

## SOMMARIO

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## INTRODUCTION

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The Grand Ethiopian Renaissance Dam dispute is an international controversy arisen in 2011 between Egypt, Ethiopia and Sudan after the announcement of Ethiopia of the intention of building a dam over the Nile. The Grand Ethiopian Renaissance Dam (GERD) is a major infrastructural project on the Blue Nile, the main tributary of the Nile which originates in Ethiopia and then flows down to Egypt into the Mediterranean Sea, in the Benishangul-Gumuz region in north-western Ethiopia, a few miles upstream the border with Sudan. The construction of the dam was announced in 2011 by former Ethiopian Prime Minister Meles Zenawi. Once completed, the GERD will be the largest hydroelectric power plant in Africa, with a projected production of 6,000 megawatts of energy; this amount of electricity is intended to supply the Ethiopian internal demand as well as the exports to other countries. Indeed, Ethiopia's current per capita consumption of electricity is among the lowest in the world, as it uses only 65 kilowatt hours, while the world average is 3,104 kilowatts hours<sup>1</sup>. Ethiopia is also one of the poorest countries of the region and of the world. The main reasons are that the country is periodically affected by drought as it is featured by an erratic rainfall regime: when the rains fail, the crops fail as well, leading to food shortages, and thus to famine and eventually poverty. Rain-fed agriculture can no longer provide the main income source of the country: increased agricultural productivity and diversification and development of other areas of the economy, with the creation of new opportunities for off-farm employments, are essential to reduce the country's food insecurity and poverty. Much of the problem can be traced to the lack of water storage capacity to supply to the water demand in periods of drought and to the lack of access to affordable energy. This is why the Ethiopian government has attempted since the twentieth century to develop projects on the Blue Nile so to finally use the natural resources on its territory, such as the hydroelectric power that could be generated thanks to the river's waters. However, due to the lack of resources and support from the main international financial institutions, these plans had always to be dropped. Egypt is a country that over time has played an important role in preventing Ethiopia from carrying on these projects, mostly by threatening the resort to the use of force in case Ethiopia or another upstream country had built any infrastructure on the river that might have reduced the amount of water arriving at its valley. Indeed, Egypt is the downstream country where the Nile flows into the Mediterranean Sea, and it is a desert country, so it was allowed to arise and survive only thanks to the river's water (this is why the country is commonly defined as

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<sup>1</sup> Hicks, Sierra. "The Grand Ethiopian Renaissance Dam: Power Dynamics in the Nile River Basin". *American Security Project*, October 2017.

“the gift of the Nile”). Over the centuries, Egypt has managed to impose its almost monopoly over the use of the Nile waters through the signing of treaties allocating to it the most of the waters, namely the 1929 Anglo-Egyptian Treaty and the 1959 Egyptian-Sudanese Agreement. It enjoyed a predominant position over the other riparian States, that for decades were unable to exploit the natural resources located in their territories even though they were affected by drought, instability and poverty. However, by the end of the 20<sup>th</sup> century the situation changed, as the riparian States claimed to be no longer willing to accept the unfair Egyptian monopoly over the river. In 1999 they set up the Nile Basin Initiative (NBI), an intergovernmental partnership including all the Nile Basin States, born to renegotiate the water rights over the river and to find new ways for the management of the contended resource so to reach a joint and shared development of the entire region. However, Egypt has continued to oppose any proposals for a change of the status quo over the Nile waters. Finally, in 2011 the Ethiopian government announced its intention to build the Grand Ethiopian Renaissance Dam on the Blue Nile, pursuing a wider plan aiming at bringing the country to a truly “renaissance”. Indeed, the GERD would not only help the country reducing its poverty, but it would make of Ethiopia a huge energy exporter and thus it would provide it a new key role in the African regional context.

The Egyptian reaction to the announcement was immediately of strong opposition, and the country recurred once again to the threat of using force, but the Ethiopian government replied that the construction of the dam would have gone on despite the Egyptian protests. Negotiations among the countries started in 2011, but over the years they stalled due to several factors, such as the profound distrust and diffidence that the Nile Basin countries feel toward each other, the internal political unrest that harmed them and the entry into the picture of other States linked by a complex system of alliances, which further complicated the process. Therefore, over the years the GERD dispute enlarged and included more countries, becoming in this way a huge source of instability for the entire region and a serious threat for the water security of the countries, the populations and the environment. However, the GERD dispute might also become an opportunity to transform a controversy over a contended and limited but vital resource such as water into an opportunity for a process of integration of the several Nile Basin States so to achieve a common and shared development of the entire region.

When an international dispute arises, it is possible to identify generally two main paths that can be followed by the parties as alternatives to the use of force: either the parties resort to a form of adjudicative mode of dispute resolution, which could be a judicial settlement of the

controversy or the use of arbitration, or they resort to diplomacy and engage in a negotiation process.

The Charter of the United Nation states that: “The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry<sup>2</sup>, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.” [Art. 33, Chapter VI]

For what regards the judicial settlement of an international controversy, it can entail the recourse to an international or regional court. According to the UN Charter, the parties to a dispute can refer the controversy to the Security Council which recommends appropriate procedures. However, according to Art. 36 p.3 of the same Charter, “In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court”.

The International Court of Justice is the principal judicial organ of the United Nations. It was established in 1945, and its role is to settle, in accordance with international law, legal disputes submitted to it by States and to give advisory opinions on legal questions referred to it by authorized United Nations organs and specialized agencies<sup>3</sup>. As stated in Article 93 of the UN Charter, all the UN members are automatically parties to the Court's Statute. However, this does not automatically gives the Court jurisdiction over disputes involving the Member States. The issue of jurisdiction is considered in the three types of cases: contentious issues, incidental jurisdiction, and advisory opinions<sup>4</sup>. For what concerns contentious cases, only States are eligible to appear before the Court, but it is necessary their acceptance of the Court's jurisdiction: indeed, the Statute of the Court does not allow it to deal with a dispute on its own motion, if it is not requested to do so by one or more State. However, once the parties accept the jurisdiction of the Court, according to Article 94 of the United Nations Charter

