

Conflicts in the Nile Basin and the Change of Power Balance: The Renaissance Dam Crisis

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Ethiopian–Egyptian relations have seen remarkable tension since Ethiopia began the Renaissance Dam construction in 2011, and tensions have since escalated when Ethiopia announced the filling stage. While Ethiopia defends its project due to its economic importance, Egypt fears its negative effects.

The paper discusses the hydro-political differences between the Nile Basin countries, particularly Egypt and Ethiopia, regarding the issue of water sharing and the means of settling it. It also discusses the consequent diplomatic problems and changes in the balance of power in Africa with the rise of Ethiopia as a regional power. The

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paper has found that the worsening of the Nile Basin situation is a result of the persistence of the conflicting parties and their adherence to their positions with no willingness to make concessions. Given the lack of a comprehensive legal agreement to regulate the exploitation and sharing of Nile water, the only way to put an end to this conflict is through cooperation between all basin countries.

Keywords: Renaissance Dam, Nile Basin, Nile Water Agreements, acquired rights, water security

1. Introduction

Each crisis represents an opportunity to test hypotheses, and thus the Renaissance Dam crisis constitutes an opportunity for Egypt and Ethiopia to test their diplomatic strengths and their allies' position at all levels, as well as to reformulate their external relationship on the right foundations.

The Renaissance Dam has been viewed as either having no negative impact on downstream countries or as an unprecedented existential threat.

The former view results from shortcomings in problem assessment, namely from ignoring its strategic dimensions, while the latter view is due to a combination of the main problem (dam construction) and its current mismanagement repercussions. This requires adjustment and distinction: to be aware of the extent of the damage and of potential solutions.

The East Nile Basin crisis is considered part of the larger Nile River crisis over issues related to dam construction and the share of water. Despite an attempt to reach agreement within the framework of previous international agreements, an escalation of this crisis has been brought about by increasing population density and renewed demands aimed at economic development on the one hand, and the weak nature of these agreements and the questioning of their authenticity and legal obligations on the other.

The Renaissance Dam is a specialised water project for electric power generation and agricultural development which Ethiopia has been building since April 2011, as part of its plan to take advantage of its water resources in the East Nile Basin. In view of its magnitude, the project has been met with widespread controversy by downstream countries (Egypt and Sudan), who have claimed that it threatens their water security and poses a great danger towards them.

Some politicians have seen that challenges faced by Nile Basin countries, namely instability and economic problems, affect the relations between them. Although this appears to be a conflict over water, the conflict in the Nile Basin region is more likely to be a political struggle linked to a re-drawing of the map of powers in Africa. Therefore, this topic has different dimensions at the international and regional level in addition to its legal, economic, political, and environmental dimensions.

The Ethiopian vision of issues regarding development, existence, influence, and national pride is a starting point for its position on Nile water use because Ethiopia is among the poorest countries in terms of development indicators. On the other hand, Egypt bases its position on the theory of territorial unity, which gives downstream countries the right to reject projects that upper watercourse countries want to undertake to develop their water resources, if these projects affect water revenue that reaches downstream countries (Khalid, 2007, p. 33).

It also seems that the 1929 Nile Water Agreement was based on the absolute territorial unity theory, whereby Britain recognised Egypt's natural and historical rights to Nile water and agreed to Egypt's approval as a condition for undertaking projects on the Nile. Consequently, this was a major reason for Ethiopia's refusal to negotiate with Egypt, as Ethiopia believes that what Egypt calls a historical and natural right to Nile water is the result of a colonial agreement made at a time when basin countries did not have the authority to make decisions. In this regard, Ethiopia has been supported by most of the Nile Basin countries, which have confirmed their non-recognition of prior agreements between Sudan and Egypt in light of the fact that these agreements were not entirely fair to Sudan and that Sudan's share was 18.5 billion m³ compared to Egypt's 55.5 billion m³ (Hamad, 2014, p. 47).

Consequently, this paper aims to discuss the dimensions of the crisis and raises some key questions, including the question of how Egypt, Sudan, and Ethiopia are dealing with the Renaissance Dam project. What initiatives have been taken to resolve the dispute? Why has the crisis become complicated and difficult to resolve between Egypt and Ethiopia in particular? Is the dispute over the Renaissance Dam a dispute over water or over the balance of power? Are there any options available to resolve the crisis?

The paper tries to verify a number of hypotheses in this regard, including (1) that the dispute over the Renaissance Dam is an indication of a shift in the balance and dynamics of power in Africa, (2) that the Renaissance

Dam crisis has clarified the shortcomings in creating a legal framework for water distribution and the need to find a fair agreement to manage Nile water, and (3) that the dispute over Nile water could only be resolved by cooperation between all the Nile Basin countries as they undertake development projects that would strengthen relations and lead to achieving sustainable development within the framework of mutual benefits.

The researcher has used the historical method to study Nile water problems throughout history by referring to reasons for the outbreak of the crisis, the legal approach to addressing prior agreements between Nile Basin countries, and an analysis of the stance of both upstream and downstream countries regarding these agreements. The paper has also used the descriptive analytical approach to collect information regarding the Renaissance Dam crisis, to analyse it, to explain the current situation, to determine the conditions and relationships between variables and events, and to draw conclusions. The case study approach was also used in addressing the Renaissance Dam crisis, its history, the various stages it has passed through, and its impact on the future of relations between the Nile Basin countries and in analysing the dimensions associated with the construction of the dam and the balance of power in the Nile Basin region.

The researcher has also relied on the international system approach, which is based on the fact that international politics arises and develops within the framework of a specific international system and stems from its main constituent elements, namely, actors, structure, institutions, and operations. Therefore, analysing international politics at a specific historical stage requires us to identify those elements and how they interact (Salim, 2002, pp. 11–23).

