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***The Post-1990s Hydro- Diplomacy in Eastern Nile Basin Towards  
Changing the Power Asymmetry***

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**KEYWORDS**

Eastern Nile;  
Cooperation; Tension;  
Trans-Boundary;  
Diplomacy; Riparian  
harnessing its own water  
resources, away from

**Surafel Getahun**

International Relations at Dire Dawa University, Ethiopia  
Email : surafegeta@gmail.com

**ABSTRACT**

There have been diplomatic tensions and instances of threatening and concerned rhetoric between the countries of the Nile, especially between Egypt, Sudan and Ethiopia. This paper examined the post 1990 water diplomacy in eastern Nile River basin. For a long period of time in eastern Nile basin Egypt used to contain and influence the behavior of Sudan and other Nile River riparian states, particularly over issues pertaining to the utilization of the Nile's waters. This paper argues the post 1990 multi-lateral water diplomacy especially NBI reduce the established power asymmetries, while contributing to the "sustainable socio-economic development of all riparian's through the equitable utilization of, and benefit from, the common Nile basin water resources. On the other hand, following NBI, Ethiopia shifted from 'silent partner' to 'bargaining power' so that it involved through a successive water deal among the nine countries. Consequently, in 2009, the discussions among the Nile riparian are on establishing a cooperative framework agreement reached and the constructions of Ethiopia Grand Renaissance Dam on the Blue Nile near the Ethiopian– Sudanese border transforming Ethiopia from "silent partner" to "influential partner and it is considered as a historic event not only for Ethiopia but also for the members of NBI's. Drawing from lesson this article suggested that the Egyptians stand might not be consistence and the discussions and negation of Ethiopia on GERD project increasingly signaled a more flexible position on cooperating with the upstream states.

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## INTRODUCTION

Cross-boundary water is one of the most desirable natural resources that should be utilized based on the principle of equity and the rules of international law (Read & Garcia, 2015). By combining water expertise with diplomatic techniques and tools, water diplomacy offers a way to prevent and reduce political tensions related to water (Susskind & Islam, 2012). Water diplomacy, according to Hefny, and OSCE can help in reconciling and balancing these interests and negotiate solutions for people residing in different countries and advocating for more efficient water allocation in various sectors. (Yildiz, Yildiz, & Gunes, 2016) and (Kraska, 2009) integrate prevention and peace promotion, and water resources management (WRM) with the security question as the aim of water diplomacy.

The Nile is the world's longest river (6,825 km), with 11 riparian nations sharing its basin. The Nile is the longest river in the world (6,825 km), its basin connecting 11 riparian countries: Egypt, Ethiopia, Sudan, South Sudan, Burundi, Eritrea, Kenya, Republic of Congo, Rwanda, Tanzania and Uganda. The Nile has two major tributaries: the Blue Nile, originating in Lake Tana, Ethiopia; and the White Nile, originating in Lake Victoria and the mountains of Burundi, Rwanda and the DRC. Both the Blue and the White Nile meet at Khartoum in Sudan to form the main body of the Nile, which then flows through Egypt to the Mediterranean) (Yohannes & Yohannes, 2013).

The right to utilize Nile water has historically been dictated by three bilateral treaties the 1902 Nile Agreement, the 1929 Anglo-Egyptian Agreement and the 1959 Agreement on the 'Full Utilization of the Nile Waters (Sadoff & Grey, 2002). Egypt has resisted any changes to the status quo and insisted that the 1929 and 1959 agreements are legally binding. However, when Ethiopia and other African nations gained their independence from colonial rule, they refused to recognize the colonial-era agreements that unfairly gave Egypt a water-sharing advantage. These states contend that the previous agreements are not binding because they are not represented as colonial subjects (Tvedt, 2004); (Zelege, 2010). Sudan did not, however, come well out of this bargain and resentment against the 1929 agreement grew until it was rejected in 1958 by the government of the newly independent Sudan. 1959 agreement also reinforces Egypt's claim to "natural and historic" rights (Zelege, 2010); (Cascão, 2009).

