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Title: Time Now for the Final Resolution of the Nile River Controversy: Lessons Riparian Countries and External Observers Must learn from the Lesotho and South Africa Agreement

by

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1: Background

Ethiopia, Egypt and Sudan with the rest of the riparian countries should have agreed long before how to share all the water resources in the Nile Basin by creating a workable, tangible and actionable system with clear principles and values to achieve mutual benefit for all as true collaborative partners without prioritising one's own self-interest at the expense of others. There is a real need not to take any longer more time to keep producing agreements that get signed but never get ready to be put into practice. What is it that these three states continue not to do and achieve; it seems what they sign as a deal to remove conflicts and disputes is not implemented and realised. Just to take two examples: The first is the Egyptian leader of the time and the Ethiopia leader of the time had signed the framework for the two states to cooperate in 1993. The second is the Governments of Sudan, Egypt and Ethiopian have also signed the declaration of principles on the Grand Renaissance Dam(GERD) on March 23, 2015 which was described as the deal that "ends the Nile dispute."

(<http://english.ahram.org.eg/NewsContent/1/64/125941/Egypt/Politics-/Full-text-of-Declaration-of-Principles-signed-by-E.aspx>)

The 2015 deal, however, that is said to have ended the dispute appears to be sidelined when they agreed to join the United States and World Bank to create another deal to make when they started another renegotiation in November, 2019. The talk has continued in 2020 until the Ethiopian Government refused to sign the new deal done by US Treasury and the Egyptian Government. The Arab league Governments also got involved and supported the deal that was jointly agreed by the Egyptian Government and the US Treasury with the Sudan Government also declining to endorse it by not approving it by not being on board with their new draft document. The US Treasury Secretary threatened Ethiopia for not signing the deal the US drafted to support the Egyptian Government by demanding that Ethiopia cannot fill the dam unless it signed the deal drafted by the collaboration of the Egyptian and the USA Governments.

The series of meetings have continued always with the inclusion of external actors instead of the riparian states and the African Union. The Egyptian Government tried to get the support of the UN Security Council and also convinced the US Government to get for Egypt the support of the

UN Security Council. The UN Security Council made the decision to ask all the three Governments to negotiate with each other and find a workable and appropriate solution.

The three Governments have started now once again to re-negotiate at the present time. The resumption of the negotiations by the irrigation and water ministers from the current Governments of Sudan, Egypt and Ethiopia via videoconference is reported to be going on now. There will be three observers that include the United States of America, the European Union and South Africa so far. (<https://ecadforum.com/2020/06/09/egypt-sudan-ethiopia-to-resume-dam-talks-tuesday/>)

There are lessons that the three Governments must learn if they keep making deals and do not implement them. They continue to fail regularly to learn how to agree even if they disagree to find a way to re-agree without hurting one another by preferring to choose to go on the wrong high way by including far away external actors like the US Government rather than trying to address the issues themselves. They should learn to agree with each other instead of going and choosing to keep inviting external actors and creating ethnic and religious divisions particularly against Ethiopia. The numerous political parties in Ethiopia are said to continue to rely in finding external funding which has been used to create internal division in the country that is said to have affected the construction and completion of the GERD on time. The involvement of external forces that have their own agenda will continue more and more to exacerbate the problem rather than to find a lasting credible solution for all the countries to benefit from the Nile Basin river by finding ways to create clean water and electricity to share for all the people.

External colonial divide and rule intrusion has been going on for so many years with water treaties on the Nile River basin imposed particularly to hurt Ethiopia with either her exclusion or spreading fraudulently that Ethiopia has signed treaties not to claim her rights over the waters of the Nile River. All along the principal loser has been Ethiopia as it was the only country that resisted colonialism and even defeated European colonialists with the Great African Adwa Victory decisively in 1896. (<https://nesglobal.org/adwa124/>). The number of Treaties over the Nile Basin River is so many and staggering with the involvement of Ethiopia only in the 1902 treaty that

ended up having the Amharic version different from the English version. Sudan and Britain are said to be included in the English version; but in the Amharic version only Britain is included. The English version not only spread the inclusion of Sudan, but also included that Ethiopia making conceding not to claim her rights to the water resources of the Nile River. There are the following ten treaties and currently there is a negotiation going on to draft another deal which will make it the 11th Tripartite 2020 treaty!

