



## Research Article

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# The Stalemate Over the Negotiation Process of the Grand Ethiopian Renaissance Dam (GERD)

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## Abstract

The paper examines the challenges that encounter the negotiation process over the Grand Ethiopian Renaissance Dam (GERD). The project would make a huge contribution to Ethiopia's economic development and energy demand, though Egypt and Sudan are concerned and seek a binding agreement on the dam's filling and operation. The dam has become a source of contention between Ethiopia, Egypt and Sudan. To de-escalate the intensity and reach a final and comprehensive deal, the three countries have negotiated multiple times, though it usually ends in disagreement. Position, colonial era agreements, securitizing, and internationalizing the GERD have been obstructing the negotiation. The article suggests that since distributive negotiation neither benefits Ethiopia nor Egypt and Sudan, the talks should be concluded with integrative ends. The parties should also have political will and commitment to make the GERD a platform for cooperation rather than conflict.

**Keywords:** Internationalization, Negotiation, Security, the downstream countries, the Grand Ethiopian Renaissance Dam (GERD), the Nile River

## 1. Introduction

### 1.1 Background

Water, as one of the most important natural resources, is essential to all aspects of human life in any country. It is difficult to maximize and protect human and economic growth when water is not available. A country may thrive without any other resources except water. Currently, the demand for water is increasing and experiencing due to global population growth, climate change, poor water management and large dam construction. New dams have the potential in contributing towards the achievement of the Sustainable Development Goals (SDGs). The dam construction has boomed in 2015, particularly in developing countries such as Africa, South America, and Eastern Europe. There are 60.000 dams in the world, with over 3.700 more planned or under construction. Such dams provide multi-purpose solutions for the growth schemes and policies of developing countries. Over the past ten years, there has been a surge in the building of large dams across Africa with the aim of producing hydroelectric power and better regulated water supplies. The majority of these dams are found along the Nile River Basin. Ethiopia is one of those countries which have been building dams

on the Nile water (Water Hub, 2019).

With 123 million people, Ethiopia is the second most populous country in Africa after Nigeria, and the population growth rate is estimated to 6.4% in 2021/22. It also remains one of the poorest countries in sub-Saharan Africa, with a per capita gross national income of \$1,020 (World Bank, 2022). Prolonged civil war, drought, famine and dependent on foreign aid for its survival became the manifestation of the country. The chronic famine that occurred in Ethiopia every year is sudden and unexpected due to unusual rainfall conditions (Mason, 2003). It is also one of the most power-starved countries on the planet and suffering from chronic shortage of food, and clean water. Currently, 65 million Ethiopians are without electricity, 25 million are under poverty and 25million of its population has no access to clean water and (Awulachew, 2017). Taking these into consideration, the country announced its plan to build a multi-billion dollar Africa's biggest hydropower dam, the Grand Ethiopian Renaissance Dam (GERD). The giant dam is expected to eradicate poverty and relieve its acute shortage of energy. The GERD is being built on the Blue Nile River in a place called Guba near the border with the Sudan. The dam has a reservoir size of 74 BCM with a generating capacity of 6000 megawatts of electricity when the construction of the project commenced in April 2011. But, after a passage of time, the generating capacity of the dam has been lessened to 5,150 megawatts of electricity due to financial constraint and pressure from the external actors. The GERD will boost the country's current production capacity and carbon free industrialization. Ethiopia has seen the project as crucial for its economic growth that pull millions of its citizens out of poverty. The dam has also a potential to light up millions of homes and earn billions from electricity sales to neighboring countries (Brookings, 2020, New York Times, 2020).

Ethiopia stipulated that the GERD cause no significant harm on the downstream countries, Egypt and Sudan. However, the two countries have expressed their concern over the filling process of the dam. They viewed the project as an existential threat to their water, food, and environmental security. Thus, the announcement of the GERD has sparked a long-standing dispute among the three core Nile riparian states (Kasimbazi, 2020). To resolve their differences, high levels of meetings and discussions have been taking place among the parties multiple times but reaching a comprehensive agreement on the filling and operation of the dam has become difficult. What makes difficult the negotiation process over the GERD? The paper attempts to respond the sticking points that make the negotiations process so hard and propose some possible solutions and recommendations for achieving a peaceful and cooperative outcome on the issue under study. The paper has been organized into four sections, including the introductory section, the second section introduce conceptual framework, the third section spot light the challenges of the negotiation on the GERD and the final is the discussion and conclusion sections.