This analytical framework allows us to learn about political dynamics and understand laws that govern its movement, as well as to track the course of the interactions between the regional and the international system and its external environment, and identify the possible impact on the constituent elements of the system and on its external environment (Naffa, 2014, pp. 219–224).

The importance of using this approach should be viewed in light of significant regional and international transformations that the Nile Basin region has witnessed and their implications on various issues, including the topic of water in general and the Renaissance Dam in particular.

The researcher has also relied on game theory, which is a method of studying decision-making in conflict situations when the best behaviour of each party depends on its ability to anticipate what the other party will

do. Within the framework of this study, it is possible to follow this theory, but setting aside its zero-sum game aspect in which one side wins and the other loses and focussing instead on a relative match in which both sides win without resorting to a conflict. Therefore, instead of the Renaissance Dam being a focus of the conflict, it turns into a hub for cooperation between Egypt, Sudan, and Ethiopia. These theories may be central in the negotiations between the three countries, which we will try to clarify through the study.

2. General Background on the Nile Basin

The Nile River is the longest river in the world, with a length of 6,722 km starting from Lake Victoria (Taha, 2005, p. 17), and the Nile Basin includes all the countries where its tributaries are located and the countries through which it flows and which benefit from its waters (Bashir, 1974, p. 396). These include Egypt, Sudan, South Sudan, Ethiopia, Uganda, Kenya, Eritrea, Tanzania, Rwanda, Burundi, and the Democratic Republic of Congo, which cover a total area of about 3 million km² (or 10% of African territory) (Sharagi, 2013, p. 5).

The Nile draws its resources from several sources. The first of these is the Equatorial Lakes Plateau from which the longest tributary of the Nile stems (the White Nile), and its sources flow from Lakes Victoria and Albert, which is equivalent to 15% of the river's revenue. The second is the Ethiopian Plateau which is one the most important sources of the Nile, as it supplies it with more than 71 billion m³ of water (about 85% of its average annual water supply). The water flows into its main course through three tributaries that originate from the volcanic foothills zone: the Blue Nile, whose average annual discharge is 50 billion m³ or so and constitutes 60% of the river's revenue; the Sobat River with an average annual discharge of 13.5 billion m³; and the Atbara River with an average annual discharge of 10.5 billion m³ (Abbas, 2021). The Bahr al-Ghazal Basin is the third main source of Nile and it originates from southern Sudan at the border with the Democratic Republic of Congo and the Central African Republic as a group of small rivers whose average annual revenue is about 15 billion m³, but they feed the Blue Nile River with only about 500 million m³, as it loses the greater part of its water in the swampy area.

The rivers of Bahr al-Ghazal, Bahr al-Zaraf, Bahr al-Arab, Bahr al-Jabal, and the Sobat River meet with the White Nile River south of the city of

Malakal in southern Sudan, forming the main course of the river. The Blue Nile and the White Nile meet at the city of Khartoum to the north of the Sudanese capital, passing through Egyptian lands and flowing into the Mediterranean Sea in two branches: Damietta and Rasheed (Hamdan, 2015, pp. 281–284).

3. The Water Situation and Determinants of Conflict Between the Nile Basin Countries

Some regions of the world are affected by water shortages more than others, especially Latin America, southern and northern Africa, and the Middle East. For these reasons, conflicts over water are intensifying (Allan, 2002). In this context, a large number of regional disputes arise over the control of water resources, particularly given the absence of legal frameworks and regional and international institutions that have the ability to solve them (Shiva, 2002). This is evident in the Renaissance Dam crisis.

The water problem in the Nile Basin countries stems from the fact that these countries are likely to suffer from future risks as a result of water shortages, especially the downstream countries of Egypt and Sudan, which depend almost entirely on Nile water. Egypt is the most populous country and the most dependent on Nile water; rain is almost non-existent there and the groundwater is not renewable. Hence Nile water represents about 97% of Egypt's water resources. Egypt's share of Nile water is 55.5 billion m³, while the country has 3.6 million acres of cultivated land, which means that this amount of water is not sufficient for the needs of the population. In order for Egypt to maintain its per capita share of water, which is less than 600 m³, it needs about 77 billion m³, which means it is running a deficit of 22 billion m³ (Abbas, 2021).

Although Sudan has rain agriculture, the irrigated sector depends on the water flowing from the Ethiopian Plateau. The area of irrigated agriculture in Sudan is 2,449 million acres and the state plans to increase the irrigated area to 6,892 million acres. However, the lack of infrastructure is the biggest obstacle, in addition to the low storage capacity of the Sennar, the Roseires and the Khasm el-Girba Reservoirs, which is 3.2 billion m³ in total or equivalent to 27% of Sudan's share of Nile water (Khalid, 2015, p. 29). On the other hand, the storage capacity of the Aswan High Dam in Egypt is 62 billion m³, which shows the extent of Sudan's weakness in

establishing the infrastructure to exploit its share of Nile water (Khalid, 2015, p. 30)

The total water resources available to Ethiopia amount to about 150 billion m³, including 36 billion m³ of rainwater, 22 billion m³ of underground water, and 92 billion m³ of river water, including the River Nile. In spite of this, there is little benefit from it due to the nature of the mountainous and rugged terrain along riverbeds and a lack of flat plains (Sidira, 1994, pp. 282–284)

Since the completion of the Aswan High Dam in 1970, Egypt has not suffered from the dangers of floods as a result of the high capacity of the dam lake. On the contrary, floods in Ethiopia and Sudan are frequent and more dangerous than in the rest of the upstream countries. The two countries also suffer from the alternation and recurrence of floods and droughts, both of which have repercussions. For example, in 1998 high floods and torrential rains prevailed in both Sudan and Ethiopia, affecting about 14 million people in the two countries. In 2000 droughts and a lack of rainfall affected about 16 million people (Noureldin, 2011, pp. 52–53).