In the late 1990s, representatives from all 13 Nile Basin countries came together to draft a comprehensive and fully inclusive legal agreement on the 'equitable and reasonable use' of the Nile the Nile Basin Cooperative Framework Agreement (CFA). Despite ten years of negotiation (2000-2010), the countries were unable to reach consensus. The downstream countries (Egypt and Sudan) rejected the CFA and refused to sign. The upstream countries, on the other hand, signed a version of the CFA that included all the articles to which the countries had agreed to during negotiations, while leaving the most contentious article for future resolution (Nicol & Cascão, 2011).

In 2011, a year after the CFA negotiations ended, Ethiopia announced unilaterally to construct the Grand Ethiopian Renaissance Dam (GERD) on the Blue Nile. Ethiopians perceive this dam to be critical in terms of their economic development, poverty alleviation, and regional influence (Yasmin, 2019). Egypt, after the GERD dam was announced, challenged Ethiopia's efforts by internationalizing the dispute, raising environmental concerns and issuing military threats. Despite these political threats and tensions, Ethiopia has continued the construction of the dam (Yihdego, 2013). On the contrary, there are still ongoing efforts in making multilateral and bilateral agreements so as to achieve cooperation between Eastern Blue Nile countries. One of these developments is an agreement declaring to end the water dispute on the Nile River signed on March 2015. This agreement mainly focuses on the GERD signatories have reached a 'Declaration of Principles' on regional cooperation, sustainable use of the water resources on the Blue Nile, peaceful settlement of disputes, and principle of developing trust among those nations (Merid, 2016).

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The main focus of this paper is to examine the water diplomacy since 1999 to present over trans-boundary water management along the Eastern Nile River basin. The paper theoretically approaches is based on hydro-hegemon theory; to describe the legitimacy of power asymmetry; to justify the transitioning of tension and cooperation issues during negotiations. My research focuses on these two Nile-based negotiations: the basin-wide Cooperative Framework Agreement drafting and negotiation process (1997-2010) and the ongoing three-country (Egypt, Sudan, and Ethiopia) project-specific negotiations on the filling and operation of the Grand Ethiopian Renaissance Dam (2011 – present). This paper analyzes the changing power relation in the Eastern Nile Basin in terms of the four pillars of power as stated by (Cascão & Zeitoun, 2010). They have applied these four pillars of power to indicate the hydro-hegemony of Egypt in Basin. These four dimensions of power include geographical power, material power, bargaining power and ideational power. However, in this paper these four pillars of power are used to analyzes and discuss Ethiopia's changing power relation in the Eastern Nile Basin.

## **METHODS**

Through policy analysis, this study will study policies and regulations that have been implemented by countries in the East Nile basin post 1990 related to water resources. It involves collecting and analyzing official documents such as laws, regulations, and government decisions related to water resources management. And in this method, the study will study documents such as treaties, protocols, and memorandums of understanding that have been signed between countries in the East Nile basin. These documents can provide insight into hydro-diplomacy efforts that have been undertaken and the results achieved in addressing water resource issues. Through interviews with key stakeholders, such as government officials, environmentalists, and local community representatives, the study was able to gain first-hand information about post-1990s hydro-diplomacy practices in the East Nile basin. These interviews can help understand the dynamics, challenges, and opportunities in water resource management and changing power asymmetries in the region. In this method, the research will collect relevant secondary data, such as research reports, case studies, and scientific publications related to hydro-diplomacy and water resources management in the East Nile basin. This data will be analyzed to identify trends, patterns, and factors that contribute to changing force asymmetries in the context of hydro-diplomacy. And Comparative analysis: This study will use a comparative analysis approach to compare hydro-diplomacy strategies, policies, and practices undertaken by countries in the East Nile basin. This will help in identifying differences and similarities in their approaches as well as understanding their impact on changing force asymmetry.

## **RESULTS AND DISCUSSION**

### **CFA Negotiation Process**

The CFA process started in 1997 when the Nile Council of Ministers of Water (Nile-COM) established a Panel of Experts (POE) with the support of United Nations Development Program and the Canadian International Development Agency (CIDA). The POE was comprised of three (two legal and one technical) experts per Nile Basin country and tasked with drafting a Cooperative Framework to help the Nile countries establish a way of achieving equitable utilization. Twenty-five of the original drafted articles received reservations. The majority of negotiating and reservation behavior came from Egypt, Ethiopia, and Sudan. The POE met ten times between 1997 to 2000 and, in that time, drafted 36 provisions that outlined legal and institutional elements that would help ensure equitable utilization of the Nile Waters (Yasmin, 2019). The following information about what took place during the eleven years of negotiation was informed by Nile basin officials, state ministers of water, and professional negotiators who were present at the negotiation table.