## 2. Materials and Methods

### 2.1 Description of the Study Area

From the geographical point of view the Nile is the longest river in the world, which flows 6825 km over 35 degrees latitude from south to north, encompassing the Equatorial Lakes region and north-eastern Africa (Yacob, 2007). The White Nile, Blue Nile, and Tekeze-Atbara are the three principal tributaries of the Nile. The Nile drains a catchment area of 3.1 million sq.km equivalents to 1/10 of the African continent. The Nile Water Basin is shared by eleven countries and home to more than 400 million people. The countries can be divided into upstream (Ethiopia, Kenya, Uganda, Tanzania, Rwanda, Burundi, Eritrea, South Sudan and the Democratic Republic of Congo) and the downstream countries (Egypt and Sudan). The Nile River system is formed by two distinct major tributaries, commonly called the Blue Nile and the White Nile, which merge in Sudan to form the Main Nile. The Ethiopian highlands are the sources of Blue Nile and the Great Lakes regions are the sources of White Nile that contribute 86% and 14% all Nile water, respectively (Ayebare, 2010). Lake Victoria is shared by Tanzania, Uganda, and Kenya, and the Kagera River, the main river entering Lake Victoria,

originates in the highlands of Burundi and Rwanda. The Democratic Republic of Congo and Uganda share the Semliki River, which flows into Lake Albert (one of the sources of the White Nile), as well as Lake Albert itself. The White Nile consolidates itself in the new state of South Sudan. Eritrea shares the Setit River, a tributary of the Atbara River, with Ethiopia, which is the source of the Blue Nile and almost all of its tributaries. The monsoonal rainfall over the highlands of Ethiopia generates the majority of the flow into the system via the Blue Nile, the Tekeze-Setit-Atbara, and the Baro-Akobo-Sobat sub basins (Sutcliffe & Parks, 1999, as cited in Wheeler et al, 2016), while only approximately half of the contribution of Lake Victoria region emerges from wetlands of South Sudan.

## 2.2 Methodological Approach

The study has employed a qualitative research approach, where data collection and the technique of analysis involve describing and contextualizing the findings in view of the challenges that faced the negotiation process over the Grand Ethiopian Renaissance Dam (GERD). This can be explained through examining written documents and scholarly written papers on the project. The paper has been organized into five sections, including the introductory section, the second section introduce material and methods, the third section spot light conceptual framework, the fourth section states the sticking point of the negotiation on the GERD and the final is the discussion and recommendation sections.

## 3. Results and Discussion

### 3.1 Concept of Negotiation

This section commences by examining the various conceptualizations of negotiations that have been put forth by literature. Negotiation can be defined as the process which combines diverging values into approved decisions (Zartman 1978, as cited in Daoudy, 2009). A negotiation is the process of engaging in an interactive communication process that can occur anytime when we desire something from someone else or they want something from us, some interests are shared during a negotiation, while others are opposed (Petrescu, 2011). Negotiation is the most effective alternative dispute resolution method, which enables parties with conflicting interests to have a conversation that benefit both parties to reach mutually beneficial solutions (Wachtel, D., 2011). In addition to examining shared interests, negotiation goes beyond simple argumentation and manipulation. Being assertive rather than confrontational is necessary during negotiation. Negotiation is not a quick remedy but it takes time and effort (Wachtel, D., 2011, Petrescu, 2011).

The goal of negotiation is to get to a mutually agreeable resolution by meeting with the disputing parties. Each party represents its own interest, and there is neither facilitation nor mediation by a third party. In order to come to a mutually acceptable agreement, stakeholders who are in opposition to each other or who are at odds with each other may participate in voluntary negotiations that take into account their needs and interests. Negotiations and decision-making are usually guided by one of two prevailing strategic orientations: distributive /competitive or integrative/ collaborative (Wolf and Jarvis, 2014).

### 3.2 Distributive and Integrative Negotiations

Distributive /competitive/ negotiation is a negotiation in which one actor wins at the expense of others and each tries to change its utilities in its favor. In distributive negotiation there is the zero-sum (win-lose) game in the negotiation process. On the contrary, integrative/cooperative negotiation is a negotiation that satisfies all negotiating parties, by integrating their respective objectives. In integrative negotiation there is positive-sum (win-win) situation in the negotiation process and the

solution benefits everyone (Daoudy, 2009). In conflict, competition is often connected with distributive negotiations, whereas collaborative tactics are typical of integrative negotiations. Competitive/distributive strategies are frequently employed when dispute consider the resources under negotiations as 'limited'. To maximize their outcome, each party adopts competing techniques. Parties take a 'position' in order to gain power and control. On the other hand, collaborative/integrative approaches place more emphasis on finding different ways to solve problems through creative thinking and "mutual gains." If an agreement cannot be achieved, the alternative to both approaches focuses on the "walk away possibilities" that each party has. Neither party should accept a situation that is worse than their "best alternative to a negotiated agreement (Jarvis and Wolf, 2010).

Meanwhile, parties in negotiation would spot light on position or interest to achieve their objectives. Positions are what parties say they want in terms of the resource in contentious water-related situations where as interests are what these parties truly desire and what motivates their needs. Positions are often rigid, immediate, and deeply held, resulting in intractable behavior and action. Interests reflect the parties' broader and longer-term aspirations and hopes in any contentious water-related situation. That is why alternative dispute resolution (ADR) literature emphasizes the importance of shifting the focus of talks from positions to interests. Integrative bargaining depends on determining the values and interests that support a position, using these interests as the cornerstone of long-lasting agreements, identifying the root cause of the conflict and developing procedures that address it, and emphasizing both the procedural and psychological satisfaction of parties in addition to their substantive satisfaction. Interest-based bargaining or negotiation is the preferred way to accomplish this (Priscoli and Wolf, 2009).