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<sup>2</sup> For what concerns enquiry as a method of dispute settlement, it is nowadays used more as part of other methods of dispute settlement. It consists in a procedure under which States refer questions to a panel of experts for investigation on factual or technical matters. Source: Un Watercourses Convention Art. 33.1.7. <http://www.unwatercoursesconvention.org/the-convention/part-vi-miscellaneous-provisions/article-33-settlement-of-disputes/33-1-7-fact-finding-and-inquiry/>

<sup>3</sup> International Court of Justice Official Website. <https://www.icj-cij.org/en/court>

<sup>4</sup> For what concerns the advisory opinions, an [advisory opinion](#) is a function of the court open only to specified United Nations bodies and agencies. Once receiving a request, the Court decides which states and organizations might provide useful information and gives them an opportunity to present written or oral statements. For what concerns the incidental jurisdiction, one or both parties to a dispute may apply the ICJ for issuing interim measures. Source: International Court of Justice Official Website. <https://www.icj-cij.org/en/court>

judgments delivered by the Court are binding upon the parties concerned. They are final and without appeal: the parties cannot challenge them, they can only ask for an interpretation<sup>5</sup>.

In the international system there are other international courts States can appeal to. In case they are members of a regional organization, it is likely that they have the chance to appeal to its respective court. It is the case of the European Court of Justice, which is entitled to interpret the European Union Community's legislation and to rule on its validity.

The parties to a dispute can also decide to set up a mechanism for dispute resolution that does not involve a court, which is a system of arbitration. The use of international arbitration evolved and spread to allow parties from different legal and cultural backgrounds to resolve their disputes without recurring to a tribunal, indeed it is particularly used in transnational disputes among States, international organizations and private actors. It differs from the judicial settlement mechanism since the disputants can structure themselves the main features of the arbitral process, which entails the involvement of an impartial expert, the arbitrator. It is a private, consensual and neutral mechanism of dispute resolution; the final decision of the arbitrator, which is based on evidences, technical assessments and on the parties' interests, is binding upon the parties<sup>6</sup>.

The second path the parties to a dispute can follow for a peaceful settlement of the controversy envisages the recourse to diplomatic means, such as a negotiation process, which will be the theoretical framework of this dissertation. Negotiation is considered nowadays as the most important function of diplomacy<sup>7</sup>: it is used in more than 90% of all the international conflicts since 1945, as it has proved to be highly effective for the peaceful settlement of controversies and for the purpose of establishing better relations among countries. A negotiation process is defined as "a mechanism designed, through some joint decision, to regulate conflict and to limit or prevent escalation of its attitudinal or behavioral components, and, when possible, reach a political agreement that may set the stage for better interactions in the future".<sup>8</sup> According to the scholar Iklé, it consists mainly in dialogue and discussions aiming at reaching an agreement or an exchange or the realization of common interest where conflicting interests are present. Therefore, it is possible to assert that negotiation

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<sup>5</sup> However, Art. 61 of the Court's statute states that: 1. An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence. 2. The proceedings for revision shall be opened by a judgment of the Court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground. 3. The Court may require previous compliance with the terms of the judgment before it admits proceedings in revision. 4. The application for revision must be made at latest within six months of the discovery of the new fact. 5. No application for revision may be made after the lapse of ten years from the date of the judgment.

<sup>6</sup>International Arbitration Information. <https://www.international-arbitration-attorney.com/what-is-international-arbitration/>

<sup>7</sup> Berridge, G. R. "Diplomacy: Theory and Practice". Palgrave-Macmillan, Basingstoke and New York, 2015.

<sup>8</sup> Bercovitch, Jacob; Jackson, Richard. "Conflict Resolution in the Twenty-first Century: Principles, Methods, and Approaches". University of Michigan Press, 2009.

distinguishes itself from other forms of dispute resolution mechanisms for the outcome of the process: indeed, negotiation does not aim at solving a dispute at any cost, rather the key point of the process lies in the manner in which the parties get to solve their controversy, that is by finding a joint solution that could satisfy them all. Hence, negotiation is used in the great majority of international conflicts because through dialogue, direct or mediated, among the disputing parties, these can move from their conflicting positions to their underlying real interests, so to find together a solution that could actually meet these interests. Discussion about interests rather than on positions allows to cover a wide spectrum of creative solutions that it is very likely to lead to a win-win agreement, which not only ends the dispute by satisfying all of the disputants, but it provides a good basis for the establishment of future better relations among the countries. The scholar Berridge made a useful distinction of the different stages of a negotiation process, however it must be remembered that in the practice this scheme might not be respected, and the different phases may overlap or even be skipped. The stages of which a negotiation process is composed are the pre-negotiation phase, the around-the-table negotiation, the diplomatic momentum, the packaging agreement and the following up phases. For what concerns the pre-negotiation stage, some scholars and diplomats assert that it is actually separate from the process of negotiation, as it is a preparation phase for the real beginning of the process. However, in the context of this dissertation it is adopted Berridge's theory, according to which the pre-negotiation phase is the first stage of the negotiation process, and it can even be asserted that it is one of its most important and delicate moments. Indeed, in the pre-negotiation phase the risk that the parties quit the process and resort to the use of force is very consistent, as the exit costs are very low since they have not been yet committed many energies to negotiate with the counterpart, thus in talks and meetings. The pre-negotiation phase is composed of different phases itself, the first one being the agreement of all the parties to the dispute about the need to negotiate. This is the moment in which each party makes an evaluation between the expected outcome from engaging in a negotiation process, that is the maximum that one party feels it can realistically obtain from the other party, and of their "security position", which is each party's esteem of the costs and benefits it would encounter without an agreement<sup>9</sup>. This is the phase in which the parties consider their own "BATNA", which is the Best Alternative To a Negotiating solution. The party with the lowest BATNA has more interest than the others in starting the negotiations, since it is the one who will lose the most from an unchanged status quo of the situation. The pre-negotiation phase is a complicated moment, since not all the parties might be ready to accept and recognize that a stalemate effectively exists, and that engaging in negotiations is the best way forward, or sometimes States decide to start negotiations just in

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<sup>9</sup> Berridge, "Diplomacy: Theory and Practice".