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**CFA Drafting and Negotiation Process**

Table 1 Negotiation Process

Date	Description	Number of individuals	Consensus building
1997	Panel of Experts (POE) drafted the Cooperative Framework.	3 experts per country; 2 international experts UNDP facilitator	Of the 36 provisions that are drafted, 17 are disputed.
2001	Transitional Committee (TC) converted the Cooperative Framework into legal text, the 'draft Cooperative Framework Agreement' (CFA)	2 legal experts per country 1 international legal expert UNDP facilitator	N/A
2003-2005	Negotiation Committee (NC) negotiated on the draft CFA from 2003 to 2005.	<sup>3</sup> 5 per country with 1 spokesperson 1 international legal expert World Bank facilitator	Of the 39 provisions, 8 remain disputed.
2005-2007	Nile Basin Council of Ministers of Water (Nile-COM) negotiated the disputed portions of the draft CFA.	NC members 8 Water Ministers 1 international legal expert World Bank facilitator	Of the 45 provisions, 1 remains disputed (Article 14(b) on Water Security)
2009	A joint Negotiation Committee and Nile Technical Advisory Committee (NileTAC) team negotiated on the disputed portion(s) of the draft CFA	Nile-TAC: 2 experts from each country NC: ~40-50 individuals World Bank facilitator	Egypt raises three issues: existing agreements, prior notification, and amendment by consensus
2010	Final negotiations by the Nile-COM in Kinshasa, Alexandria, and Sharm El Sheikh.	8 Water Ministers World Bank facilitator	Upstream/downstream divide occurs as upstream countries decide to sign a 'clean' draft of the CFA
May 19, 2010	CFA open for signature		4 countries (Ethiopia, Rwanda, Tanzania and Uganda) signed
June 13, 2013	ratification		Ethiopia ratified

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### **Egypt, Sudan and Ethiopia Disputed Position on CFA Drafted Provisions**

Throughout the negotiation period Egypt and Sudan egoistically defended the inequitable status quo. Regarding CFA the first disagreement was the downstream countries Egypt and Sudan hoped to cement their use of the Nile through recognition of the 1959 Agreement, whereas the upstream countries particularly, Ethiopia perceived these negotiations to be an opportunity to establish rules on equitable water use in the Basin. With the exception of downstream countries, all countries agreed on the provision of “existing agreements which are inconsistent with the framework shall be null and void to the extent of their inconsistency”. Egypt and Sudan have a reservation to this clause and proposed that “the cooperative framework shall be without prejudice to existing agreements (Gashaw et al., 2015).

The second disputed principle was that of ‘equitable and reasonable utilization’. The POE originally recommended that this be defined by the same factors outlined in the 1997 UNWC. Ethiopia entered a reservation, arguing that the factors should be revised to take ‘Nile realities’ into account. The third disputed area was related to Article 17 (‘Prevention of causing significant harm’). Egypt suggested the title should instead read ‘Obligation not to cause significant harm’, as it is entitled in the 1997 UNWC. The POE’s text also stated that ‘Nile Basin States shall... take all appropriate measures to prevent the causing of significant harm’ – Egypt proposed strengthening the language by replacing the underlined text with ‘refrain from and prevent’. Whereas Egypt wanted stronger language, Ethiopia wanted to exclude the provision altogether. Ethiopia argued that the provision on ‘equitable and reasonable utilization’ already ensured that countries would not significantly harm others because every country had the right to ‘equitable and reasonable utilization’. This is very similar to their earlier critique of the 1997 UNWC that the ‘obligation of preventing significant harm’ put too much onus on upstream countries. In general, the upstream countries favored ‘equitable and reasonable utilization’ whereas Egypt favored ‘no significant harm’ (Yasmin, 2019).