Parties engage in traditional, positional, distributive negotiation by starting with a high position, keeping a low position in mind, and they negotiate to some place in between. On the other hand, interest-based or integrative bargaining entails parties working together to collectively address one another's needs and advance their shared interests. Instead of moving from position to counter position in the hopes of reaching a compromise settlement, negotiators using an interest-based negotiation strategy seek to understand the requirements and interests of other parties before formulating particular solutions. After identifying the interests, the negotiators work together to find a range of settlement options that could address each interest rather than advocating for a particular position. This promotes creativity among the involved parties, particularly in technical water management negotiations. In fact, the process can lead to solutions that no one would have considered before to the negotiations. From these cooperatively developed choices, the parties choose a course of action. The aforementioned negotiation strategy is frequently referred to as integrative bargaining due to its focus on collaboration, addressing shared needs, and the parties' endeavor to broaden the scope of the negotiation in order to reach a more advantageous choice for all involved. Position may be difficult to be reconciled; therefore, interest based integrative approach that would make the negotiation process over the GERD successful. Ethiopia and the lower riparian states have a lot of common and compatible interests so that bringing their interests closer together is a better course of action as they move towards negotiation and, eventually, cooperation and collaboration. This gives more possibilities for solutions because there are multiple positions that can satisfy each interest (Priscoli and Wolf, 2009).

### 3.3 *The Negotiation Process on the GERD*

Following Ethiopia commenced the construction of massive dam on the Nile River, tension was triggered and mounted in the region. To ameliorate the rising tension, Ethiopia and the lower riparian states agreed to negotiate on the contested dam. On 5, December 2011, Egypt, Sudan and Ethiopia have established the International Panel of Experts (IPE) to assess the impact of the mega project on the downstream countries. The IPE focused on dam engineering, water resource planning, hydrologic modeling, and environment and socio economic issues. The panel consisted of ten

members, two experts from each of the three countries, plus four other international experts (Salman, 2017). The panel's report reveals no fundamental flaws in the GERD's construction. Despite encouraging steps was viewed, the negotiations have been pushed to a rapid closure, even as the scope of the agreement is expanding to include the sensitive issue of water quotas. As a result, the efforts of the panel of experts to achieve their objectives are undercut by the disagreement among the parties (Addisu, 2020).

The next stage to resolve the issue over the GERD was the establishment of the Tripartite National Committee (TNC) by Ethiopia, Egypt, and Sudan in 2014. The TNC, which was responsible with choosing foreign consulting groups to carry out the studies recommended by IPE, was made up of representatives from each of the three countries. Two European advisory offices will be chosen by the parties to conduct technical studies on the Renaissance Dam and its impact on the downstream countries' share of the Nile water. However, disagreements about choosing foreign experts to carry out the study were the reason the TNC collapsed. In addition to this, Ethiopia denied Egypt's demand that the dam's construction be stopped until the investigations were finished (All Africa 2014).

The 2015 Agreement on the Declaration of Principles (DOP) on the GERD was the positive step among Ethiopia, Egypt and Sudan. DOP stipulated an equitable and reasonable utilization of the Nile water that will not cause significant harm to other riparian states. According to the DOP, cooperation must be based on mutual understanding, mutual interest, good intentions, benefit for all and the principle of international law. The signing of DOP was important to de-escalate the long standing tension among the three countries and beginning a more cooperative engagement regarding the development of the Nile waters (Anwar, 2017). However, this did not considerably forward the negotiations. Likewise, in 2018 the National Independent Research Scientific Group (NIRSG) was established by the parties. The NIRSG had planned to choose international consulting firms to carry out the IPE studies. The NIRSG made significant progress in discussing the procedures for the first filling, though it disagreed on baseline scenarios for the studies, due to Egypt's insistence on its current water use as a baseline. The long-term operation and coordination mechanisms of the dam proved to be uncompromisingly difficult for the three main parties to agree upon (Attia and Saleh, 2021).

On top of that, on November 6, 2019 the foreign ministers of Ethiopia, Sudan and Egypt had resumed talks in Washington under the observer of the third parties, the United States and the World Bank. Unfortunately, the US brokered discussion did not bring lasting solution and has been concluded without an agreement because Ethiopia expressed its dismay that the US backed the position of Egypt and Sudan during the Washington discussion. Following the failed talks in Washington, Egypt has called the United Nations Security Council (UNSC) to intervene over the Ethiopian Nile dam dispute. Thus, the development of the GERD had been reviewed by the UN Security Council after decade of deadlock in negotiations and referred to the African Union (AU). AU-led round of negotiations between the three parties was launched, ending in a deadlock in 2021. Likewise, Ethiopia, Egypt, and Sudan held the first, second third and fourth rounds of talks since the end of August 2023. The first negotiations in more than two years took place in Egypt and the second round took place in September in Ethiopia, but did not bring tangible changes. The third round trilateral talks took place in Egypt in November and the fourth round of talks in Addis Ababa in December (Sputnik, 2023).