It should be noted that four of the Nile Basin countries (Kenya, Burundi, Egypt, and Rwanda) have already entered the stage of relative scarcity of water, with an average per capita share of about 235, 254, 570, and 902 m³ respectively (Najjar, 2010, pp. 227–228). The picture will grow bleaker by 2050, when the per capita share of water will drop to 123, 189, 290, 502, 522, 834, and 915 m³ annually in Kenya, Burundi, Rwanda, Egypt, Ethiopia, Tanzania, and Uganda respectively, leading to demands for an increase in their Nile water shares, which in turn means more conflict (Adayleh, 2005, pp.173–174).

The Nile Basin countries are also suffering from an increase in population numbers and food crises resulting from civil wars, drought, and high poverty rates, in addition to the regional imbalance in the distribution of water resources. The Food and Agriculture Organization has been monitoring seven of the Nile Basin countries – namely, Eritrea, Burundi, Democratic Congo, Kenya, Ethiopia, Sudan, and Uganda – as part of 36 countries around the globe which are facing a food crisis. These factors have come to interact, leading to the emergence of an international water conflict between downstream countries suffering from water shortage and upstream countries with an abundance of water but economic structures that are too weak to exploit it (Nawara & Mukhtar, 2018, pp. 36–38). This has led to their reliance on grants and foreign loans, which has increased their political dependence and affected their relations with

neighbouring countries. Most of these countries live in regional conflicts over water security and internal conflicts due to subjective factors and external motives (Khairallah, 2016, pp. 31–34).

The legal situation has also contributed to creating a suitable environment for water disputes in the Nile Basin, as all Nile water legal agreements are bilateral or tripartite agreements that either do not receive the approval of other basin countries or are not recognised by member states because they were signed in the colonial era. This legal situation has resulted in the regional hydraulic system of the Nile Basin lacking any comprehensive legal or institutional framework acceptable to the various Nile states (Tayeh, 2012).

In terms of politics, the water problem in the Nile Basin is often linked to political conditions such as political instability, border disputes, and civil wars, as well as to the nature of the political relations between the Nile Basin countries and the political transformations taking place in the region (Oashrin, 2017, pp. 118–120).

Armed fighting operations within many of the Nile Basin countries have resulted in the perpetuation of the political instability of the existing regimes in these countries. Among the most dangerous wars in the region is the civil war in both South Sudan and the Darfur region, and the armed conflicts between government forces and opposition groups in Rwanda, Burundi, Uganda, and the Democratic Republic of Congo. Sudan, which has known a civil war, raised the issue of water in the 1959 agreement regulating the use of Nile water. The first phase of the civil war in southern Sudan began in 1955 and ended with a peaceful settlement under the Addis Ababa Agreement in 1976. Then war began again in 1983 after military rebellion and political turmoil, eventually leading to the secession of the south from the north in 2011 (Daas, 2015, p. 34).

Political instability in the region led to the failure to complete the Jonglei Canal project, which was scheduled to be 360 km long and as important as the Egyptian Suez Canal. This led to Sudan and Egypt losing 4 billion m³ of water. (Hassan, 2016, p. 48)

What is clear is the link between natural resources, development needs, and regional and international conflicts in the Nile Basin. It is also evident that the main reason for conflicts and disputes likely to take place in the region in the near future will be control over water resources and access to water, as can be observed by the ongoing crisis between Egypt and Sudan on the one side and Ethiopia on the other, due to its construction of the

Renaissance Dam and the failure to reach a settlement between the two parties regarding the rules governing the filling of the dam.

4. Nile Water Agreements

In light of the existing hydro-political disputes between upstream and downstream countries and the consequent diplomatic problems between Nile Basin countries, in particular Egypt and Ethiopia, the positions of the two countries have become sharply polarised as their views on issues of water sharing and ways of settling these issues diverged.

In this context, the 1929 agreement between Egypt and Britain and the 1959 agreement between Egypt and Sudan are of particular importance, as the first obligated the source countries not to carry out any water projects on the river course without Egypt's approval and granted this country the right to veto any project which would affect the level of the Nile when it reached Egypt (Odeh, 1998, p. 23).

When it had gained independence, Sudan objected to the 1929 agreement and Egypt had to renegotiate it under new terms because it needed to build the Aswan High Dam. The 1959 agreement included Sudan's approval for Egypt to build the Aswan High Dam in exchange for Egypt's approval of the construction of two Sudanese dams in Rosaries on the Blue Nile and in Khashm el-Girba on the Atbara River (Odeh, 1998, p. 24).

Although the 1959 agreement increased Sudan's share of water from 4 billion to 18.5 billion m³, this does not indicate distribution fairness because this share is equal to only one third of Egypt's share of 55.5 billion m³. In spite of this, Egypt takes 1.5 billion m³ from Sudan annually. The 1929 agreement indicated clearly that disputes arising from the interpretation of any of the agreement provisions were to be resolved by resorting to an independent arbitration body, if the two countries failed to resolve them on their own. This, however, is not indicated in the 1959 agreement. (Ahmed, 2011, p. 421).

Perhaps the most important clause of the agreement from a political point of view is included within the general provisions clause, i.e., that the two countries must take a unified position if the need arises for negotiations over Nile water with other countries. This was in the interest of Egypt, which has benefited politically, economically, and socially from these agreements. On the contrary, Sudan failed to preserve its rights when it signed the 1929 and 1959 agreements. The 1959 agreement led to the

submerging of 150 km³ of Sudanese lands in the Aswan Dam Lake, and the displacement of about 50,000 people, all of which was made without any valuable compensation. (Rubaie, 2001, p.111).