The fourth disputed area was related to ‘planned and existing measures’ also commonly referred to as ‘prior notification’. The original POE text is similar to Article 12 of the 1997 UNWC, but does not include a detailed procedure on how information regarding planned measures will be shared. Ethiopia has reservation throughout the negotiation and it has called for the removal of all provisions of article 8. The justification is that for the current framework the provision of ‘information and data exchange’ as outlined in Article 7 is sufficient and issue of planned measures will be raised and become relevant if and only if equitable water sharing acceptable for all countries came to effect .In short, Ethiopia pushed back on the inclusion of this provision because it felt the procedures for ‘planned and existing measures’ put too much pressure on the upstream countries, and that the same practices were not being followed by downstream countries. The Egyptian and Sudanese members, on the other hand, suggested that Articles 11-19 of the 1997 UNWC be used in place of this provision The fifth and sixth disputed provision is ‘Environmental Assessments and Audits’ and ‘Water Has a Social and Economic Value’ – were major sources of dispute. In the case of Environmental Assessments, the original (POE) text read, ‘[t]he principle of environmental impact assessment of proposed measures and environmental audits of existing projects.’ Egypt and Sudan wanted the principle to only be applied to proposed projects (i.e., thereby excluding existing projects) and Ethiopia wanted Environmental Assessments to be conducted according to each country’s national policies rather than being imposed by the Nile Basin River Commission. Ethiopia and Kenya both wanted to emphasize the economic value of water, presumably because they can harness the Nile for economic benefits (through hydroelectric production). Egypt, on the other hand, wanted to exclude following text: ‘whose utilization should give priority to its most economic use’ because it would have prioritized upstream water use (Yasmin, 2019).

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The seventh point of dispute is on use of terms: Nile River Basin vs. Nile River System. The position of Ethiopia is that both terms should be used in appropriate place based upon the context which means that 'Nile river system' refers to Nile waters use and impacts while 'Nile River basin' refers territories, conservations and protections. Article 3 of the original drafted document uses the term 'Nile River basin'. Ethiopian representatives suggested that any reference to 'the waters of the Nile River Basin' should be replaced instead with 'Nile watercourses'. They pushed this in order to narrow the definition of water to blue water, partially so that Egypt could not argue that it was receiving less than its equitable share. Egypt wanted to solidify its historical rights to the use of the Nile, while Ethiopia wanted to ensure its own use. Sudan often, but not always, acted in concert with Egypt (Yasmin, 2019).

### **Signing and Ratification of the CFA: The Beginning of the End of Egyptian Hydro-Political Hegemony**

The Nile-COM May 22, 2009 in Kinshasa, DRC meeting was identified by many a major turning point in the CFA negotiations. It was during this time the 'upstream' and 'downstream' positions would be formally splintered (Zaerpoor, 2019). Following, Kinshasa meeting the NBI Secretariat, Nile-SEC, prepared the CFA text for signature on July 3, 2009 and the Nile Basin countries were given one year from the Sharm el Sheikh meeting to sign the CFA. On April 13, 2010, Nile-COM met the day after the final Nile-TAC and Negotiation Committee meeting, in Sharm el Sheikh, Egypt. The Water Ministers of the seven upstream countries reiterated their position from the Kinshasa meeting. While the downstream countries pushed again for renegotiation of the three points – Article 14(b) on water security, prior notification, and amendment through consultation. The upstream countries interpreted these actions as a strategic move by Egypt to stall the negotiation.

The lack of progress in establishing a permanent cooperative institution through the NBI caused four upstream states Ethiopia, Kenya, Tanzania, and Uganda to sign a new Nile Cooperative Framework Agreement (CFA) in 2010, and they were followed by Burundi in 2011. This was accomplished despite strong objections from Egypt and Sudan, the two states who significantly benefit from the status quo. The upstream states argue that the CFA of 2011 replaces the 1929 and 1959 agreements while Egypt objected and reacted with threats of violence (Warner, 2012; Andreas, 2014). For the first time the upstream water producing states joined a coalition against the traditional downstream hegemon. Egypt and Sudan subsequently removed their membership from the NBI. This time Egypt is on the outside and its power to dictate the agenda and influence the discourse by threats and promises is reduced considerably (Nicol & Cascão, 2011). In 2013 Ethiopia became the first Nile basin state to ratify the CFA, followed by Rwanda, and, most recently, Tanzania on March 26, 2015. Recently South Sudan has declared to join it and Democratic Republic of Congo is expected to join soon. However, Egypt and Sudan have still persisting not to sign the agreement with the aim of maintaining the status quo. Ethiopia had been playing a leading role for upstream states to come to negotiation and for the signing of CFA.