The negotiations enabled the three countries to hold in-depth discussions on the major points of contention. To boost confidence and trust among the three countries, the parties negotiated the guidelines and rules for the GERD's initial filling and annual operation, though the talks ended without a resolution. Ethiopia accused that Egypt's possessive stance on the Nile water and a 'colonial era mentality' obstructed a collaborative resolution that would bring the desired outcome. Addis Ababa reaffirmed its commitment to the principle of equitable and reasonable utilization of the Nile water resources to meets the needs of the present and future generations. Egypt on its part labeled the talks as unsuccessful due to Ethiopia's 'persistent refusal' to agree on technical and legal compromises. Cairo stated that it reserves the right to defend its water and national security interests under international law (Addis Standard, 2023).

### 3.4 Sticking Points of the Negotiation

The feeling of historical injustice on the side of Ethiopia and historical rights on the side of Egypt has made challenging the negotiation process on the Ethiopian dam. Addis Ababa sees the GERD as a project that overcome the historic injustice relating not being able to use the Nile water for its development because of historic treaties and other claims of Egyptian hegemony. Cairo on its part considers the dam as a project that put at risk its water share from the Nile River. To secure its share of the Nile water, Egypt in particular needs binding agreement with Ethiopia that would maintain the status quo in its own favor. Ethiopia has objected a binding agreement that includes a permanent water allocation schemes that would cement Egypt's claim of current use and historical rights over the Nile River (Addisu, 2020). Ethiopia needs to avoid a permanent commitment for a water quota that extends beyond the GERD's filling period and demands a flexible agreement with a provision for periodic reviews. These various viewpoints have historical foundations and are a part of the customary approaches to Nile Basin management used by the respective nations. This indicates that each of the parties brought distinct needs and goals into the negotiating table. The colonial Nile Water Agreements, securitization and internationalization of the GERD are the main challenges for the negotiation process over Ethiopia's Nile dam.

#### 3.4.1 The Nile Water Agreements

One of the deadlocks on the negotiations and discussions process of the GERD is the colonial and post-colonial Nile Water Agreements. The two downstream countries Egypt and Sudan need to maintain their water quota that they obtained in the 1929 and 1959 water agreements. These agreements ensured historic rights and full utilization of the Nile water to Egypt and Sudan. The two countries insist that any agreement on the Nile must recognize the treaties that ensured their water quotas and those they continue to be binding. On the contrary, Ethiopia has rebuffed these agreements since the beginning. Ethiopia, a country that contributes 86 percent of the Nile water, is being used less than 1 percent of the water whereas Egypt and Sudan which are being contributed 0 percent have been using 100 percent of the Nile water. The 1929 Agreement was a colonial agreement, which had been signed between Egypt and Britain on behalf of its colonies, Sudan, Kenya, Tanzania and Uganda. The treaty banned using the Nile water by Sudan and other British colonies for irrigation, power generation and other uses without the prior agreement of the Egyptian Government (Abraham, 2004).

The 1929 Nile Water Agreement allocated 96 percent of the Nile flow to Egypt, and only 4 percent to Sudan, reflected the priority given to Egypt's interests. The agreement gave Egypt extensive rights on the Nile as well as veto power over the construction project on the river, in an effort to minimize any interference with the flow of water. The agreement had been infringing upon the rights of Ethiopia and other upstream states to undertake projects on sections of the river system. Ethiopia which was not a colony at the time completely rejects the agreement, claiming that it is a colonial-era design to promote Egypt's interests at the expense of all the riparian states (Allan, 2001). On top of that, the 1959 Nile Water Agreement which was signed between Egypt and Sudan allocated 55.5 billion cubic meter (BCM) (or 66%) of the rivers total 84 BCM Nile water flow to Egypt, and the remaining 18.5 BCM (22%) to Sudan and the rest 10BCM (12%) is left for evaporation (Tekuya, 2020). The 1959 Agreement on the Nile waters provided the large amount of water quantities for Egypt and Sudan (Wassara, 2013).

Ethiopia, a country that contributes the lion share of the Nile water, was not consulted by the 1959 agreement too. The colonial and post-colonial era Nile Water Agreements have reserved all the Nile water for Egypt and Sudan. From the genesis, Ethiopia has rejected the 1929 and the 1959 Nile Water Agreement that constrained its national interest on the Nile River. Hence, Ethiopia has taken various measures to counter the hegemony of Egypt and Sudan on the Nile Basin. Ethiopia and the other upstream states rejected monopolization of the Nile Water by the downstream countries and

began finding common ground for equitable utilization of the Nile Water. The old order imposed by the lower riparian states that dominated the Nile water for centuries, is being gradually and incrementally challenged by new realities and demands from upstream countries. The Nile Basin states have begun negotiations to prevail reasonable utilization of the Nile water among riparian states. The negotiation emphasized on the development, conservation and utilization of the Nile water resources. As a result, in 2010 Addis Ababa led the upstream states have formed a counter alliance, the Cooperative Framework Agreement (CFA), against half a century old alliance of Egypt and Sudan that established in 1959 (Salman, 2017). Unlike the colonial Agreements of the Nile Basin, the CFA has empowered the Nile Basin states to develop projects along the river without prior consent of Sudan and Egypt. However, Egypt and Sudan have refused the CFA that reverse their historic right on the Nile water. Ten months after the signature of the CFA, Ethiopia began constructing the GERD on the Nile River (Dahir, 2020).