- 1. Anglo-Italian Protocol (15 April 1891)**
- 2. Anglo-Ethiopian Treaty (15 May 1902)**
- 3. The Britain, France and Italy Tripartite Treaty (1906)**
- 4. The Anglo-Italian Secret Agreement (1925)**
- 5. The 1929 Anglo-Egyptian Nile Water Agreement**
- 6. The 1959 Nile Waters Agreement**
- 7. The 1993 Framework for General Co-operation Between the Arab Republic of Egypt and Ethiopia held in Cairo in July, 1993**
- 8. The declaration of principles on the Grand Renaissance Dam(GERD) on March 23, 2015**
- 9. November 2019-2020 Egypt, Sudan and Ethiopia with USA and World Bank Full Engagement**
- 10. June 2020 Sudan Ethiopia and Egypt with USA, European Union and South Africa as Observers**

The Anglo-Ethiopian Treaty (15 May 1902) was written in both Amharic and English. Just like the Wuchale Treaty, the English version denied Ethiopia its right over the Nile River and the Amharic version recognised its rights with a diplomatic recognition that Ethiopia could only generate electricity when the capacity and resources enabled the country to pursue the construction project.

All the other treaties have defects mostly by excluding Ethiopia with fraudulent, unfair, unjust and illegal violations of her right of ownership of 86 % of the Blue Nile River water that flows from upstream Ethiopia to downstream Sudan and Egypt.

The lesson to draw from these fraudulent many treaties is the following: The three Governments must recognise they must together reject the colonial double dealing, conniving, fraud, exclusion,

legal defects and mischief that has been dividing and hurting all the people who can gain, if they know how to use the water resources by sharing with the principle of mutual benefits to all without the unjust and totally unfair exclusion of Ethiopia as it happened for hundreds of years with all the colonial powers that have never stopped always to undermine Ethiopia. All African and formerly colonised countries across the world must support Ethiopia as the example of freedom and independence rather than joining external actors to impose their interest by exploiting Ethiopia's natural resources.

They should now learn from this gross malevolent injustice against Ethiopia from here on they must agree to resolve any problem together by using science and not the colonially inherited divisive and dirty politics that still stigmatizes sadly Africa as a whole. All must learn to decolonize the decolonization that has not helped the unity of Africa to this day. They should acknowledge all must benefit, not one has to benefit at the expense of another. The upstream and downstream countries must share the cost and the benefit and not make Ethiopia only to have the cost and Egypt and Sudan to receive only the benefit.

All professions must engage to address scientifically by removing divisive politics to undertake research applying the unity of knowledge combining human, social, legal, economic, engineering and natural sciences to examine thoroughly by creating teams drawn from Ethiopia, Egypt and Sudan in the region to make professional contributions so that the water sharing problem finally can be resolved for the benefits of all in the region. Let organic intellectuals from the three states join as the committed research team and find evidence-based solutions with science and not exacerbate problems by pursuing the colonially tainted dirty copied and imported politics to create divisions and injustice to distract and divide the people from focusing on how to bring full development to all in Africa.

II. Egypt and Sudan Must Learn from the Lesotho and South African Mutually Beneficial Experience to Bring Justice to Ethiopia

Egypt and Sudan have to learn from the Lesotho and South Africa model of mutually beneficial relation and compensate Ethiopia. They should also learn from the Sultan of Turkey when ruling Egypt used to give gold to the Ethiopia. There are many trans-border water sharing arrangements where the downstream beneficiaries of the water from the upstream countries pay to them. Why

Egypt and Sudan refuse to share equitably by acknowledging the legitimate right of Ethiopia's 86 % of the Nile River water they use is frankly and totally illegitimate and unacceptable at all.