### **The Role of CFA AND NBI in shifting the Power Asymmetry in Eastern Nile Basin**

The post 1990 the two-track approach to water diplomacy in the Nile Basin – the development of the CFA (a legal framework) in parallel with the trust-building efforts through the work of the NBI (a transitional basin-wide institution) – is the most important enabling factor for engaging all the Basin countries to cooperate for over a decade. The period of the development of the CFA and the NBI can be seen as the birth of a counter-hegemonic tendency in Nile Basin politics. It made the upstream countries question the old treaties of 1929 and 1959 and how they influenced the distribution of the benefits of the Nile. The CFA itself can be used as a tool for the upstream countries (Salman, 2013).

Overall the CFA is mostly seen as the counter-part of the upstream riparian's within the NBI as described above it brought a new change in regional geo-political discourse. Thus, CFA provides

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equity, reasonable and fairness based principle alternative to the inequity and dysfunctional principle of 'acquired and historic rights' In this case, CFA has a role in creating a counter hydro hegemonic narrative. According to (Ibrahim, 2010) quoted also Gashaw ( 2015) the introduction of CFA is more to do with counter hegemonic value than legal value and "CFA is best explained as a first step to counter and undo the hegemonic actions of Egypt that have been instigated since the beginning of the nineteenth century". The most important point of the CFA is the principle that each country can utilize the waters of the Nile in its own territory, if keeping multiple determinants of fair and reasonable usage (Salman, 2013). Second, it will enable upstream riparians to mobilize their resources to engage in large hydraulic mission (Ibrahim, 2010). Furthermore, the CFA gave a voice to the upstream countries and according to Salman (2013) it helped balancing the power. First and for most, It has reduced Egypt's ability to dictate the agenda by uniting several upstream states around a common goal. The coalition, and their argument of equitable utilization, can also be argued to give upstream hydro-development additional legitimacy (Ibrahim, 2010). With upstream countries' signing of the CFA, Egypt has to a significant extent also lost the ability to influence the hydro-policy of upstream states. Ethiopia on the other hand, who chose to remain outside of Undugu and TECCONILE is now advantageously situated in this new coalition of upstream states. Finally the Sudan seems to change its position on the issue of a renegotiation, causing Egypt to lose an important ally in the Nile Basin (Andreas, 2014).

The combination of the afro mentioned factors appears to have improved Ethiopia's bargaining position to a significant extent. On the other hand, the CFA was regarded by Ethiopia as an opportunity to alter the geopolitics of the Nile Basin, and therefore they influenced the process that led to its installment. They used the CFA and its articles, like article 14, to make the historical rights narrative of Egypt and Sudan less relevant (Getachew, 2018). Also, the principle of the CFA that each country can utilize the waters of the Nile in its own territory was used to create an alliance of upstream riparian countries. Lastly, the CFA provided more soft power to Ethiopia as it gave a legal basis to assert agenda's and basin wide discourses regarding the utilization of the Nile River.

### **The Commencement of GERD: The End of the Old Asymmetry Power Relations to Towards Balanced Power Relation in Eastern Nile**

In April 2011, Ethiopia announced its plan to build the 6000 Megawatt Ethiopian Renaissance dam. The reservoir will be the largest water-body in Ethiopia, with a capacity of 63 billion cubic meters water, twice the size of the largest natural lake in Ethiopia, Lake Tana (Hammond, 2013). Hydro-hegemony scholars celebrated the two developments the signing of the CFA and the launching of the GERD describing them as a "contestation of both the rules of the game and the sanctioned discourse underpinning the previous and long-standing hegemonic arrangement maintained by Egypt (Zeitoun et al., 2014).

Building the GERD, in particular, was regarded as a step that would not only change realities on the ground, but would also set a new discourse and agenda on hydraulic projects in the basin, ending the era of 'veiled' and 'apparent' consent (Zeitoun et al., 2014). In line with this assessment, other scholars variously described the signing of the CFA and the construction of the GERD as the culmination of 'an African spring' that would engender "more balanced power relations vis-à-vis the downstream riparians" (Salman, 2013), a 'revolution' that would help Nile riparian states transcend the 'hydro-political stalemate' and work for greater regional integration (Verhoeven, 2011), and the beginning of an "end to Africa's oldest geopolitical rivalry" (Gebreluel, 2014). The unilateral construction of the GERD was viewed as a natural reaction to the failure to reach a compromise between upstream and downstream countries on a legal framework to organize the utilization of water resources and to deliver tangible results from cooperative institutions. It was deemed an exercise of Ethiopia's right to use the water resources within its territorial jurisdiction in the interests of its nation (Yakob, 2012; Mulat & Moges, 2014).

