

The Great Ethiopian Renaissance Dam: Between the Constraints of Sovereignty and the requirements of Good Neighborliness

By *Mohammed Loulichki*

Summary

Against the backdrop of mutual accusations of lack of political will to finalize a deal on the filling of the reservoir behind the Grand Ethiopian Renaissance Dam (GERD), Egypt and Ethiopia continue to use all diplomatic means available to protect their respective national interests. This tension has increased as the rainy season approaches. Ethiopia would like to take advantage of the rainy season to begin the filling process, with or without the agreement of Egypt and Sudan. The impasse in the process of settling this dispute between two important African states is not likely to lead to an open conflict, but is nonetheless a cause for concern for the entire eastern region of the continent.

While Egypt invokes history to assert acquired rights based on the ‘principle of first appropriation’ of the waters of the Nile, Ethiopia claims its inalienable right to use its natural resources on the basis of ‘absolute territorial sovereignty’. The distribution of the waters of the Nile has long been governed by agreements dating back to 1929 and 1959, involving Egypt, Sudan and the colonial powers (Italy and Great Britain). After the signing of these instruments, Egypt inherited the lion’s share of the Nile waters. By capitalizing on this dominant position, Egypt has been able to benefit for more than a century from a significant share of the Nile waters, and a real right of veto to prevent the construction of any structure likely to reduce the quantity of water entering its territory.

In response to the historic rights claimed by Egypt, Ethiopia has advanced considerations of national security and the right to improve the wellbeing of its population. Consistent with this position, Ethiopia has refused to participate in any regional coordination mechanism put in place by Egypt and Sudan to promote collective management of the Nile basin.

The Ethiopian position has been supported by the other member states of the Nile Basin seeking an equitable and fair distribution of the Nile waters and their benefits. This 'coalition for change', which was clearly directed against Egypt and Sudan, gave concrete form to its action by the signing on May 14, 2010 of a Cooperative Framework Agreement (CFA). This new Agreement opened the first breach in a regime which has been able to survive for almost a century.

The waters of the Nile, the longest watercourse in the world, offer enormous potential for the economic and social development of the riparian states. If Egypt is a gift of the Nile, the latter represents an important asset for the development of the remaining states. However, the realization of this potential has always been hampered by disputes and conflicts between or within the states of the region.

Ethiopia's decision to build the Renaissance Dam was motivated by the desire of its government to achieve self-sufficiency in electricity, and to improve agricultural productivity to feed the country's 105 million people. The dam is also a symbol of pride and a demonstration of power, as well as a means to consolidate domestic legitimacy of the 2019 Nobel Prize Winning Prime Minister Abiy ahead of a decisive general election due to take place after the end of the COVID-19 crisis. In the crisis around the dam, Sudan is trying to play a conciliatory role to avoid having to side with one or the other neighbor, knowing that a positive outcome will benefit the country's economy.

Since the start of work on the dam in 2011, direct talks have been conducted between Egypt, Sudan and Ethiopia and mediation has (mediation is in plural been solicited from the United States, China, the African Union, and the European Union, to defuse the tension between the two major opponents. This tension peaked in 2013, when President Morsi of Egypt threatened to use force to stop work on the dam. To avoid such risks, negotiations were started in 2014, achieving significant progress. The remaining differences relate to the timing and the length of the filling period, the dispute settlement mechanism, the nature of the legal instrument in which the future agreed arrangements will be recorded, and the presence of observers at the site of the dam.

Ethiopia's decision to build the Great Renaissance Dam and its intention to start filling it in early July, even without an agreement with Egypt, represents an unprecedented challenge for the Egyptian government. Neither regional power can afford to provoke a conflict in a region already destabilized by the situations in Somalia, southern Sudan, and Yemen. The Ethiopian Prime Minister is forced to keep his promise to put the dam into service and the Egyptian President, concerned about the situation in Libya, cannot open a new front with Ethiopia. The solution can only be diplomatic.

The 27 June mini African Union Summit on this issue and the UN Security Council 29 June meeting were meant to encourage the two major parties to resume negotiations. It is in the clear interest of both countries to reach an agreement as soon as possible, and to open a new chapter in the history of the relationship between the two old Empires. Such an Agreement could set a precedent for other similar situations. It could, for example, serve as a source of inspiration for the nine states of the Congo River, to make their basin, the potential of which is greater than that of the Nile, a catalyst for the development of the entire region.