### 3.4.2 Securitizing the GERD

Securitizing the project is the other challenge to the GERD negotiation. The successive Egyptian leaders from Mohammed Ali to Khedive Ismail, from Gamal Abdel Nasser to Hussine Mubarak, from Mohammed Mursi to Al Sisi consider the Nile water resources as a national security matter. When the issue of water turned from technics to politics and also from politics to security, it is always sticking point. The issue of the Nile water is technical for Ethiopia but it is a security matter for Egypt. In an interview with BBC (2005), former Egyptian Minister of Foreign Affairs and United Nations Secretary General Boutros Boutros Ghali conformed that water is the national security issue for Egypt.

According to article 44, 2014 Egyptian constitution, protecting the Nile water and maintaining Egypt's historic rights over the Nile River is committed by the state. This implies that the Nile water has become part of Egypt's national security issue. For Egypt, discussing on the issue of the Nile water, which is contrary to the 1959 Agreement, is being considered as infringing upon the country's constitution. That is why it is being led by the Nile Security Council headed by the country's president. Egypt has been using diplomatic and military instruments to achieve its national interest on the Nile River. A military pact was signed in 1976 between Egypt and Sudan following which Egypt stationed troops in Sudan, trained its military personnel and undertook joint military planning so that, in the case of aggression against one, the other would come to its rescue. This indicates that Sudan's territory would provide added depth to Egypt's geo-political objectives (Roba and Beruk, 2011).

**Table 1:** Regional alliance in the Nile Basin region

Year of Origin	Types of alliance	Allied states	Target states	External connection
1929	Nile treaty	Britain and Egypt	Ethiopia and the British colonies of Nile riparian states	
1959	Nile treaty	Egypt and Sudan	Ethiopia	
1963	Defence pact	Kenya and Ethiopia	Somalia	
1976	Defense pact	Egypt and Sudan	Ethiopia and Libya	
1978	Alliance of convenience	Egypt, Somalia and Sudan	Ethiopia	US support all three countries
1981	Tripartite treaty	Ethiopia, South Yemen and Libya	Egypt, Sudan and Somalia	Soviet Union support the countries
1991	Alliance of convenience	Sudan, Ethiopia and Eritrea		
1993	Defence pact	Eritrea and Ethiopia		
1994	Containment front	Ethiopia, Eritrea and Uganda	Sudan	US blessing

**Source:** Roba and Beruk

Furthermore, Ethiopia's regional wise collective approach towards the Nile water has been replaced by individual approach after the 2018 regime change in the country. Egypt used this opportunity and began fostering its ties with the upper Nile riparian states that signed the Cooperative Framework Agreement (CFA) with Ethiopia. Cairo has signed military and economic agreements with Uganda, Kenya, Burundi, South Sudan, Rwanda and Democratic Republic of Congo (DRC) from March 2021 to February 2024. The agreement helps Egypt to gain the support of the upper Nile riparian states amid escalating disputes with Ethiopia over the GERD. Meanwhile, Cairo and Khartoum say the dispute over the giant dam could threaten the peace and security in the Nile Basin region so that the U.N Security Council should intervene before the situation escalates. Ethiopia on its part insisted that the dam is not a matter of peace and security it is a matter of generating power so that it should not be brought to the U.N Security Council, though on 8 July, 2021 the Security Council discussed on the controversial Ethiopia's dam. The council has called Ethiopia and the lower riparian states to resume negotiations at the joint invitation of the Chairperson of the African Union and the Secretary-General of the United Nations to finalize, with a binding agreement on the filling and operation of the GERD. The council has also recognized Ethiopia's right to utilize the Nile water while preventing not to cause significant harm on Egypt and Sudan (Al Jazeera English, 2021).

The diplomatic failure due to securitizing the Nile water has been obstructing the negotiation process over the GERD.

Thus, exchanging war of words and beating the drum of war became common in the region. At the 2019 United Nations General Assembly Session, Egyptian President Abdel-Fattah el-Sisi said he would never allow Ethiopia to impose a "de facto situation" by filling the dam without an agreement. He warned that interference with Egypt's water is a red line (Middle East Online, 2020). Egypt and Sudan have also conducted joint aerial exercises the so called "Nile Eagle 1" and "Nile Eagle 2" and the largest military drill "Guardian of the Nile" in May 2021 in Sudan. On a related development, during a parliamentary question and answer session, Ethiopia's prime minister, Abiy Ahmed has warned that his country would deploy millions of people if Egypt goes to war over the dam dispute (Al Jazeera English, 2019).

### 3.4.3 Internationalizing the Negotiation

The GERD is located in a geopolitical hotspot region which is endowed with abundant natural resources, including hydropower, precious metals, oil, and natural gas. Additionally, the area is home to foreign armed forces from more than a dozen nations, including China, France, and the United States. This leads to partisanship regarding the states that foreign actors choose to support (Attia and Saleh, 2021). Thus, the construction of massive dam on the Nile River has brought new international players. The regional organization of the Arab states, the Arab League, is one of those actors. On June 23, 2020 the Arab League foreign ministers have met and discussed in Cairo and supported the position of Egypt and Sudan on the GERD. The League stated that any infringement against Egypt water quota is a declaration of war on the whole Arab world. The Arab League considers the water security in Egypt and Sudan is an integral part of the Arab national security. However, Ethiopia has rejected the meddling by the Arab League on the matter of the GERD. Similarly, on June 15, 2021 the Arab League foreign ministers met and discussed over Ethiopia's dam in Doha. The League called on the U.N. Security Council to begin work on the water dispute among Ethiopia and the lower riparian countries. Why the Arab League has held consecutive discussion with its member states, though the project is an African issue? Many Arab League member states with an impending water crisis have been turned to import food crops. In order to ensure their food security, Arab states including Saudi Arabia and United Arab Emirates (UAE), have invested on Egypt's and Sudan's agricultural sector irrigated by the Nile water (Mugira and McGinnis, 2019).