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Besides Ethiopia's apparent hegemonic aspirations, this shift toward unilateral actions might also be fuelled by disappointment in the regional framework (Nicol & Cascão, 2011). The GERD is an interesting case for evaluating counter-hegemony from a benefit-sharing perspective for two reasons. First, as noted earlier, the Nile River was studied as one of the cases of 'negative hydro-hegemony' where the long-standing hegemon, Egypt, utilized water resources at the expense of upstream riparian's. Given its unprecedented scale, the GERD constitutes a real challenge to this Egyptian hegemony and signals a remarkable rise in Ethiopia's potential for exploitation of the Nile water. The launch of the project cannot be seen in isolation from other significant changes in power relations in the Nile Basin over the last decade. It is particularly significant that the GERD was initiated just one year after five Nile Basin countries, including Ethiopia, signed the Cooperative Framework Agreement for the River Nile Basin (CFA), a step that Egypt regarded as a threat to its historical rights in the Nile water. Egypt's subsequent withdrawal from the Nile Basin Initiative, the regional platform established in 1999 for basin cooperation, and the freezing of plans for joint hydropower projects, are cited by Ethiopia as reasons for proceeding with the unilateral construction of the GERD.

The situation after the announcement of the commencement of the GERD started to change in the in eastern Nile Basin hydro diplomacy. In the aftermath of the 2011 Egyptian revolution, Egypt scrambled to react appropriately to Ethiopia's announcement of the GERD. A few weeks after the GERD's inauguration, an Egyptian Public Diplomacy Delegation visited Ethiopia. The following month, Former Egyptian Prime Minister Essam Sharaf traveled to Addis Ababa, Ethiopia and then hosted Meles in Cairo in September. Despite Egypt's initial surprise at the announcement of the GERD, Sharaf made a point to express his support for Ethiopia's right to develop and for regional cooperation on the dam: 'this dam, in conjunction with the other dams, can be a path for development and construction between Ethiopia, Sudan, and Egypt' (Al Jenaibi, 2010). On the other, hand, following the lunch of GERD, Ethiopia has been tried to build trust in the early stages of the GERD negotiations in three ways. First, Ethiopia attempted to rebuild trust by emphasizing the possibility of a 'win-win' outcome for the GERD; Second, delaying Ethiopian ratification of the CFA (signaling a willingness to cooperate as a region) and establishing the IPoE. Ethiopia also gained Sudan's trust by conducting public consultations in Khartoum and by changing the dam's design to address Sudanese concerns about the structural integrity of the dam.

### **The Turning Points and Difficulties on the Negotiation Track of GERD from 2012 to Present**

The GERD negotiation process started in November 2011, when representatives of the three Blue Nile countries (Egypt, Ethiopia, and Sudan) met to establish an International Panel of Experts (IPoE) to review the dam design documents and studies conducted by Ethiopia to assess the dam's safety and downstream impacts (Cooperative Waters, 2016). The IPoE, which was comprised of two experts per country (i.e., six national experts in total) and four international experts, started to meet in May 2012. The IPoE's Final Report, released one year later, was accepted by Ethiopia and Sudan, but rejected by Egypt. The following describes the main turning points and difficulties on the negotiation track.

### **The International Panel of Experts (IPoE) in 2012**

The IPoE was the first milestone in the negotiation process, where the three parties agreed to form a panel consisting of members from the three states in addition to international experts. It was tasked with determining the negative impact of the GERD and identifying ways to mitigate it. The panel's report discloses no basic flaws with the GERD's construction, yet recommends that two further studies on its impact on Egypt and Sudan be conducted (Attia & Saleh, 2021). The IPoE, which was comprised of two experts per country (i.e., six national experts in total) and four international experts, started to meet in May 2012. The IPoE's Final Report, released one year later, was accepted by Ethiopia and Sudan, but rejected by Egypt. As a result of saber rattling by Egyptian President

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Morsi, tension between the three countries quickly flared until early July 2013, when Morsi was overthrown and replaced by President El-Sisi. The negotiation process did not resume again until after President El-Sisi and former Ethiopian Prime Minister Hailemariam Desalegn met at the annual African Union summit in June 2014 (Zaerpoor, 2019). In August of 2014, the three Ministers of Water agreed to establish a Tripartite National Committee (TNC) (comprised of four national experts per country) to select and oversee the work of two international consultants that would conduct the studies recommended by the IPoE.