In 1957 Ethiopia sent notes to Egypt and Sudan, expressing its earlier position and indicating its need for development projects, asking for rights to Nile water within its territory. When Ethiopia did not receive a response, it decided to start its projects on the Blue Nile, indicating that Egypt had constructed the High Dam without consulting the rest of the basin countries, despite the fact that international law requires any country that intends to undertake such major construction projects to notify the riparian countries in advance and consult them. Consequently, Ethiopia did not consider itself bound by any agreement in this field. This was later revealed at a water conference in Argentina in 1977, when the Ethiopian delegation expressed their denial of any international agreement and claimed that in the absence of an international treaty between the course countries any country has the right to proceed with water resource development within its region (Sharrouf, 2011, p. 297).

The essence of the crisis between the Nile Basin countries lies in the right of all countries to benefit from their water resources without recognising prior Nile agreements. Now upstream countries – specifically Ethiopia, which controls 85% of the river's water – are calling for a need to review previous treaties and the Nile water quota system between upstream and downstream countries, and to find a new regional coordination initiative (Othman et al., 2014, p. 126).

These demands laid the groundwork for the Nile Basin Countries' Cooperation Framework Agreement in 2010, known as the Entebbe Agreement and signed by six countries: Ethiopia, Tanzania, Uganda, Rwanda, Kenya, and Burundi, but not Sudan and Egypt. The agreement adopted a set of principles for the use, development, and protection of the Nile Basin, including mutual cooperation, sustainable development, equitable and reasonable use, and the obligation not to cause significant harm to other basin countries and to resolve disputes peacefully. The agreement created a commission whereby all Nile River countries could exchange information and discuss joint national projects.

The Ethiopian condition for joining this regional cooperation project was that the project include the preparation of a framework agreement that would outline the general principles for the organisation of Nile water and establish the Nile Basin Commission to supervise cooperation between basin countries. It was agreed that the framework agreement would be a

component of the Nile Basin Initiative (Alam, 2014, p. 77). The Entebbe Agreement represents a legal framework that focuses on the interests of upstream countries because it abolishes all prior Nile agreements, and the author believes that this was the reason Sudan and Egypt refused to sign it.

In August 2014 in Khartoum, Egypt, Sudan, and Ethiopia agreed to form a committee of national experts to study the Renaissance Dam, and at the conclusion of its preparatory meetings on February 3, 2015, the committee reached a number of understandings, including the need to separate political from technical issues in dam negotiations through high committees. The efforts culminated in Khartoum on March 23, 2015, with the signing of a Declaration of Principles that outlines the obligations of the three countries to reach full agreement with regard to the results of filling the reservoir and its annual operation. However, Ethiopia rejected Egypt's request to stop working on the dam until the studies of the national expert committee were completed, noting that their report did not recommend that dam construction be stopped. (Behairi, 2016, p. 548).

When Ethiopia, Egypt, and Sudan signed this agreement, this also raised questions regarding the Entebbe Agreement, especially because Cairo and Khartoum have reservations about “not stipulating the fair and equitable use of resources, including heavy rains and groundwater, which are considered as sources of fresh water”. Despite these reservations, Egypt and Sudan have signed the Declaration of Principles with Addis Ababa, which revolves around Nile water division but does not mention resources (Sharrouf, 2011, p. 297). The implicit assumption of the new agreement is based on the immutable fact that the Nile is a shared resource whose optimisation requires mutual understanding, new trust, and a flexible spirit of cooperation (Nour, 2015, p. 25). This agreement was accepted by Egypt and Sudan and allowed them to view the Renaissance Dam as an Ethiopian project that would contribute to economic development in the country, as long as the three countries decided to fill the dam based on the results of the study prepared by the Joint Tripartite Commission, which represented a big positive change at that time.

Consequently, the agreement ended the state of Egyptian–Sudanese confusion regarding the Renaissance Dam and made it clear that they had accepted its construction. The three countries agreed to undertake two studies: one regarding water resources and a simulation model of a hydroelectric system, while the other was to assess the environmental, social, and economic impact of the dam on Sudan and Egypt. In April 2015, the

three countries chose the French expert (BRL Group) and the Dutch institute (Deltares) to carry out the two studies but disputes quickly emerged between the three parties. This prompted Deltares to withdraw from the preparation programme for the two studies at the end of October 2015 and conflicts between Egypt and Ethiopia over the Renaissance Dam resumed.

Although the Declaration of Principles contained important provisions, from a substantive point of view it did not address the fundamental issue of Nile water sharing nor did it obligate Ethiopia to reconsider the size of the dam or the capacity of the reservoir that exceeded Ethiopia's earlier plans. Because the document is only a declaration of principles, judging the extent of its success in reducing the disputes between Egypt and Ethiopia and the potential negative impacts of the project depends on the conversion of this document into technical agreements regarding the operation of the dam, as well as their actual implementation.

However, the speed at which Ethiopia proceeded with a project of such magnitude, without completing some of the studies, especially those related to the impact of the project on downstream countries, has raised many questions. Some experts have raised doubts regarding the economic viability of the project, indicating that the design was based on flood seasons and that its actual production would be about 30% of what was expected. This indicates that there are several technical and economic doubts regarding the project, which raises the question of whether its main objective is to generate energy or store water to control the Nile water flow, particularly in light of the fact that 59% of the water comes to Egypt from the Blue Nile Basin. This illustrates the extreme importance the Blue Nile water holds for both Egypt and Sudan (Noureldin, 2014, p. 369). This line of thinking is supported by the controversy that has been created over the construction site of the dam, which indicates that if the goal was to produce energy as proclaimed, then the site of the dam is not the best choice Ethiopia could have made and the optimal location would be near the Tsisat Waterfalls or at the end of the Blue Nile Gorge. Looking at the site chosen for the dam, it is near the Sudanese border and it is clear that it was carefully and intelligently chosen, regardless of whether the choice was entirely on part of Ethiopia or the result of a foreign consultation. Here it is worth noting a study conducted between 1959 and 1964 by US government experts, which proposed 33 places to construct dams. The largest of these was near the Sudanese border, which is also the current location of the Renaissance Dam (Riyad, 2014, pp. 154–155).