The Saudi Kingdom Holding Company has developed 100,000 acres of land for reclamation and cultivation in Egypt's Toshka South Valley project, a large scale national irrigation project which involves the irrigation and development of 540,000 acres of desert land using water from the Nile



River (Ghali and Farid, 2017). The United Arab Emirate (UAE), a country which is importing about 90 percent of its food, has also gained a foot hold in the Toshka project of Egypt as early as 1997. The UAE has spent \$100 million through the Abudabi Fund for Development of the Nile water. Furthermore, investors from the Arab states have been buying vast swaths of fertile land irrigated by the Nile River in Sudan to grow food crops and to sustain their populations. Most of this land has been allocated to companies from Qatar, Lebanon, Kuwait, Saudi Arabia, the UAE and Syria (Mugira and McGinnis, 2019). As a result of the above mentioned factors, the Arab states are being concerned that the dam would put at risk on their huge investment project in Egypt and Sudan. Thus, the interference of the Arab League has also locked the negotiation process on the GERD.

The U.S and the World Bank were the other international players on the discussion process of the GERD. On November 6, 2019 the foreign ministers of Ethiopia, Sudan and Egypt met with the U.S. Secretary of the Treasury and the president of the World Bank in Washington, D.C and resumed the discussion. The three countries reaffirmed their joint commitment to reach a comprehensive, cooperative, adaptive, sustainable and mutually beneficial agreement on the filling and operation of Ethiopia's Nile dam and to establish a clear process for fulfilling that commitment in accordance with the 2015 Declaration of principles. However, the discussion had been complicated and concluded without agreement (Alemayehu, 2020).

One of the major disagreements in the talks was that Ethiopia and Egypt had very different ideas about what they are negotiating for. Egypt has been negotiating for the Nile waters, or all of the Blue Nile flows, while Ethiopia has been negotiating for the GERD, a single water project. Ethiopia claims that the discussions were about the dam's filling and operation, not the distribution of water. On top of that, the way the U.S. State Department has been replaced by the Treasury Department to act as the foreign policy and diplomatic organ of the U.S. government has disappointed Ethiopia. However, such matters respecting foreign affairs are within the statutory Jurisdiction of the State Department, not the Treasury Department. Addis Ababa protested that the Treasury Department's and the World Bank's main intent during the discussion was to pressure on the country by signaling the financial coast of unwilling to obey their order. Ethiopia had expressed its dismay that the United States and the World Bank, evidently going beyond their status as an observer and proposed the agreements draft document which is against its national interests on the Nile water. However, the US administration stated that the draft agreement addresses all issues in a balanced and equitable manner (Seide and Fantini, 2023).

Addis Ababa left the US brokered negotiation which was held in Washington from November 2019 to February 2020. As a result, the three rounds of U.S. sponsored trilateral talks had been concluded without consensus (Alemayehu, 2020). Following Ethiopia's withdrawal from the Washington talks, the U.S. government has used one of the foreign policy tools soft powers on Ethiopia. Washington has approved a plan to withhold U.S. foreign assistance to Ethiopia as a punitive measure for its rejection of Washington's mediation. The cut includes military assistance, anti-human trafficking programs, counterterrorism and broader development assistance funding (Foreign Policy, 2020). The US action was a shadow over the negotiation process of the GERD.

Moreover, the former US president, Donald Trump, had incited Egypt to wage war against Ethiopia. The president said that Egypt would not be able to live with the dam and might "blow up" Ethiopia's Nile dam (BBC, 2020). The provocative remark of the Trump administration has fueled tension over the disputed GERD. The move has been seen in Ethiopia as a definite show of support for the downstream Nile Basin states, particularly Egypt. Therefore, Washington's carrots and sticks approach are unlikely to persuade Ethiopia to sign a treaty that allegedly affects its rights to use the Nile waters (Foreign Policy, 2020).

#### **4. Discussion**

In order to promote coordinated development of investment projects in the Eastern Nile Basin, Ethiopia, Sudan, and Egypt had agreed to launch three Joint Multipurpose Project in 2005 under the

Nile Basin Initiatives (NBI's) auspices. The World Bank was invited by the three countries to form an impartial expert team and carry out a scoping study in order to help and choose a first round of multipurpose projects that would benefit all three countries. The team determined that the most promising investment opportunities for a joint multipurpose project were in the Blue Nile Basin in Ethiopia (Mohammed et al, 2021). There were three multipurpose projects which had been chosen by the parties and the GERD was one of those projects. This implies that the GERD project on the Nile River was not a new phenomenon for the lower riparian countries. Based on the above mentioned facts, in May 2011, Addis Ababa started constructing the massive dam on the Blue Nile River (Addis Admas (Amharic), 2020).