The case of the Lesotho-South Africa mutually beneficial relation is a real model for Egypt and Sudan to learn from and use. Lesotho is situated in the middle of South Africa and possesses immense water resources. Kidane Alemayehu has a direct experience to share on the Lesotho-South Africa agreement as he was luckily part of the negotiation. He was involved, as a leader of a Lesotho delegation in 1977. What took place was that in his capacity as Lesotho's Permanent Secretary of the Ministry of Public Works, he was able to witness at the negotiation meeting in Cape Town the agreement of the utilization of Lesotho's water by South Africa; which resulted in an investment of over US\$1 Billion and the payment of an average \$50 million annually to Lesotho by South Africa. Kidane Alemayehu has written a book that fully explains the Lesotho-South Africa mutually beneficially shared peaceful relationship: The book is written with a title: **"My Journey with the United Nations, the Quest for the Horn of Africa's Unity and Justice for Ethiopia"**. Further useful information can be obtained with regard to this important event from H.E. Mr. Tim Thahane, one of the members of the Lesotho delegation in the negotiation with South Africa and, later, Lesotho's Minister of Finance plus serving as one of the World Bank's Executive Directors.

Egypt too has paid for Ethiopia before all the treaties that were colonially imposed to divide and rule the countries that are in the Nile Basin region. According to works by Dr. Richard Pankhurst Dr. Seid Hassen and Dr., Minga Negash, Dr. Abu Girma and, Dr. Mammo Muchie, Ethiopia used to be paid 50,000 gold coins per annum by the Ottoman Turks for the use of the Nile River when they were ruling Egypt. However, when the British colonized Egypt and the Sudan, they applied practices that inappropriately reflected their exclusive ownership of the Blue Nile River. Later, Egypt and the Sudan followed the same fraudulent policy and entered into agreements apportioning the water to themselves. Ethiopia never participated or concurred with such agreements.

Although it is a well-known fact that Ethiopia is the source of 86% of the Nile River water that cascades through the Sudan to Egypt, its ownership of the important natural resource including the soil that is carried from Ethiopia to the two countries as well as the benefit due to Ethiopia is not accorded the necessary recognition. On the contrary, mainly due to colonial malfeasance,

Ethiopia has not benefitted from one of its most significant natural resources i.e. the Blue Nile River as adequately as it should.

Egypt has gone as far as obtaining the support of the Arab League for its unjustified claim of its continued total use of the Nile River. Another totally unacceptable attempt by Egypt was to get the USA Government's support for a negotiation that completely disregarded Ethiopia's rights to the Blue Nile River.

Egypt has opted out of an agreement that was reached by most other riparian states of the Nile River, namely, Burundi, Uganda, Kenya, Rwanda, Ethiopia, Democratic Republic of Congo, Tanzania, Eritrea and South Sudan for a solution that would achieve a common and shared benefit to all without the exclusion of any of the Nile Basin states which should be regionally united with the Nile River water rather than remaining divided based on colonial treaties.

It is unfortunate to note that Egypt and Sudan which are totally dependent on the Nile River of which 86% emanates from Ethiopia, are attempting to act as if they are the owners of the river! Another related unfortunate situation is the fact that in particular Egypt is not making an adequate use of its own water resources: ground water as well as water supply that could be generated through recycling and desalination. The evaporation that occurs especially in Egypt due to its prevailing climatic condition is immense. The manner in which Egypt utilizes the Nile River waters including the irrigation of cotton farming which needs excessive water consumption is another issue that requires a corrective action.

Another important issue that requires Ethiopia's close attention is the recent report, as per the link hereunder, to the effect that Egypt has made arrangements for the Nile River water to flow beyond its border to Israel without the concurrence of the Ethiopian Government and the other downstream riparian states.