#### **The Tripartite National Council (TNC) In 2014**

The TNC consisted of members from each country tasked with selecting international consultancy groups to conduct the IPoE-recommended studies. Five months later, the countries resumed discussions through the Tripartite Ministerial Meetings, but with one key change: the Ministers of Foreign Affairs were also now officially included in these meetings (i.e., now 6-party meetings). The TNC failed due to disagreements on selecting international consultants to conduct the studies. Egypt demanded the construction of the dam be halted until the studies were completed, a request that Ethiopia rejected (Attia & Saleh, 2021).

#### **The Declaration of Principles (DoP) in 2015**

The Signing of Declaration of Principles Declaration of Principles (DoP) is a signed document between Egypt, Ethiopia and the Sudan on the 23 March 2015 for the first time in the history of Eastern Nile Basin, and seen as a step forward in enhancing cooperation in the Basin. The DoP is a remarkable milestone in the relations of the Nile Basin states, following the failure of the Cooperative Framework Agreement (CFA) in 2010, which provided the first legal framework signed by Egypt, Sudan, and Ethiopia for Nile Basin management. The DoP reiterates the necessity of implementing the IPoE studies and commits the parties to peacefully resolving the conflict based on principles that recognise Egypt's and Sudan's water needs. It also commits the parties to not cause significant harm and to equitably and reasonably utilise Nile waters. This was signed on March 23, 2015, by the three Heads of State – El Sisi (Egypt), Desalegn (Ethiopia), and al-Bashir (Sudan). The DoP diffused regional tension and reflected political commitment, at the highest levels, to reaching a peaceful solution to the GERD conflict (Merid, 2016). The DoP also consists of Ethiopia's policy on tran-trans-boundary water courses namely "equitable and reasonable utilization", "no significant harm" and "win-win" (DoP document).

The Declaration of Principles also signifies a compromise on the parts of Eastern Nile Basin states. Because in reality no country got all what it demands, or agreed with an absolute loss. Interestingly, many of the principles included in the DoP are very similar to what is included in the Nile Basin Cooperative Framework Agreement (Zaerpoor, 2019). As a result, the DoP contains some principles that balance the rights and interests of the signatories. Therefore, a significant part of the declaration addresses issues relating to cooperation, confidence building, exchange of information and data, as well as peaceful settlement of disputes (Merid, 2016). The signing of the DoP can be viewed as a development having a potential to transform the strain challenging regional relations in the Eastern Nile Basin. And as a matter in fact the DoP should however be treated as manifesting political as opposed to a legal commitment of the signatories (Solomon, 2015). Due to this Ethiopia has managed in bringing its long held principle of "equitable and reasonable" utilization of its Tran-boundary Waters to be signed by downstream states. This indicates on the how Ethiopia began to leverage on Basin's issues after commencing the GERD. The situation after the announcement of the commencement of the GERD started to change in the Basin. And, above all the Declaration of Principles over the GERD has been signed among the Eastern Nile Basin states; in which each compromise their former stance towards the use of the Nile. And, through the GERD project Ethiopia has come up with a very creative and innovative way to liberate from the hydro-hegemonic order, to bring about a Nile Basin regime with "equitable and reasonable" usage of water (Merid, 2016).

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### **The National Independent Research Scientific Group (NIRSG) in 2018**

The NIRSG, a nine-party mechanism, was created to select international consultancy groups that would conduct the IPoE studies. The NIRSG made significant progress in discussing the procedures for the first filling. Although the Ministers again reached a deadlock, they agreed to create a National Independent Scientific Research Study Group, a group comprised of experts and academics from the three countries, to work on developing proposals for filling the dam in time for the adjusted date of the first filling (July 2018) (Attia & Saleh, 2021). The National Independent Scientific Research Study Group met for the first time at the start of June in 2018 and submitted their final report a few months later, on August 15. However, three main parties were also unable to reach a compromise on the long-term operation and coordination mechanisms of the dam. Egypt did not accept their recommendations and negotiations broke down again (Zaerpoor, 2019).