Egypt and Sudan are not happy about the construction of the GERD on the Nile River. The two countries have tried to stop the dam's construction and operation because they want guarantee to their water supply but Ethiopia has gone ahead with its plan and the dam's reservoir has been filled. In addition to how it will fill and operate the dam, the downstream countries require Ethiopia to enter into a legally binding agreement to discharge a large volume of water from the GERD reservoir during the times of drought, prolonged drought and prolonged dry season in order to assure that Egyptian and Sudanese dams are always full of water throughout the year and under any climatic conditions. For instance, if the GERD stores 74 BCM during prolonged drought and dry years, Ethiopia will retain 25 BCM and release 49 BCM, to Egypt and Sudan (The Reporter, April 4, 2020).

This means that the GERD power generation output and all related development efforts would be shut down until the dry season ended, regardless of how long it lasted, whether it was one or five years. Simply, the Egyptians are attempting to reach a deal that will make the GERD a backup reservoir for Egypt's and Sudan's dams and irrigation systems. Egyptians are attempting to compel Ethiopia to acknowledge a colonial pact that solely benefits the downstream countries. Accepting such agreement to Ethiopia is nothing short of recognizing the water share allocated in the 1959 bilateral treaty between Sudan and Egypt. If Ethiopia accepts such a request, it will be forced to seek Egypt's approval for every drop of water. By doing so, the downstream countries are aiming to bind Ethiopia with such unfair legislation. Moreover, Egypt expressed its intention to open an office in the GERD site to closely monitor the filling and operation of the dam. It vowed to reserves its right by international charters and accords to defend its water and national security in case of any harm, though Ethiopia dismissed the intention which is against its sovereignty and territorial integrity (The Ethiopian Herald, December, 2023).

Contrary to Cairo and Khartoum, Addis Ababa has consistently denied its dam will adversely affect the downstream countries. However, the lower riparian countries still expressed their concern that filling the GERD reservoir will have a detrimental effect on their share of the Nile water, the performance of their hydropower reservoirs and the countries' farm land. Particularly, Egypt that rely on the Nile for more than 90 percent of its water supply fears a devastating effect on its population of 100 million (Al Jazeera English, 2020). Sudan is enthusiastic about the GERD, though it has serious concerns about Ethiopia's unilateral filling of the dam (CBS News, 2019).

Ethiopia discords with such concerns of the lower Nile riparian states. The filling of the dam will not decrease the water share of Egypt and Sudan over the long term, but it will decrease the flow during the time it takes to fill the reservoir. The GERD will reduce only 7-10 percent of power that generate from the Aswan dam of Egypt. Currently, the Aswan dam alone is being generated 2100 megawatt of electricity. If the power is reduced by 10 percent it will decrease 210 megawatt of power from the dam. Egypt's total power generating capacity is 40,000 megawatt electricity so far. Based on this fact, the amount of power that Egypt loses is only 0.07 percent. This indicates that the filling of the GERD has no significant harm on Egypt (Addis Admas (Amharic) 2020).

Instead the GERD has enormous benefits for the downstream countries. How does the GERD benefit the economy and energy security of the lower riparian states? The dam has economic advantage for regional countries through generating electricity at a low cost and supplying more fresh water to more people. The construction of the dam would reduce siltation at Lake Nasser, improve water supply, increased protection against folding seepage and spillage and major reservoirs

in Egypt (IPE, 2013). Furthermore, the GERD area's topography is better suited for water storage than Egypt's desert terrain, which has a higher rate of evaporation (Ali and Admasu, 2021).

Ethiopia's mega dam would also benefit Sudan in various ways. Since Sudan has lost its former oil rich region, South Sudan in 2011, its oil based economy has been diminished. Thus, importing cheap electricity from Ethiopia would enable Sudan to export more of its diminished petroleum production to international markets (Whittington et al., 2014). Similarly, rainfall over Blue Nile Basin supplies over two-thirds of the water to the Nile from July to October during the short rainy season on the Ethiopian highlands. This leads to heavy flooding and sedimentation that reduces hydropower production and wash away crops in the downstream countries. Sudan has been spending hundreds of millions of dollars to curb those catastrophes. Thus, building dam in Ethiopia has ecological advantages like better flood control and reduced sedimentation in Sudan (Verhoeven, 2011). The GERD will also improve navigation, irrigation, power generation, low flows, and hydraulic productivity by minimizing sediment transfer in downstream countries (Lashitew, 2020).

The construction of the massive dam has escalated the tension in the Nile Basin region that would affect the region in general and Ethiopia, Sudan and Egypt in particular. To pacify the diplomatic standoff among the parties, negotiation has been held over more than a decade but it dragged and concluded without a break through. The lower riparian states point of view is totally different from Ethiopia's views. Egypt and Sudan pushed for maintain the status quo and historical right over the Nile water whereas Ethiopia needs to reverse the historical injustice on the utilization of the Nile water. Addis Ababa blasts that the current and future generations, as well as the modern world scenario, would not allow for the continuation of this blatant injustice and unfairness in the use of Nile waters between Egypt and Sudan (The Ethiopian Herald, December 2023).