order to gain time to unilaterally realize their interests, or to please public opinion or the international community. Once all the parties decide that engaging in negotiations in the best way possible to solve the controversy, they have to agree on the agenda. This is another crucial moment of the pre-negotiation phase, since the agenda can effectively determine the outcome of the entire process, both for its contents and order. A too narrow agenda might indeed leave outside several issues that could undermine the relations between the States in the future, thus it would not actually solve the problems among them. Whereas a too inclusive and long agenda could complicate and undermine the progress of the negotiations, and distract the States from the central issue that brought them around the table. States could also try to insert in the agenda other issues that are not related to the one concerning the dispute so to avoid dealing with matters they don't want to address. Then, it follows the moment of agreeing on the procedure of the negotiations. This concerns agreeing on the format the talks will have, if the process will be that of a direct negotiation, or if it will be envisaged the intervention of a third party, agreeing on the venue, the delegations' shape and on timing. Venue is not a negligible detail and it is never left to chance, as States might perceive they are "losing their face" and placing themselves in a minority position if talks will take place firstly in the other country's territory, that is why it is commonly chosen the territory of a neutral third state, at least for the beginning of the talks. The shape of the delegations deals with the level at which the discussions will be held, if talks will be conducted by ambassadors, or if they will be held at the ministerial level, or they will involve Prime Ministers and Presidents too. Finally, timing concerns the date in which the negotiation process will begin: national festivities have to be taken into account, as well as significant historical dates.

Once ended the pre-negotiation phase, it starts the Around-the-table one. In this stage there should be the so-called "Turning point of seriousness", that is the moment in which all the parties effectively truly commit themselves at finding a joint negotiated solution to the dispute that divides them, and they perceive that the other parties are doing the same. This is the phase in which it should be found a "formula" to solve the dispute: for example, "Land for peace" was the formula adopted as basis of the subsequent Arab-Israeli peacemaking, which affirmed that peace should have envisaged the application of two principles, such as the withdrawal of Israeli forces (giving up on Land), and the termination of all claims of belligerency (making Peace). The formula could be adopted through a deductive approach or with a step-by-step approach, and it might also entails the use of a "linkage", such as the trading of concessions between the parties on unrelated or only remotely related issues. The formula is a general concept that must be then completed with details; the parties could also

decide to “set aside” of their formula issues that simply do not fit into a solution so to facilitate the achievement of a compromise.

The momentum of negotiations might falter for several reasons, despite the seriousness of the parties. It may be because the representatives of the country that have elaborated the formula have to come back home and wait for further instructions or for the approval of the work done, or because a party that feels unsatisfied by the process steps back in the attempt to obtain something more at its advantage. A technique to move forward the diplomatic momentum and not make it derails is by following a step-by-step approach featured by deadlines. Deadlines could be self-imposed by the negotiators themselves, which for this reason very rarely carry with them heavy penalties for being missed. However, it must be pointed out that self-imposed deadlines are agreed by negotiators together, and they do not envisage one party’s unilateral decision for a deadline, which would actually sound like an ultimatum from its part that would not facilitate a meaningful and fearless dialogue. Whereas the external deadlines are the most valuable ones for sustaining the diplomatic momentum, since these include deadlines outside the control of the negotiators, such as elections, the expiry of a negotiation authority or of a ceasefire agreement. They could be used symbolic deadlines, such as significant historical anniversaries or religious festivals. Finally, the diplomatic momentum could also be sustained by raising the level of the talks, by inserting or reinserting more senior personnel so to stress the relevance of the process and also to finally bring the decision-makers face to face at the negotiation table.

To the diplomatic momentum phase, it follows the packaging agreement stage, where the parties finally enshrine the achieved agreement into a treaty, a protocol, a convention or any other formal agreement they agree on. Finally, there is the stage of the following up of such agreement. The compliance of States could be monitored by experts, or embassies or through periodic review meetings among the parties that took part to the negotiation process.

It is commonly made a distinction between two big theoretical approaches toward negotiation: the distributive type of negotiation and the integrative one. In the distributive type of negotiation, it could be imagined that the parties consider the existence of a cake, of which each one gets one slice. The main outcome of this kind of negotiation is to obtain the biggest slice of cake possible. Therefore, it is a competitive kind of negotiation, where the parties are very likely to adopt a zero-sum game strategy, in which they will tend not to concede anything to the counterpart, since what they “lose” will be the other party’s “gain” and vice-versa. This approach to negotiation generally results in unsatisfying agreements, in which there is effectively one party who gets the most out of the process and realize in the short term much of its interests. However, these kind of agreements prove to be unstable in the long-term and do not contribute to establish better relations among the parties. By contrast in the

integrative type of negotiation the parties do not consider the existence of a “fixed pie” of which they have to gain the most. Rather, they are cooperative among them and adopt a problem-solving strategy in which they try to be creative and to imagine different and new solutions which could actually meet the interests of each party. An example could be made about a dispute concerning the possession of an orange: one party might be interested in the orange’s juice, while the other in its peel. The best way to reach a satisfying agreement envisages the parties discussing together about the issue, so to try to extract from their complex positions their real underlying interests, and by adopting a creative, open-minded and cooperative attitude to find a joint solution that could actually meet them. These kinds of agreements tend to satisfy all the parties in the short-term and also to create better and proficient relations among them in the future.

A negotiation process can be carried out directly by the parties to the dispute or it can involve the intervention of a third party through mediation. International mediation can be defined as an extension and continuation of a peaceful conflict management, where a mediator enters the dispute in order to affect, resolve, modify or influence the dynamics of the relations between conflicting sides<sup>10</sup>. It is a special kind of negotiation widely used in the history of international relations, that consists in the active search for a negotiated settlement to an international or intrastate conflict by an impartial third party<sup>11</sup>. International mediation is a non-coercive, nonviolent and nonbinding form of intervention. It is nonviolent since it represents an alternative for the disputing parties to the use of force, and non-coercive, since the recourse to mediation cannot be imposed not even by the UN Security Council, but it has to follow a voluntary choice of all the parties involved. Finally, it is nonbinding: the disputing parties maintain constantly the control over the entire process and they are free to reject or accept the proposals made by the mediator.