Negotiations and meetings between Ethiopia, Egypt, and Sudan regarding the Renaissance Dam crisis have passed through many stages. One of the most prominent is the American mediation, which was led by the US Department of Treasury, when the foreign ministers of Egypt, Ethiopia, and Sudan, as well as the World Bank, were invited to participate. This was on October 31, 2019, after an Egyptian request for international mediation in the negotiations. Negotiation sessions were launched in November 2019 and lasted for 4 months without yielding tangible results. They ended with Ethiopia's refusal to sign the agreement proposal presented by the United States and with its absence from the last round of negotiations that were held in Washington on February 27 and 28, 2020. Egypt signed the agreement proposal but Sudan did not.

In June 2020, Egypt also submitted a request to the UN Security Council to consider the issue of the Ethiopian Renaissance Dam within the framework of an agenda item entitled "Peace and Security in Africa". It then turned to the League of Arab States and was able to obtain a resolution of solidarity with the request in an extraordinary session held on June 23, 2020, stressing the need for Ethiopia to refrain from starting to fill the dam reservoir without reaching an agreement with the two downstream countries on the rules for filling and operating the dam, as this procedure represents an explicit violation of the 2015 Declaration of Principles agreement. (League of Arab States, 2020).

In July 2020, the three countries resumed negotiations under the auspices of the African Union. The first round of negotiations was also concluded without reaching a consensual solution and this coincided with the initial filling of the dam by Ethiopia, followed by a mini-African summit held on July 21, 2020, which called for continued negotiations and sought to formulate a binding legal agreement on the rules for filling and operating the Renaissance Dam.

On August 28, 2020, another round of negotiations ended without consensus on a draft agreement which was supposed to be submitted to the Presidency of the African Union. The three countries decided that each country would send a separate report to the Presidency of the African Union and they have since been unable to reach a peaceful and lasting settlement.

The dispute between downstream and upstream countries revolves around two main points. The first of these is the concept of water security, which Egypt and Uganda succeeded in including in Article 14 of the agreement as a way of reconciling the opposing positions between the source coun-

tries and the two downstream countries regarding existing agreements (Ahmed, 2000, pp. 7–16). The second is the principle of acquired historical rights, to which the downstream states have adhered but the source countries have rejected, focussing instead on the principle of equitable and reasonable use of water (Ibrahim, 2013, p. 38).

The source countries' position is based on two legal theories. The first is the coercion theory, meaning that these countries did not sign these agreements as independent parties. The second is the theory of changing circumstances, meaning that the conditions of these countries and their needs after independence require that these unfair agreements be changed (Manzili, 2012, p. 221). Egypt relied on this theory when concluding the 1956 agreement. Sudan was not party to the 1929 agreement, as it was under colonial control and Britain signed on its behalf, while the 1959 agreement was signed at a time when Sudan was newly independent and lacked the necessary legal and technical expertise.

To prove the validity of prior agreements, Egypt relies on the Vienna Convention on Succession of States in respect of Treaties of 1978, which considers stipulations of international agreements regarding the use of international rivers and waterways, the establishment of borders, and the termination of treaties to be matters that must be complied with (Abdelal, 2013, p. 73). Art. 62 of the 1969 Vienna Convention on the Law of Treaties also stipulates that if a treaty has been used to establish a border, it is not permissible to invoke a fundamental change in circumstances as a reason for ending the treaty or withdrawing from it. Accordingly, it is not permissible for states after independence – like the Nile Basin countries and hence Ethiopia – to end the treaties due to a fundamental change in circumstances (Anani, 1997, p. 57).

In addition, the Anglo-Ethiopian Treaty of May 15, 1902 was signed by Ethiopian Emperor Menelik II and the British government (on behalf of Egypt and Sudan). Ethiopia was not a colony at the time. Art. 3. of this treaty stipulates that the Ethiopian emperor shall not undertake any work on the Blue Nile that would affect Nile water flow, except in agreement with the British government (Amin, 2012, p. 48).

Disputes between basin countries like those described are what prompted the International Bank for Reconstruction and Development to refuse to finance the Renaissance Dam project. The bank refuses to fund such projects unless they are carried out in full cooperation of all the countries concerned and with prior notification by the project owner, which Ethiopia did not provide when starting the dam (Rashidi, 2013, p. 479).

5. Potential Impacts of the Ethiopian Renaissance Dam on Egypt and Sudan

While Ethiopia has developed many ambitious plans to undertake projects to generate hydroelectric power and make the most of arable land by means of irrigation, Egyptian and Sudanese concerns are about the extent to which these Ethiopian projects may affect their water security and share of Nile water.