The three parties have divergent position on the negotiation process. Normally, countries will agree when negotiation is held based on interest rather than position. According to Delli Priscoll and Wolf (2009), the lesson learnt from nearly 40 years of experience negotiating over shared water resources is to "negotiate and solve problems by satisfying interests rather than capitulating to positions." Countries may not agree if negotiation is undertaken bank on position instead of interest. Reaching on final and binding agreement on the water volume of the downstream states is the position of Egypt while power generating is the underling interest of Ethiopia. As a result, the negotiation process over the GERD usually ends in disagreement.

#### 4.1 *The Way Forward*

If there is political commitment, the parties would turn the GERD from confrontation to cooperation. The commitment must bring trust among stakeholders that prevent water conflicts at transboundary level and promote water as an instrument of peace and cooperation. Addressing this problem will help the conflicting parties to work together, reach on mutually acceptable agreement and ensure equitable utilization of the Nile water among them. It also enables the continuation of the construction of the GERD without harming the downstream countries. The Nile Basin countries have common destiny to live and develop together. It is their destiny that brings them together on the issue of the Nile not an accident, therefore, all parties should recognize the need for diplomatic solution to create a good balance between the interests of different actors and settle the political dead lock on the GERD.

The states should use soft power (the use of persuasion) that makes all parties winner rather than hard power (the use of force) makes parties loser. On top of that, it was better negotiating one another instead of inviting the third party that does not figure out the destiny of the riparian states. The third party always brings its own interest which is contrary to the parties. In fact, sometimes the conflicting parties may require assistance from external actors to facilitate dialogue rather than to dictate solutions when talks are difficult to begin or have reached a standstill. The mediator must be the party which has no special interest in the Nile Basin region such as the African Union. Moreover, there must be rules and guide lines that bind the role of the external actors during the discussion.

The third party should also play an impartial role and embrace a credible and genuine mediation among the parties in order to bring lasting solutions.

The downstream countries, Egypt and Sudan should also abandon the colonial and post-colonial Nile Water Agreements that infringe upon the rights of Ethiopia in utilizing the Nile water and gave the right to full utilization of the Nile water for Egypt and Sudan at the expense of Ethiopia and other upper riparian states. The lower riparian countries ought to consider the fact that their continued adherence to the then-colonial leftover agreement had a negative effect on the Nile riparian countries. As such, they ought to renounce the colonial-era agreements in favour of the Cooperative Framework Agreement (CFA). The CFA, which is contrary to the colonial and post-colonial bilateral Nile Agreements, ensures fair and equitable utilization of the Nile Water among basin states. Signatories of the CFA believe that a new agreement must replace the 1959 treaty with a more comprehensive, inclusive and relevant legal framework. It is an agreement which intend to set up a legal framework for equitable and fair utilization of the Nile water among all riparian sates and call for a re-allocation of resources among riparian states if necessary (Dahir, 2020).

On top of that, the other constructive way to resolve the conflict over Ethiopia's dam is to examine the dam's benefits from an integrative standpoint that serves the interests of all parties involved. Since distributive (zero sum game) negotiation neither benefits Ethiopia nor Egypt and Sudan, the talks on the GERD should be concluded with integrative (positive sum game) ends. Due to this, riparian states have frequently had to abandon the idea that water is a resource that needs to be shared instead devise a strategy that distributes the benefits of the resource as well as the water supply fairly (Wolf and Jarvis, 2014).

## **5. Conclusion**

The construction of the GERD on the Nile River has deteriorated the tension in the North East African region. A new era of confrontation has been triggered among Egypt and Sudan on one hand and Ethiopia on the other hand. In order to de-escalate the tension, the three parties have agreed to start negotiation. Addis Ababa, Cairo and Khartoum have negotiated many times, though they are not yet reach an agreement. Negotiation essentially involve a dialogue guided by facts, logic and good faith, looking at issues from different angles and being flexible enough to consider the other sides arguments. But, the negotiation among the three countries is far from those facts. Egypt's reliance on the colonial era accord that ignores the right of Ethiopia has been hindering the progress of the bilateral and trilateral negotiations. Colonial history in the context of the Nile water is a history of injustice, greed and violence, so it cannot be used as evidence in the 21<sup>st</sup> century to advance once argument.

Egypt and Sudan should accept Ethiopia's quest and inalienable right to benefit from the Nile water resources in which most of the water are discharged from its highlands. Likewise, Ethiopia should not sustainably advance its interest at the expense of the lower riparian states Egypt and Sudan. To find lasting solutions to the dispute, the parties would resolve their disagreement based on non-interference, transparency, mutual benefit, good faith and the principles of international law rather than externalizing and securitizing the Nile dam. Securitizing Ethiopia's dam benefits neither the downstream countries nor Ethiopia. The parties should look for the cooperative (positive sum game) rather than the conflictual (the zero sum game) negotiations on the GERD. Moreover, the three countries must ensure equitable and reasonable utilization of the Nile water among riparian states based on the principles of the Cooperative Framework Agreement (CFA).

## **6. Author's Information**

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