For what regards the mediator, the essential feature it needs to have is impartiality: it is important for the parties to perceive that they can trust and rely on the impartiality and fairness of the mediator. Indeed, mediation is particularly needed and used when the parties retain the most profound distrust of each other. However, they could be reluctant to use mediation in case they perceive the intervention of a third party as an intrusion that could damage their interests or put them in a minority position. The impartiality of the mediator lasts throughout the process: the mediator cannot have any specific preference on the outcome of the negotiations, but it should endorse any settlement on which the parties agree, even in the case they choose another solution with respect to the one it suggested.

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<sup>10</sup> Bercovitch Jacob, Houston Allison. “Why do they do it like this? An analysis of the factors influencing Mediation behavior in international conflicts”. University of Canterbury, 2000.

<sup>11</sup> Berridge *ibidem*.

They are commonly identified three different styles of mediation: the facilitative, the formulative and the manipulative one. In the facilitative mediation, the mediator acts as a facilitator of the process: differently from the good offices provider, not only it convinces the parties to start a negotiation, but it helps preparing the ground for it, by drawing up the documents and assisting the parties in deciding timing and venue. Afterwards, it helps the parties during the discussion by encouraging a meaningful conversation and assisting in clarifying the different issues, positions and interests, finally, it intervenes time to time to avoid stalemates. In the second style of mediation, the formulative one, there is an even more significative intervention of the mediator in the negotiations process: indeed, the mediator acting as a formulator performs the same activities of the facilitator, but it intervenes more substantially in the research for a resolution to the controversy and in the coordination of the negotiation process. In particular, it coordinates the process by structuring the agenda and helping the parties to remain focused on seeking an agreement. Further, it generally does not wait for the parties to make a proposal, but it creates a draft agreement that circulates to the different delegations, thus facilitating the process by applying a one-text procedure. Last, in the manipulative mediation the mediator acts in a different manner: it uses his political or economic leverage to influence the negotiations. It can use sanctions as a tool to press the parties to collaborate, by threatening them with negative sanctions, economic or diplomatic, or by encouraging them by promising incentives or providing security assurances. The most appropriate mediation style to adopt depends generally on the concrete case and on the behaviors of the parties, whether they are cooperative and prone to negotiation or if they need a stronger intervention.

Mediation differs from the other forms of peaceful conflicts' management for its distinctive features. It differs from litigation since this latter envisages the presence of a judge that sentences upon the controversy, basing its judgment on norms and binding legal precedents. Therefore, the outcome of the process of litigation is a win-lose agreement, whereas the main goal of a mediation process is to reach a win-win agreement that could satisfy the disputing parties and provide the basis for future friendship relations. Mediation differs also from arbitration since, as already stated above, in the arbitration the third party is generally an expert, impartial to the controversy, who controls and manages the talks, helping the parties reaching a fair compromise based on technical assessments. On the contrary, in the mediation the parties keep the control over the whole process, and the mediator acts more as a facilitator rather than an expert, supporting and endorsing any kind of settlement that actually satisfy the parties. Finally, a key difference between mediation and both litigation and arbitration is the outcome of the process, which is not binding in the process of mediation.

The theoretical framework of this dissertation will be that of a direct negotiation process, whose format took mainly the shape of tri-lateral talks between Egypt, Ethiopia and Sudan, with occasional bilateral talks and meetings, at the ministerial level or with the involvement of Prime Ministers and Presidents. The negotiation process benefitted from the recourse to panel of experts or external firms to carry out technical studies about the Ethiopian dam. It will be provided also an assessment of what potential benefits the recourse to a mediation could have brought to the negotiation process.

The First Chapter of this dissertation will consider in the first place the history of the Egyptian-Ethiopian relations, and to a lesser extent of the Sudanese ones, since their very beginning and how they evolved over the centuries. The historical analysis is essential to understand the roots of the GERD dispute for what concerns the power dynamics established between countries and the fears and feelings that will shape their relations for many centuries to come. The historical overview will arrive until the very last moments before the announcement of the construction of the Grand Ethiopian Renaissance Dam. The Chapter will continue by outlining the legal framework of the dispute. It will be considered the existing international water law and the treaties signed by Egypt in 1929 and 1959 on which it bases its claims about the “historical rights” over the river. Finally, it will be presented the Nile Basin Initiative project, its origins and achievements.

The Second Chapter constitutes the core of the dissertation and it will concern the diplomatic path pursued by the parties to the dispute. Indeed, after having explained the historical roots and causes that led to the outbreak of the dispute, they will be outlined and analyzed the several steps of the long negotiation process started by the countries in 2011 until recent days. They will be considered the interests and needs of the various countries and how they organized them into negotiating positions, that eventually evolved over times. Finally, as already mentioned above, it will be considered the effectiveness of the negotiation process and the potential benefits that a recourse to mediation could have brought to it.

The Third Chapter addresses the technical aspects of the dispute, so the water and energy needs of the Nile Basin countries and the technical features of the GERD, as assessed by several studies and researches carried out over time.

In the Conclusion, it will be attempted to present some measures that the countries might implement and adopt to solve the GERD dispute, but also to establish new forms of integration and cooperation among them that could be permanent in the future and allow for a shared growth of the entire region.

## CHAPTER I

### THE HISTORICAL FRAMEWORK

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#### PART I.I THE HISTORY OF THE RELATIONS BETWEEN THE COUNTRIES

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To better understand the origins and the causes that led to the Grand Ethiopian Renaissance Dam dispute and the feelings with which the countries approached at the negotiation table, it is fundamental to consider the history of their relations since the beginning and their evolution over the centuries.

