course, the Nile could be potential source of cooperation and/or stiff war as well. Basin member states may use the River in either ways. It depends on how they effectively manage the river, of course.

Fortunately, basin states have been coming together and formulating a positive sum approach. They are trying their best to ensure effective, sustainable and equitable utilization of the Nile waters. The Nile River Basin Cooperative Framework is a good start to this end.

Members of the Nile Basin are convinced that this framework will promote integrated management, sustainable development, and harmonious utilization of the water resources of the Basin, as well as their conservation and protection for the benefit of present and future generations. Likewise, they *recognize* that the Nile River, its natural resources and environment are assets of immense value to all the riparian countries.

Here the critical key of the issue comes. The Nile River is exclusive resource of none of the member countries. It is rather a common property of all riparian states that should be utilized wisely for their common goal-ensuring equitable and sustainable development. Unlike the 1929 and 1959 'agreements', this Framework ensures equitable and effective utilization of the Nile waters. None of the Basin states is excluded from the benefits of the River. Thus, the old riddles are approaching towards their inevitable grave. And new seeds of mutual benefit and cooperation are sown at the grave yards of these oldies.

Cooperation is one of the key principles of this framework. Article 3 (1) of the framework explains that "*The principle of cooperation between States of the Nile River Basin on the basis of sovereign equality, territorial integrity, mutual benefit and good faith in order to attain optimal utilization and adequate protection and conservation of the Nile River Basin and to promote joint efforts to achieve social and economic development.*" This is a New Herald over the history of the Nile. This principle closes the age long chapter of inequality and exploitation of the Nile waters. It further ensures the need of joint development efforts for the betterment of all members without prejudice to their sovereign equality.

Each Nile Basin State has the right to use waters of the Nile River found within its territory in line with other principles in the framework. And Nile Basin States take all

appropriate measures, individually and, where appropriate, jointly, for the protection and conservation of the Nile River Basin and its ecosystems. These principles guarantee effective and wise utilization of the Nile waters. Furthermore, they automatically outlawed inequitable utilization of the River. Every member state is expected to discharge its responsibility in protecting the ecosystem of the basin. Thus, protecting and conserving the basin for the betterment of all member states is not the sole duty of upper riparian countries, according to the principles of the framework.

Article 4(1) of the Cooperative framework insists that “Nile Basin States shall in their respective territories utilize the water resources of the Nile River System in an equitable and reasonable manner.” Each Basin State is entitled to an equitable and reasonable share in the beneficial uses of the water resources of the Nile River System, the same article articulates.

The upper riparian states are trying their best to construct some development projects on the Nile River in order to speed up their development efforts. And almost all of these states are showing their keen interests to work together for their common goals-ensuring sustainable development. They are working jointly to maximize the positive sum of the River Basin resources without negatively affecting the interests of other member states. Their cooperation definitely heralds the new era of the River.

TRUE! Nile, the natural gift of all riparian states, should be utilized for the betterment of the Nile population at large in wisely and equitable manner. And no riparian state should be negatively affected by the development efforts of any other riparian nation, of course. Conversely, no Nile nation should judge other riparian state to live under abject poverty by putting potential and/or actual development hurdles. Hence, every natural member of the Nile River Basin should wisely and properly use its water resources to meet the fundamental human rights of its citizens for water has become a human right question. And, of course, the Nile Cooperative framework is a crucial tool to ensure equitable utilization of the Nile.

Some Basin states, like Ethiopia, are shown their firm commitment to implement the objectives and principles of the framework Agreement. Ethiopia believes in equitable use of resources, including the Nile River Basin. It repeatedly justifies that proper utilization of the Nile River basin is not irreconcilable. Development efforts of some member states would never justify the destruction of other members. State parties to the Nile River Basin Cooperative Agreement have, rather, complementary development needs and they can maximize this need by expanding their joint efforts.

I believe that the Grand Renaissance Dam on the Blue Nile River Basin achieves two historical goals for Ethiopia in particular and for the Nile Riparian States in general. From the Ethiopian points of view, this Grand Dam consolidates national consensus efforts of the Government of the Federal Democratic Republic of Ethiopia. All the Ethiopian Nations, Nationalities and Peoples adamantly declare that they can practically make their Renaissance Dam real. No one could halt the Dam, in fact. They have ensured that they need nothing from the so-called foreign donors to

realize their age long development dreams on their Blue Nile River Basin. Every Ethiopian citizen is making his/her best efforts to build the Dam.

From the Nile Riparian States points of view, the Grand Renaissance Dam signifies that member countries have the right to properly, wisely and efficiently use their water resources without negatively affect the interest of other member nations. Furthermore, it opens a new chapter of cooperation and partnership to ensure their common development needs. The call of late Prime Minister Meles Zenawi for Egypt and the Sudan to jointly finance the Dam when he laid down the corner stone of the Grand Renaissance Dam proved the herald of this new era of cooperation.

Hydropower development in Ethiopia would inevitably support development needs of neighboring states. Ethiopia would export electric power to Egypt, the Sudan, Kenya, Djibouti, and other neighbors, indeed. Of course, exporting electric power requires joint infrastructure development efforts. And, I think, most of the Nile River Basin States would eventually cooperate to realize and facilitate their common interests-development. That is what has been seen yet. This in turn would enhance the real economic integration of Basin States. And the destiny of the die-hard stand of Egypt will inevitably be isolation both from Basin member states and even from the continent at large.

The continuous statements by Riparian states and the African Union as well witnessed that construction of any development projects on the river doesn't necessarily entail a zero-sum game. There is still widely opened win-win opportunity as has been proved in the case of the Grand Renaissance Dam of the Federal Democratic Republic Ethiopia.

After thoroughly examining the project, an independent panel of experts has concluded that the Grand Renaissance Dam will not significantly affect Sudan and Egypt. This report further assures that Egypt's fear and oblivious to the dam is baseless and unfounded. That is why the African Union Commissioner Nkosazana Dlamini-Zuma stressed on the need to open discussion between Ethiopia and Egypt. She noted that "It would be important to just have discussions that are open, that look at how we can have a win-win situation in a new context, not in the context of the colonial powers, but in the context of Pan-Africanism and African Renaissance." This is the new epoch that all Basin member states are working hard to ensure. This is the demand of all member states but Egypt.

By and large, Nile Basin states are entering to the new era of cooperation and joint efforts to ensure sustainable development thereby liberate their citizens from poverty and backwardness. That is why member countries, but Egypt, have been convinced to establish the Nile River Basin Commission to assist them in the management and sustainable development of the Basin for the benefit of all.