In general, estimates indicate that Egypt and Sudan will lose about 14 to 24 billion m³, as suggested by the dam's dead storage capacity. They will also lose the water that will leak through the reservoir rocks, whose quantities have not been estimated yet. Water evaporation losses will increase by 5.9%, thereby increasing sedimentation rates (El-Nashar & Elyamany, 2018, pp. 2384-2385). Cultivation of 29.47% and 23.03% of agricultural lands in Upper Egypt and the Delta region respectively may cease, and cultivated land with inundated and pond irrigation in Egypt and Sudan will decrease. Sudan, in particular, will lose the annual incoming clay that fertilises its agricultural lands around the Blue Nile. The level of Lake Nasser will be reduced by about 10 metres, which will affect electric power generation rates from the high dam, possibly reducing them by as much as 20% to 40%. Sudan will be affected by potential seismic waves due to the large quantities of water that will be stored near its southern border. If the dam collapses – as some experts expect due to the geological nature of Ethiopian lands – Sudanese and Egyptian lands will be flooded (Behairi, 2016, pp. 503–510).

The dam has negative effects on Ethiopia as well. These are the following: high cost, estimated at 4.8 billion dollars and expected to reach 8 billion dollars; the flooding of about half a million acres of forest land and irrigable agricultural land that is rare in the Blue Nile Basin in order to form the dam lake; sinking some mining areas rich in important minerals; and displacing some citizens of the Lakes Region. Finally, the life of the dam has been shortened by 25–50 years due to silting. (Madani, 2017, pp. 59–60).

The major benefits of the Renaissance Dam are as follows: the production of 5250 MW of hydroelectric power, increasing fish wealth in Ethiopia, managing floods in Sudan, storing Blue Nile silt which helps to extend the life of the Sudanese dams and the High Dam, and the lack of evaporation due to the dam's location at a height of about 570–650 meters above sea level (Sharagi, 2018, p. 28).

6. Eastern Nile Basin Countries' Positions on the Renaissance Dam

6.1. Ethiopian Position on the Renaissance Dam

The dam project is part of an economic vision of generating electric energy and exporting it to African countries in order to achieve the economic benefits of high growth rates. It affirms that the national water interest of Ethiopia to use its water rights is not subject to Egyptian and Sudanese approval (Agili, 2012, p. 186). Undertaking such a project, Ethiopia has fulfilled its old dream of exploiting the Nile and challenging Egyptian hegemony.

The Ethiopian position is based on how it views the 1929 and 1959 agreements that simultaneously enabled Egypt to benefit from building dams for development and deprived other basin countries. Therefore, Egypt and Sudan should negotiate a new agreement stipulating that all basin countries benefit from Nile resources in a fair way and in a manner that also respects the rights of downstream countries, in accordance with international laws that provide for mutual benefit. From this perspective Ethiopia considers the construction of the Renaissance Dam for the purposes of generating necessary electric energy to be a legitimate matter that Egypt and Sudan can benefit from as well.

6.2. Egyptian Position on the Renaissance Dam

The thing that most affects the Egyptian position is that all the Nile countries except Sudan refuse to recognise the international inheritance principle (Khalid, 2007, p. 249). Egypt has tried to explore legal options by focussing on agreements that determine its share of Nile water, as well as to define ways to reach agreement as it would be reached on any developing project. However, successive developments in regional and international arenas have confirmed that this is not sufficient, as the presence of parties and forces that are ready to cooperate with Nile Basin countries, unilaterally or collectively, and the varied interests of the riparian states on the Nile River came as a major challenge to basin countries.

The Egyptians went through several stages in dealing with the crisis, including the impact of political changes that have been witnessed since the 25 January Revolution in 2011, when Egypt headed for a crisis. It was

agreed to use diplomatic means and form an international committee of experts to discuss the project and submit reports, bearing in mind that the international committee did not start its work until May 2012.

When Ethiopia diverted the Blue Nile course on May 28, 2013, Egypt started the escalation phase, but the political changes in Egypt in July 2013 prevented the country from focussing on this topic. With a certain delay, Egypt announced the reasons for its position on the dam in a document published on Egyptian Foreign Ministry website, which referred to legal foundations, including historical Nile water agreements and the agreement signed by Egypt and Ethiopia in 1993, which included the commitment of the two countries not to take any action that would cause extreme harm to the other. It also referred to legal rules for prior notification of projects on international rivers. Furthermore, specialised national councils prepared a report to present the issue to the United Nations General Assembly as an issue affecting regional peace and security, especially because a direct resort to international arbitration is not possible due to the need for the parties to agree to it (Egyptian Ministry of Foreign Affairs, 2014).

At the same time, Egypt did not close the door to negotiations over the dam, which were likely to stumble once they had been resumed because of differing points of view regarding the criteria for selecting the international companies to be entrusted with carrying out the studies recommended by the international committee of experts. These attempts ended with the signing of the Declaration of Principles on the Renaissance Dam on 23 March 2015 (Berhane, 2014).

6.3. Sudanese Position on the Renaissance Dam

Since the beginning the Sudanese position has been one of moderation and diplomacy, although in general it is somewhat similar to that of other basin countries, especially with regard to the legitimacy of the agreements related to the Nile. On 12 December 2013 Sudan formally announced its support for the Renaissance Dam as an issue of development and common interest, not politics. The Sudanese government believes that the Egyptian government should perceive the issue as a technical and not a political one. Although it agreed to the Renaissance Dam, Sudan did not sign the Entebbe Agreement because there was no agreement on some of the outstanding issues, and Sudan's steadfast position was to continue to cooperate on Nile Basin issues regardless of the framework agreement,

which Sudan considers a means of cooperation and not a goal in itself. On the other hand, Egypt believes that because Sudan is under a transitional government, it has not yet developed its final position on the dam. It is clear that the political changes which Sudan has been witnessing since the end of 2018 are beginning to have repercussions on Sudan's foreign relations, primarily those with Ethiopia, which played a direct role in the recent Sudanese reconciliation between the Military Council and the Freedom and Change Forces.