<https://www.youtube.com/watch?v=HaeXDcGScWM>

The main reason for the above predicament was mainly due to the fact that the Ethiopian Government needed to act more effectively for securing its legitimate and justified sovereign

rights regarding the Blue Nile River. Ethiopia is currently in the process of taking effective steps for exercising its rights to benefit from its major natural water resource by undertaking the great initiative for the construction of the important Grand Ethiopian Renaissance Dam(GERD).

The most significant question now is whether the African Union would rise to the occasion in a timely manner for the purpose of avoiding any unnecessary conflicts by making sure with full support Ethiopia can finally acquire the respect to receive the appropriate rights for the country as the real source of the Blue Nile River. All Africans should unite and request the AU's current chairman, President Cyril Ramaphosa to make the historic and positive contribution by making sure the GERD is no more delayed and all Africans join together to achieve the full success in realizing its earliest possible completion.

The new tripartite agreement should include the African Union to make sure there is an African solution to African problems. Ethiopia went to the Adwa war in 1896 after the Wuchale Treaty which had two versions. The Amharic version respects the Ethiopian independence and the Italian version made the Ethiopian ruler to have put his signature to accept Italy to colonise Ethiopia. There was also another false claim that in 1902 Emperor Menelik has signed with Britain and Sudan to give up Ethiopia's Nile River water rights. The Amharic and the English version were as contradictory as the Wuchale Treaty. The great Pan-African Leader Emperor Menelik never participated or concurred with such agreement. The Egyptian embassy in USA is attacking the Revered Jesse Jackson by claiming falsely the support to Egypt and Sudan was signed by emperor Menelik in the 1902 treaty. Reverend Jesse Jackson did an excellent and timely support to prevent another fraudulent treaty drafted without the agreement of the Ethiopian Government by the two Governments from the USA and Egypt by coercing Ethiopia and Sudan to sign. The Egyptian Government must not continue to draft deals they agree and to reject later. That must change and Egyptian Government must agree to pay compensation to Ethiopia without fail. The denial of the right for Ethiopia to get full compensation by working to construct unfair treaties to force Ethiopia not to use her own Nile River water is totally unacceptable.

The need for the Sudan, and Egypt and even now other countries like Israel and other Arab League beneficiaries to pay adequate royalties to Ethiopia for their respective consumption of the Blue Nile River water is an issue that requires a serious recognition and consideration that the very countries that benefit must offer without expecting any demand from Ethiopia. They should be the ones to pay Ethiopia for all the huge amount of her water they continue to use forever and ever, if they are genuine, sincere, honest and have the integrity to share and not exploit.

The lessons from the two countries that have demonstrated an appropriate justice with regard to a fair arrangement in the utilization of water resources must be taken seriously. Egypt and Sudan must learn from this mutually beneficial experience of Lesotho and South Africa and the Turkish Sultan. It is also important to note, in this respect, that the current chairman of the African Union happens to be South Africa's President, H.E. Mr. Cyril Ramaphosa. There is hope that Lesotho and South Africa would contribute effectively to the resolution of the controversy prevailing among Egypt, Ethiopia and Sudan. South Africans would not forget the important contributions made by Ethiopia for the liberation of South Africa from the abject apartheid policy which had subjected important leaders such as Nelson Mandela to very lengthy unjust imprisonments. The Blue Nile River issue provides a singular opportunity to the people and government of South Africa to make sure finally Ethiopia receives fully justice.

The controversy that is raging regarding the utilization of the Blue Nile River waters is one of the serious challenges that require the African Union's urgent attention. In this context, it is also important to note the fact that the Horn of Africa has a unique opportunity to achieve the urgently needed peace and development especially taking into account that the new Prime Minister of Ethiopia, H.E./Dr. Abiy Ahmed, has initiated highly encouraging and positive contacts with neighboring countries. Therefore, the prospect of achieving a collaboration to be followed, hopefully, by a confederation among the Horn of African states is a plausible prospect. For more details, please see the following link:

<https://ethiopiazare.com/opinion/political-analysis/5604-horn-of-africa-from-glory-to-misery-and-hope>

Another related and important possibility is the prospect of achieving a Red Sea Cooperative Council as presented in the link hereunder for a collaboration among the countries adjacent and in the neighborhood of the area including Djibouti, Egypt, Israel, Jordan, Eritrea, Ethiopia, Saudi Arabia, Sudan, Somalia and Yemen.