Ethiopia arose around the seventh century B.C. from migrations of people coming from Arabia, attracted by the fertile territories of the Horn of Africa. But, even if the area was already populated in the prehistoric era, it was only in the I century A.C that it arose the Aksumite Kingdom, an empire oriented around Africa, the Nile basin and the Red Sea area, which will be destined to have an enormous impact on the future history of Ethiopia. Indeed, it was in this period that that the first basic Ethiopian institutions of state and culture were modeled and, more importantly, in which the Christian religious component was firstly introduced: the early Ethiopian kingdom adopted the Christian religion in the fourth century A.C., becoming the third political entity in history to embrace this belief, after Armenia in A. C. 301, and the Roman Empire in 312.<sup>12</sup> The circumstances in which the Christian religion was introduced into the early Ethiopian kingdom are worthy of mention because they will shape the Ethiopian future religious organization and, with that, also its relationship with Egypt. According to tradition, the introduction of Christianity must be attributed to Frumentius and Aedesius, two brothers who were rescued from a shipwreck in their journey from India to Syria and who acquainted the Aksumite royal family with Christianity. Indeed, after their introduction to the royal family, Aedesius returned to Syria, whereas Frumentius travelled to Alexandria, and told his story to Patriarch Athanasius, who persuaded him to return to Ethiopia as bishop of the Egyptian, later Coptic, Church. The year was approximately A.C. 333 when Frumentius was consecrated first bishop of Ethiopia with the title of *abuna* (or *abun*), literally “our father” in Arabic and Geez<sup>13</sup>. Frumentius, renamed Abuna Salama, was so welcomed and recognized by the Aksumite royal family as head of the Church, and when he died he was replaced by a new *abun* coming from Egypt, becoming so

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<sup>12</sup> Erlich, Haggai. “The Cross and the River: Ethiopia, Egypt and the Nile.” Lynne Rienne Publishers, 2015.

<sup>13</sup> Ge’ez is an ancient and dead Semitic language, spoken in the ancient Ethiopian Empire. This language is closely allied to the languages of Southern Arabia. When Geez died as a spoken language, it was replaced by three major Semitic languages: Amharic, Tigrinya and Tigré. Source: International Standard Bible Encyclopedia, s.v. “Ethiopic Language”.

the first in a chain of 111 Egyptian *abuns* to be appointed as heads of the Ethiopian Church<sup>14</sup>. In such a way, in the fourth century A.C., it was established a fundamental religious tradition according to which from that moment on all the *abuns* of the Ethiopian Church would have been Egyptian-born monks, appointed as heads of the Ethiopian Church by the Egyptian Coptic patriarch. This custom, which originated around A.C. 333 and lasted for sixteen centuries until 1959, when the Ethiopian orthodox Church finally became autocephalous, essentially made of the Ethiopian Church only an extension of the Egyptian one, and completely dependent on it. This case represents a curiosity and a unique case in the history of Christianity: for the first and only time in history, a Christian State voluntarily accepted to be totally dependent on the goodwill of another Islamic country's rulers for the appointment of its most important religious leader. Indeed, the figure of the *abun* embodied Ethiopia's Christian identity and, since only a bishop could consecrate churches and priests, it was fundamental also for the very existence and spread of Christianity. Therefore, it is even more considerable that Ethiopia accepted that the political leaders of another Muslim country such as Egypt were in power of controlling or denying its appointment.

Even though it is not possible to identify exactly the cause, it may be supposed that the reason why Ethiopia decided to keep this dependence on Egypt for so long must be found in the regional context in which the Christian State found itself after the rise of Islam in A.C. 622, its conquest of Greater Syria in A.C. 636, and of Egypt in A.C. 640. Indeed, in the light of this situation, the religious bond with Egypt represented for the Christian Ethiopia the sole linkage with the Islamic Eastern world, and thus it was the of the utmost importance for all the diplomatic and political relations of the country with its neighbors. Ethiopia strongly relied on the bond with the Egyptian Coptic Church to preserve its survival and to maintain its channel of communication with all the other Islam-dominated countries. Further, the Egyptian-Ethiopian bishopric went at the advantage of the Christians in Egypt, who could have had in this way ensured tolerance and respect by the Islamic rulers; however, it actually happened frequently thorough history that when Christians were persecuted in Egypt, the Ethiopians threatened to retaliate against the Muslims or to block the Nile's flow, and vice-versa. Conversely, the reasons of the Egyptian goodwill in providing support to the Ethiopian Church by sending *abuns* are to be found in the predominant position the country enjoyed in its relationship with Ethiopia, which allowed it to exert a huge power over the land that held the source of the Nile floods. Indeed, even if it there was yet no certainty, the knowledge that the Nile had its origins in the Horn of Africa, so possibly in Ethiopia, was already spread in Egypt since long time.<sup>15</sup>

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<sup>14</sup> Erlich, "The Cross and the River", 17.

<sup>15</sup> Erlich, "The Cross and the River", 18.

The relationship between the Islamic religion, and thus the Islamic world, and Ethiopia was established since the very early moments of the birth of Islam: indeed, in A.C. 615, when the Prophet Muhammad and his group of early followers begun being persecuted in Mecca because of their creed, the Prophet suggested them to flee to Ethiopia to ask for refuge to the Aksum's king. So, apparently the Prophet already knew the Christian state and respected its religion and culture. To Muhammad's words it followed the first significant migration of Muslims, known in the Islamic history as the "first hegira"<sup>16</sup>. Hence, the very first conception the Islamic world had of Ethiopia was based on a hadith<sup>17</sup> of the Prophet: "Leave the Abyssinians alone as long as they leave you alone"<sup>18</sup>, which meant that the Ethiopians should have been excluded by the Islamic jihad as a sign of gratitude of the Prophet toward the Christian State who hosted and saved several Muslims during the first hegira. Effectively this saying attributed to Muhammad managed to exempt Ethiopia from the Islamic jihad for many years to come. There were other populations which the Prophet ordered to avoid (as the Turks), but for what concerned Ethiopia it was the only country to whom the Prophet granted clemency not due to a military strategy, but because of a real positive feeling of gratitude. Therefore, Ethiopia became a "land of neutrality", a country tolerated and praised by Muslims even if Christian, immune to the Islamic war against all the infidels. The Muslims respected the obligation issued by the Prophet to tolerate and not to attack the Abyssinians to such an extent that they effectively ended up ignoring the very existence of Ethiopia. Indeed, especially when the center of Islam moved from the Arabian Peninsula and the Red Sea to Damascus (661) and then to Baghdad (750), Ethiopia became even more irrelevant and "left alone", isolated from the East by the Islamic buffer. Nonetheless, if Middle Eastern Muslims ignored Ethiopia, Egyptians could not: the land of the source of the waters could hardly be "left alone" and, on the other side, Ethiopia had to address Egypt to obtain its *abuns* to run its Christian State.