It is possible to understand the Sudanese position on the Renaissance Dam by analysing the current state of Sudanese relations – after the revolution – with both Egypt and Ethiopia. Egypt's ambivalent position towards the Sudanese revolution has also raised questions, as Egypt, which declared war on the Muslim Brotherhood, is at the same time against the popular revolution in Sudan that excluded the Muslim Brotherhood from ruling.

On the other hand, Ethiopia has benefited from the intense identity struggle within Sudan between Afrikaans and Arabism, which Egypt was unable to understand.

Many Sudanese observers believe that the Egyptian fear of building the Renaissance Dam is the fear of losing the use of the water loan that comes from Sudan (1.5 billion m³), in addition to the percentage of water that Sudan is failing to use, especially with the Sudanese Minister of Irrigation and Water Resources' announcement in August 2011 that the extent of his country's consumption is about 12 billion m³ and that Sudan has a plan to fully exploit its share of water. Such an announcement may not seem unusual, but if it comes only four months after Ethiopia announces the construction of the Renaissance Dam, then this may be an implicit message to the Egyptian side that the amount of 6.5 billion m³ coming to it may stop (Badawi, 2018).

The shift in the Sudanese position and its desire to fully exploit its share can be linked to the secession of South Sudan and the establishment of the state of South Sudan, which, like other basin countries, is demanding its share of Nile water. The amount of water coming to Sudan will be controlled by two countries instead of one (Ethiopia and South Sudan) and this will constitute a threat to Sudanese water security. The effects will be felt in the fields of economy and development, especially because Sudan is still suffering from the economic consequences of the secession of the south when it comes to oil revenues.

It should be noted that the state of South Sudan does not need Nile River water, due to the presence of other rivers and heavy rainfall. However, the Egyptians' fear stems from the Entebbe Agreement, which stipulates the necessity of redistributing water quotas to the basin countries according to new regional developments. South Sudan is important to Sudan and Egypt because it is the ideal location for projects to increase the share of water, whether by storage or by building canals, such as the Jonglei Canal project, which would increase the revenues of Nile water and the subsequent generation of electricity.

According to expert figures, the most important pool of Nile water in the state of South Sudan is in the Bahr al-Ghazal region, where it receives 540 billion m³ of water annually. The south controls the entire water revenue from the Equatorial Plateau, which is estimated at 29 billion m³ annually: 15.5 billion m³ from White Nile tributaries and 18.5 billion m³ from Sobat tributaries. The land in South Sudan is flat, allowing for high rates of water flow (Hassan, 2016, pp. 55–56). Thus the importance of South Sudan for Egypt is increasing because it enjoys an abundance of water that means it will not seek to reduce Cairo's share of the Nile water passing through its lands, at least not under normal circumstances.

Despite the continuous assurances that the state of South Sudan is giving Egypt, always confirming that Egypt's share of the Nile water will not be affected, proposing to mediate with Ethiopia to resolve the dispute over the re-division of the Nile water and the establishment of the Renaissance Dam, it is certain that the future water policy of South Sudan will be subject to calculations of gain and loss as well as some regional and international pressure, especially with the presence of clear coordination between South Sudan and Israel.

In the same context, Ethiopia and South Sudan are linked in the most important water basins that feed the Nile with water, and the White Nile Basin comes on top of it (Bashir, 2012, pp. 17–30). The establishment of the water-rich state of South Sudan has strengthened Ethiopia's position *vis-à-vis* Sudan and Egypt regarding Nile water, especially as the south will not hesitate to support Ethiopia, which has often played a major role in securing the arming of the southern government and training the people's army over the past three decades. This is in light of Juba's continuous endeavour to extend strategic cooperation ties with Addis Ababa, realising the importance of Ethiopia as an important player in the Horn of Africa region (Nour, 2016, p. 33).

The Republic of South Sudan is currently in the process of building a state and although it does not need additional water resources, its need

lies in energy in the future. In light of its need for industrial projects, it is expected that South Sudan will work on building dams to generate hydro-electric energy similar to the Renaissance Dam, based perhaps on Israeli support (Hamad, 2014, pp. 139–140).

It is now clear that the United States' initiative has been a complete failure and that there is a possibility that the crisis will continue without a solution for a long time, which harms Egypt's negotiating position, as the construction of the dam seems to fundamentally change the balance of power in Africa. Adherence to ancient water treaties no longer gives Egypt any protection from restrictions imposed on its water supply. Also, it is not possible for Cairo to carry out its repeated threats to stop dam construction by military means if necessary, as Ethiopia has started the second filling stage.

So far, efforts to put pressure on Ethiopia through allied countries have failed, as the United States, Europe, as well as the Gulf States and China have good relations with the two countries, and they are clearly not ready to take sides in the water conflict. Ethiopian leadership is also unlikely to make a concession on its own, given that the project has taken on a national dimension.

7. Conclusion

The undertaking of the Renaissance Dam project has been considered a "turning point" that is expected to change the balance of power in Africa. The decision to undertake construction reflected Ethiopian rise in the face of Egyptian retreat. The political instability of Egypt, the succession of different governments, and the lack of a clear and effective foreign policy regarding this issue gave Ethiopia the chance to negotiate and complete the project. Another contributing factor was the emergence of new funders such as China, who offered flexible terms, unlike the Nile Basin Fund or the World Bank, which requires the prior collective approval of all basin countries before providing funding.

Dealing with the Renaissance Dam crisis has included many challenges, the first of which is the absence of a comprehensive and binding legal agreement. In order to know the legal status of Renaissance Dam construction, we must know the legal framework for sharing water in international rivers. Unfortunately, there is no detailed agreement for Nile water sharing or each country's proportion that would serve as a basic reference

for all participating countries in the Nile Basin in the case of any projects undertaken on the river basin. There is no agreement that would serve as a binding legal framework which countries could not disregard and which would eliminate conflict between Nile Basin countries. Upstream countries, led by Ethiopia, have begun to promote the importance of adopting new legal standards that go beyond the prevailing legal system inherited from the colonial era. Ethiopia objects strongly to acquired historical rights and prior notification principles. This shift in legal and institutional thinking has been associated with a similar shift in Ethiopian political discourse.