<https://www.satenaw.com/prospects-of-a-red-sea-cooperative-council/>

For all the above initiatives which obviously incorporate out of the box thinking, the African Union's active role could make a historic difference to bring all to work for one another with values of Ubuntu to change the selfish and divisive politics once and for all finally.

III: Concluding Remarks

1. Egyptian government and people must fully support the Grand Renaissance Dam 's completion and must make it a priority. They must support Ethiopia and not continue to deny the Ethiopian sovereign right over the Nile River water that flows from Ethiopia as the upstream to Sudan and Egypt as the downstream states.
2. The new 11th treaty that hopefully can come out from the current 2020 tripartite negotiation with the observers that is going on must not be a deal that is signed and rejected as the 2015 treaty. After the recognition that the 2015 deal has solved disputes related to the upstream and downstream countries relations; one of the signatories Egypt opened another process to make a new deal.
3. The agreement in 2020 must be articulated clearly with all the languages used to craft fully, vividly, logically and irreversibly as the fully accepted treaty to be sustained and never to be subjected to another revision by calling for another deal at all. Going from treaty after treaty, and deal after deal must be stopped by recognizing the legitimate right of Ethiopia to the Nile River 86 % water
4. There is no need ever again to bring back another meeting with new observers and keep repeating this saga. The African Union must be involved not just as an observer but as the

principal mediator, not only on the Nile River conflict, but in all conflict resolutions in Africa as a whole.

5. The new much anticipated treaty of 2020 must make a paradigm shift and mind set changes to make sure all the three states have unfailingly come to an unequivocal agreement sustainably without any further doubt to get the GERD fully and successfully done without any further delay at all.
6. The most significant question now is whether the African Union would rise to the occasion in a timely manner for the purpose of avoiding any unnecessary conflicts by making sure with full support Ethiopia can finally acquire the respect to receive the appropriate rights for the country recognizing fully and legitimately as the country that is the real source of the water of the Blue Nile River.
7. All Africans should unite and request the AU's current chairman, President Cyril Ramaphosa to make the historic and positive contribution by making sure the GERD is no more delayed and all Africans join together to achieve the full success in realizing the earliest possible completion of the GERD. The Ethiopian people have raised 13 billion birr to complete and all Africans must join them to support the people to complete finally the over three years delayed GERD.
8. Egypt and Sudan must pay compensation to Ethiopia by learning from the Lesotho and South African experience.
9. They must stop preventing Ethiopia to get loans if Ethiopia needs any loans.
10. All scientists from the Riparian countries and especially from Egypt, Sudan and Ethiopia must undertake evidence-based research related to all the concerns and issues from hydrology to climate change on all the states. What affects one state in the region affects others. There must be research cooperation to find the right solutions to all problems to move together far rather than go alone.

11. It must be science and not politics that must be applied with collaboration to remove all potential disputes and bring peace and reconciliation to get the earliest possible completion of the GERD without no more delays at all.

Finally, Ethiopian Government must make the final tripartite meeting by making sure full agreement is secured by avoiding any risk to make Ethiopia to benefit from the very important resource, the Blue Nile River by fast-tracking to build GERD once and for all in compliance with international laws with full support of both Egypt and Sudan and the assistance that could be obtained under the auspices of the African Union. It is also extremely important for the Horn of African states as well as all the countries around the Red Sea to move towards a mutually supportive collaboration by avoiding dangerous risks of conflicts forever. Let division end and unity prevail with all joining the journey anchored with the vision of a bright future for achieving full win-win mutual benefit for all.

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