Starting from the VII century, the contacts between the two countries became no longer linked only to the religious bond, but also to territorial issues: indeed, following the fall of the Aksumite Kingdom, the Ethiopians moved their center southward, entering so in collision with the Muslims who had started to establish in the southern areas of the Horn of Africa. In particular, beginning in the seventh century, Islamic communities established firstly in coastal towns, such as Massawa, Berbera, Mogadishu, and then in the inland town of Harar. These

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<sup>16</sup> The term "hegira" is more commonly used to refer to the Prophet's migration from Mecca to Medina in 622 A. C.. The Muslims who fled to Abyssinia (Ethiopia) in A.C. 615 joined later the Prophet in Medina.

Source: *Encyclopaedia Britannica*, s.v. "Hijrah". <https://www.britannica.com/event/Hijrah-Islam>.

<sup>17</sup>The "hadith" are a collection of handed down sayings of the Prophet. They constitute, together with the "Sunna" (the daily practice of Muhammad), the major source of moral guidance for the Muslims, apart from the Qur'an.

Source: Fatoohi, Louay. "The meaning of "Hadith"". *Quranic Studies* website, 2011. <http://www.quranicstudies.com/tag/hadith/>.

<sup>18</sup> Original text: "*Utruku al-habasha ma tarakum*". From: Erlich, "The Cross and the River", 24.



centers flourished with the rise in the 10<sup>th</sup> century of the Fatimid rulers in Egypt (969-1171)<sup>19</sup>, which managed to increase their commercial activities around the Red Sea and in inland areas. The Fatimids extended their protection to those inland Muslim merchants, who arrived until the Ethiopian highlands: thus, in this period it began the historic role of Egypt as symbol and protector of Islam, which will shape the Ethiopian-Egyptian relations throughout the centuries. Islam then spread through southern Ethiopia, where the Muslims established various sultanates. However, they did not manage to create a political unity in these inland areas: the several Islamic communities remained attached to their different languages and traditions, and divided by internal rivalries. This allowed Ethiopia to maintain its hegemony, especially from the year 1137 when, with the rise of a new dynasty, the Zagwe one, it began a period of great political and Christian revival. Indeed, the Zagwe kings started expanding southward, thus they collided with the Muslim and pagan communities established in southern Ethiopia. Therefore, also the relationship with Egypt was affected and became tense: the Egyptian connection with the Islamic sultanates was viewed with suspicion by Ethiopia, and at the same time Egypt continued to refuse the Ethiopian request for more bishops, fearing an Ethiopian potential future religious independence. For what concerned the Nile, it is possible to assert that in the 12<sup>th</sup> century it was already widely spread in Egypt a famous old myth according to which the Ethiopians had the ability to divert the Nile waters.<sup>20</sup>

Therefore, it could be said that the relationship between Ethiopia and Egypt was shaped since the very birth of Islam around a dichotomy between territorial rivalries and clashes between Christian Ethiopia and the Muslim communities in the Horn of Africa, and a religious cooperation between the two countries, with the interconnection of the two Churches. All of it took place around the Nile, that was not yet a predominant issue on the two countries' agenda, but it played nonetheless an important role, due to the spreading of the ancient myth concerning the alleged Ethiopians' power of controlling the Nile. This dichotomy resulted in a diplomatic mechanism of cooperation, but featured by a sense of mutual distance and distrust, which was to last for many centuries to come, notwithstanding the different dynasties that succeeded in the two countries.

For example, in the 13<sup>th</sup> century there was a shift in power in both the countries, with the Mamluks ruling Egypt from 1250 to 1517, and the Solomonians in Ethiopia from 1270 to 1529. The Mamluks assumed, as the Fatimids did before, the role of protectors and leaders of

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<sup>19</sup> The Fatimid Caliphate was an Islamic caliphate of Arab origins which ruled over a large part of North Africa and of the Red Sea area from 909 to 1171. They conquered Egypt in 969 and established Cairo as the capital of their caliphate.

<sup>20</sup> It is proved by the fact that in 1273 the Egyptian Copt Jirjis al-Makin narrated in his book "*Majmu' al-mubarak*" the story of the Ethiopian Zagwe king Lalibela who once had diverted the Nile and then restored the river to its course. He was the first Egyptian to write about the myth in Arabic. However, throughout the centuries there were elaborated several and different versions of the same myth, that anyway always addressed the assumed Ethiopians' ability to divert or stop the Nile waters.

Source: Erlich, "The Cross and the River", 38.

Islam, however they clashed with the Solomonians, that were assuming in Ethiopia the same role for the Christian religion. The Solomonians managed to expand the country's borders until what is present-day Ethiopia's heartland, creating a huge and strong empire. However, as it happened before with the Zagwe dynasty, they collided with the Muslim sultanates of Ifat and Adal in the south, and collected victories over these Islamic territories. The Mamluks then retaliated against the Copts and Coptic churches in Egypt, and sometimes they even prevented the Coptic Church from sending the *abuns*. In return, the Solomonians threatened the Muslims communities in Ethiopia and, more important, they blackmailed the Islamic counterpart with the threat of diverting the Nile. Indeed, the Ethiopian emperor 'Amda-Zion (1314-1344) managed to conquer the Lake Tana area, which was inhabited until that moment by pagan people, and pursued a process of Christianization of the territories surrounding the Blue Nile's gorge, by sending soldiers and monks and by building churches and monasteries. This was actually the first time in history in which Ethiopia entered effectively in control of the Blue Nile source, even if the myth about it had long been in circulation. Emperor 'Amda-Zion's subsequent action showed that he had immediately realized that the Abbai flowed into the Nile of Egypt, for he was quick to resort to the blockade's threat by sending in 1325 a letter to the Egyptian ruler, in which he demanded for a repair of the damages inflicted on churches, and on Christians' honor and respect<sup>21</sup>. This story was widely narrated in the literature of the period, and it was further complemented by more myths, fueled also by a newly established connection and cooperation between the Ethiopians and the Christian Europe. Indeed, since the Solomonian rulers were acting as defenders of Christianity, they enjoyed the support of the Christian Europeans and of their strong church. This Christian Ethiopian-European connection was further complemented by the spread of a new myth concerning a plan for an imminent destruction of Egypt orchestrated by the Christians<sup>22</sup>. However, effectively the support of the Europeans, along with the achieved effective control of the Nile's main tributary source, gave the Ethiopian rulers more confidence and it provided them a new bargaining power. Indeed, it is worthy of mention the letter that Ethiopian emperor Zar'a Ya'qob sent to the Egyptian sultan in 1443, as a response to renewed anti-Coptic measures in Egypt, in which the emperor addressed directly and explicitly the Nile issue, stating that the Ethiopians were empowered "of preventing the floods of the Nile to irrigate Egypt, and nothing kept them from doing so, other than the belief in God and the care for his slaves"<sup>23</sup>. It could be asserted that it was from the 13<sup>th</sup> century, with the Solomonian