This takes us to the second challenge, which is the rise of Ethiopia as a regional power. The construction of the dam will allow Ethiopia to become a regional centre for the production of hydroelectric energy, and it will also enable it to control Nile water: a role that Egypt has been playing in the Nile Basin region for decades. However, instability in both Egypt and Sudan, as well as the secession of South Sudan, have led to the rise of Ethiopia. In addition, the availability of international funding from countries such as China is helping Ethiopia and other Nile Basin countries challenge Egypt, which had previously relied on international donor institutions not to provide any financial transfers for projects built on the Nile before Egypt's approval. All this is leading to changes in the balance of power in the Horn of Africa and the Nile Basin.

However, an analysis of the political conflict over water and the Renaissance Dam between the Nile Basin countries shows the important role of the strategy of surprise used to achieve better results. Because Ethiopian decision-makers realised that neither Egypt nor Sudan expected Ethiopia to start Renaissance Dam construction without notifying them beforehand, this in turn led Ethiopia to achieve counter-hegemony in the conflict.

Therefore, it has become clear that Renaissance Dam crisis goes beyond the technical aspects, as it is mainly related to politics, ideology, the dynamics of internal politics, and the issue of regional competition. The challenging Ethiopian behaviour against Egypt could negatively affect Cairo's influence in the Nile Basin and could encourage the rest of the upstream countries to undertake similar unilateral projects. Given this situation, the opportunities for political manoeuvring remain very limited and in light of the impotence of international intervention, whether by the Security Council or in the form of American mediation, regional initiatives from within the Nile Basin might be effective.

The central problem is that countries focus on their national interests rather than cooperation. While national interests are not the only explanation for the conflict, overcoming these is fundamental to cooperation. The mutual benefits emphasized by traditional calls for cooperation are still based on national benefits, thus helping to maintain the primacy of national interests and not adding to an understanding of how those benefits are interrelated.

Accordingly, the next stage imposes the necessity of creating new mechanisms to activate the cooperation between the Nile Basin countries within the framework of the win-win principle, which requires setting frameworks for bilateral and collective dialogue between the basin countries with the aim of reaching a consensual solution that achieves fair and equitable use of the shared water resources. The three countries should adopt a two-step approach: they must build confidence by agreeing on the terms of how to fill the dam reservoir so that downstream countries are not harmed, and they should negotiate a cross-border framework for sharing resources in order to avoid future conflicts. This requires the possession of a new vision of what the Nile Basin region is witnessing in relation to the balance of power and regional and international interests.

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CONFLICTS IN THE NILE BASIN AND THE CHANGE OF POWER BALANCE: THE RENAISSANCE DAM CRISIS

Summary

In 2011, Ethiopia laid the foundation stone for the Great Ethiopian Renaissance Dam. The size of the dam, its timing and how it was planned have both sparked severe political disputes between Egypt and Ethiopia and inaugurated a new stage in the Nile Basin countries' relations in general and Egypt, Sudan, and Ethiopia in particular. In April 2020, Ethiopia announced that it would continue to complete the dam's first phase of filling. In response, Egypt sent a letter to the Security Council warning against the potential dangers of such a move, pointing out that the decision contradicts what was stipulated in the Declaration of Principles agreement that Egypt, Sudan, and Ethiopia signed in Khartoum in March 2015. However, Ethiopia replied that it saw no reason to delay filling the dam reservoir and challenges moved to another stage when Ethiopia refused to see through the Washington-led negotiations at the end of 2019. Ethiopia was absent from the final agreement signed by Cairo on 28 February 2020. Sudan was reserved. The position of both Egypt and Ethiopia

towards the Renaissance Dam issue draws attention to the changes of the power balance in Africa.

Keywords: Renaissance Dam, Nile Basin, Nile Water Agreements, acquired rights, water security

SUKOBI U SLIVU NILA I PROMJENA RAVNOTEŽE MOĆI: KRIZA OKO RENESANSNE BRANE

Sažetak

Godine 2011. Etiopija je položila kamen temeljac za izgradnju Velike etiopske renesansne brane. Veličina brane, izbor trenutka njezine izgradnje i način na koji je planirana izazvali su ozbiljne političke prijepore između Egipta i Etiopije i u novu fazu uveli odnose između zemalja slijeva Nila, posebno Egipta, Sudana i Etiopije. U travnju 2020. Etiopija je najavila da nastavlja s prvom fazom punjenja brane. Kao odgovor na to, Egipat je uputio pismo Vijeću sigurnosti UN-a upozoravajući na potencijalne opasnosti takva poteza i ističući da je takva odluka u suprotnosti s odredbama Deklaracije o načelnom sporazumu koji su Egipat, Sudan i Etiopija potpisali u Khartoumu 15. ožujka 2015. Međutim, Etiopija je replicirala da ne vidi razlog za odgodu punjenja brane te su izazovi eskalirali na novu razinu kad je Etiopija odbila potpisati pregovore u Washingtonu krajem 2019. te nije bila prisutna pri potpisivanju završnog sporazuma 28. veljače 2020. Pozicije Egipta i Etiopije u odnosu na problem Renesansne brane usmjeravaju pozornost prema promjenama u ravnoteži moći u Africi.

Ključne riječi: Renesansna brana, sliv Nila, vodni sporazumi o Nilu, stečena prava, vodna sigurnost