### **The Washington Round in 2019**

Egypt invited the United States and the World Bank to the negotiations process as observers. Ethiopia withdrew from the process in 2020 and refused to sign the final US-proposed agreement that was drafted in Ethiopia's absence. The agreement sketches out the technicalities of the filling and the operations of the dam based on the positions of the three parties. Ethiopia later claimed it was technically impracticable and would severely limit the energy-generation capacity of the GERD. Ethiopia reluctantly participated in the US led discussion. It broadly agreed with the preliminary agreement over stages for filling the reservoir. It however backed out from the succeeding US led negotiations citing favoritism towards Egypt during the negotiations. Ethiopia claimed that the said proposal hinders use of the Nile waters within its territory. Ethiopia maintained its hesitation over internationalizing the dispute and rejected arbitration by the World Bank earlier in January 2018 (Attia & Saleh, 2021).

### **The process led by the African Union (AU) in 2020**

After Egypt brought the dam issue to the United Nations Security Council (UNSC) in 2020. A UNSC session urged the three parties to restart talks within the AU's framework (Attia & Saleh, 2021). The negotiations were derailed by multiple rounds of talks that focused on the structural aspects of the process rather than the contentious issues. The first years of negotiations were spent on the creation of successive bodies tasked with the procedural aspects of conducting the IPoE studies. The IPoE studies have still not been conducted. Ethiopia has rejected an Egyptian request to halt the filling of the dam until an agreement is reached (Al Jenaibi, 2010) and has proceeded with the second and third filling. The current negotiations on the GERD are at an impasse for two reasons. First, the countries are unable to agree on how to conduct the necessary studies needed to mitigate the downstream impacts of the dam. Second, they are unable to agree on how to fill or operate the dam (Zaerpoor, 2019).

## **CONCLUSION**

This study attempted to examine the water diplomacy and tension in eastern Nile basin from NBI to GERD projects. Accordingly, it argues the contemporary hydro politics of the Eastern Nile basin, Ethiopia challenged the Egyptian hydro-hegemony via 3 ways first by playing a leading role in the Basin's hydro-politics by bringing the legal issues of "equitable and reasonable" into the hydro-politics of the Basin. Second, Ethiopia has been leading the upstream states to a united front for the signing of the CFA. On the other hand, through the unilateral construction of the Grand Ethiopian Renaissance Dam Ethiopia have played crucial roles not only in challenging but also in foreshadowing the end of the inequitable trans-boundary water management. CFA has the role of breaking of hegemonic consent and transformative. Along to this, CFA has a role in creating counter hydro hegemonic narrative: downgrading the narrative of historical and acquired rights via narrative of equitable and reasonable utilization, securitization via de-securitization, win-lose via win-win, and

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you can live without Nile via we need Nile for development. After the commencement of the GERD as a fact on the ground Ethiopia has also been able encounter against Egypt's hydro hegemony in a more coordinated manner (including proposing for the formation of the IPoE) in the hydro-political agenda of the Basin. As a result, Egypt began to negotiate with Ethiopia concerning issues related to the construction of the dam. And, further by compromising from its former stance as a sole player in the Basin it has signed the DoP concerning the GERD with Ethiopia and Sudan. This trend shows that a significant challenge to the established and stable Egyptian hydro hegemony by upper riparian states is leading to better cooperation record, at least seen in historical context. Thus, CFA and GERD foreshadow a new emergent order capable of superseding the existing inequitable hegemonic order. Nevertheless, three Blue Nile countries faced several challenges. Therefore, this study calls for: First, scientific communities within all three countries need to work closely with politicians to craft an agreement that is both technically and politically feasible. International experts can help to conduct some of the technical analyses to improve the decision making process.

Second, Trust building needs to occur, not only among negotiators and Heads of State, but also among the publics of the three countries. Media plays a critical role in improving the public's technical understanding of the potential distribution of costs, benefits, and risks of longer-term cooperation of the Blue Nile dams. Concurrently, efforts should be made to reduce Egypt's dependence on the Nile over time.

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