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<sup>21</sup> Erlich, "The Cross and the River", 43.

<sup>22</sup> In particular, it started circulating the story that a legendary priest, Prester John, was capable of diverting the Nile and redeeming Christianity by destroying Egypt. This myth originated in Europe, and then reached Ethiopia and Egypt, imported by travelers and merchants. Source: Erlich, "The Cross and the River", 45.

<sup>23</sup> Erlich, "The Cross and the River", 46.

dynasty (1270-1517), that Ethiopia acquired a new significant awareness of the Nile's political significance. However, it must be acknowledged that the Ethiopian rulers used the Nile myths only as a bargaining power to reach a deal of mutual understanding with Egypt, but they had no real intention of actually blocking the river's flow, nor they had the economic resources to build any infrastructure on the Nile. Moreover, they still needed Egypt as the source of their Christianity, and they also wanted Egypt to be their guarantee of protection from the threat and spread of Islam in the Horn of Africa. In the Ethiopian eyes, Egypt was to remain, if not a real ally, at least a strong Islamic country with which to maintain convenient good diplomatic relations, and cultural and religious exchanges, which in addition also benefitted the process of modernization of the country<sup>24</sup>. However, in the 16<sup>th</sup> century it happened an event that changed consistently the diplomatic equilibrium that had been established in the Ethiopian-Egyptian relationship since the 12<sup>th</sup> century. Indeed, the Muslims of the Horn, finally reunited under one political and military leadership, that of the imam Ahmad Grag, conquered and occupied Ethiopia from 1529 to 1543. The conquest happened when Egypt could not oppose any resistance, since it had become an Ottoman province in 1517. During the years of the occupation, the country's cultural and religious institutions were almost all destroyed, and Christians were forced to convert to Islam. Ethiopia's salvation came thanks to the European intervention. In particular, when the Portuguese had discovered the sea route to India in 1510-1511, they had also strove to control the Red Sea trade, therefore entering into a rivalry with Egypt, both when it was ruled by the Mamluks and when it was conquered by the Ottomans. The Portuguese helped Ethiopia to reorganize militarily, and in February 1543 the country managed to freed itself from the Muslim occupation. The Islamic conquest was to be remembered as one of the most important chapter of the Ethiopian history: the destruction of the Ethiopian cultural and religious assets, and of the national pride, was immense. The implications in terms of the Ethiopian concept of Islam were huge as well. Hence, from the 16<sup>th</sup> century, it arose the fear that Islam could have politically reunited again to destroy Christian Ethiopia and its national existence; this idea, that could be renamed as the "Ahmad Grag Trauma"<sup>25</sup>, was to become part of the same Ethiopia's consciousness. Consequently, the Ethiopian-Egyptian relationships were severely affected: indeed, even though Egypt did not take part into the military aggression, and it could not even intervene since it had become an Ottoman province, nonetheless the country was seen as the protector and the guardian of Islam, so the Ethiopians' suspicious attitude strongly consolidated and persisted for many years to come<sup>26</sup>.

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<sup>24</sup> Erlich, "The Cross and the River", 40.

<sup>25</sup> Erlich, "The Cross and the River", 48.

<sup>26</sup> Erlich, "The Cross and the River", 50.

For three centuries after the Islamic conquest of Ethiopia, the Ethiopian-Egyptians relations lost much significance to both sides. Ethiopia experienced several difficulties in facing its process of reunification after the Islamic occupation, with the emperors who proved unable to impose a central authority, and the church falling under the influence of the European Catholicism- even if the Coptic tie was maintained. Whereas, from the 16<sup>th</sup> to the beginning of the 20<sup>th</sup> century, Egypt was ruled by a foreign power: in 1517 it was conquered by the Ottoman Turks, so it became a semi-autonomous province of the Ottoman Empire until 1914. Therefore, at least until the 19<sup>th</sup> century, Egypt could not have an autonomous foreign policy and, since the center of the Ottoman Empire was more oriented toward Middle East and Istanbul, it came naturally to continue to “leave the Abyssinians alone”. For what concerned the Nile, the Ottomans did not have any interest in investing in Egyptian infrastructures to rid the country of its dependence on the river’s annual flood, and the Ethiopians were too busy in their internal wars for power to think of the Nile as a card in international relations or for the development of the country.

The situation changed in the nineteenth century when, under a new dynasty of independent rulers, Egypt regained an autonomous foreign policy, and with that also its identity of a Nile country. Therefore, they were resurrected the Egyptian interests in the areas up the Nile. Meanwhile, in the second half of the century, Ethiopia went through an important process of modernization of the State, as it struggled to reestablish its imperial authority and to revive its Christian identity. The founders of modern Egypt and Ethiopia were respectively the Khedive Muhammad ‘Ali Pasha (1805-1849) and Tewodros II (1855-1868). Muhammad ‘Ali resurrected Egypt’s political autonomy and Egyptian strategic interests in the Nile’s area, by investing in a network of dams, irrigation canals and barrages, which made possible the introduction of cotton as major export and allowed the centralization of agriculture. Most of all, Muhammad ‘Ali implemented a regional strategy which will be of the utmost importance for the Nile’s area future equilibrium, called the “Upper Nile option”. The strategy aimed at ensuring Egypt the complete control on the river’s floods by exerting its influence and power over all the Nile Valley, in order to prevent any actions from the upstream countries that could have harmed the amount of water arriving to Egypt. Therefore, between 1820-1821, Muhammad ‘Ali sent the Egyptian army to conquer Sudan, and in 1830 it was built up the new city of Khartoum, a crucial asset in the strategy, as it is the point of convergence of the Blue and the White Nile<sup>27</sup>. Muhammad’s political strategy seemed to have finally fulfilled the ancient Egyptian claim to historical rights to the entire river. By annexing and controlling Sudan and by taming the floods at home, it started a new era for Egypt as the main Nile

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<sup>27</sup> In those years, the Sudanese resources and manpower were sought and exploited to strengthen the Egyptian modernization enterprise. Source: Erlich, “The Cross and the River”, 61.

country. New Egyptian missions were dispatched during the 1830s to explore new areas in Sudan and to administer its tribes. The Egyptians managed to gain a foothold also in Eritrea, in the Red Sea port of Massawa, and they started a process of conversion of local Sudanese and Eritrean tribes to Islam.

While Muhammad ‘Ali was setting the stage for the future developments in the Egyptian Nile’s strategy, Ethiopia was still lacking a stable imperial authority, as it was torn by internal rivalries, so it could hardly interfere with the events in the Blue Nile.

Successors of the Khedive Muhammad ‘Ali continued the Upper Nile option’s strategy, investing in Egypt’s development and infrastructures, with the help of the European countries, and pursuing the expansion up the river. Further, with the opening of the Suez Canal in 1869, the Red Sea area became another major asset for the Egyptian expansionism. The Egyptians occupied the entire Somali Red Sea coast, arriving up to Harar, a town that played a great symbolic role in the Ethiopia’s national consciousness, as it was the historic capital of the Muslim invader Ahmad Gragn. Effectively, here the Egyptians started spreading Islam among the Oromo’s clans of Southern Ethiopia<sup>28</sup>. However, the weakening of the Oromo’s tribes went at the advantage of Ethiopia, that in that period was about to expand into their territories. Indeed, as mentioned above, in the second half of the nineteenth century Ethiopia was finally going through a modernization process and it was reacquiring a political stability with the new Tigrean dynasty. As these changes were taking place, Ethiopia could develop a new strategic regional policy and it turned again toward the Red Sea. It is worthy of mention an episode occurred in 1876, which acquired a great symbolic significance especially for the newly reorganized Ethiopia. Indeed, after two armed Egyptian forces entered the Ethiopian territory and were defeated by the Ethiopians, the Khedive Isma ‘il had decided to start a full-scale war against Ethiopia. Ethiopia proved to have a strong and resilient political culture when it came to defend its independence: the Egyptians were severely defeated in the battle of Gura, and pushed back in Massawa. The battle of Gura of 1876 meant for the Egyptians the failure of their goal of connecting their Red Sea ports to Sudan, and it also caused a consistent financial loss, which deteriorated their balance of payment and opened up the space for the incoming European interference in the country’s internal affairs. Whereas in the Ethiopian eyes the Egyptian attack reactivated the memory of the historical “Ahmad Gragn trauma”, and Isma ‘il was seen in terms of a religious enemy. Indeed, immediately after the battle of Gura, the Ethiopian ruler interrupted the *abun* connection with Egypt until the year 1881. The victory of 1876 represented symbolically the rise of Ethiopia in the twentieth century, and it

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<sup>28</sup> The Oromo people are an ethnic group inhabiting Ethiopia. They are one of the largest ethnic groups, living mainly in the Oromia region, which borders with Somalia to east, South Sudan to west, Kenya to south and the Ahmara region to north.

was accompanied by the birth of a new generation of Ethiopians reshaping their nationalistic consciousness, in which the Blue Nile was to play a major role.<sup>29</sup>

However, in the first part of the twentieth century, the Ethiopian-Egyptian relations were interrupted, due to the British occupation of Egypt (1882-1952). Indeed, throughout the 19<sup>th</sup> century, the Egyptian dynasty went into huge debts with the European countries, in particular Great Britain and France, in order to use their loans to invest in the infrastructural development of the country. However, in return those countries had increased their influence on the Egyptian internal affairs and their control over its strategic infrastructures, such as the Suez Canal, inaugurated in 1869. Tensions and oppositions arose around 1882 among the Egyptian Islamic and Arabic nationalists against the European interference, which provoked an aggressive reaction from the British and the French that responded with a military strike. The British occupation of Egypt started in 1882, but it was only in 1914 that Britain effectively deposed the Khedive, declared a Protectorate over Egypt and appointed a Sultan. Later, in the aftermath of World War I, Egyptians' uprisings against the British occupation managed to bring the country to its independence in 1922, which meant the end of the British protectorate and the establishment of an independent Kingdom of Egypt. However, British influence did not stop to dominate Egypt's internal affairs and politics, at least until 1952, when a group of army officers led by General Nasser carried out a coup d'état and overthrew the corrupted and British-oriented government of King Farouk, establishing the Egyptian Republic.

During the period of the British occupation and protectorate, Egypt was deprived of an autonomous foreign policy, so it was kept outside from any decisions concerning the Nile's geo-political issues, for at least three decades. However, the Egyptians were replaced by the British in the conduct of their international relations, so the Egyptian-Ethiopian dialogue concerning the Nile was substituted by an Anglo-Ethiopian one. The strategy that the British decided to pursue was again the "all-Nile strategy". So, in 1896 they attacked Sudan, and in 1899 they managed to re-establish the Egyptian control over the country, so that also Sudan became formally part of the British Empire. However, the British, contrary to the traditional Egyptian policy of unifying the entire Nile basin, decided not to reunite Sudan to Egypt, but to administer it as an autonomous territory whose political leader was appointed by Egypt with the British approval. The British all-Nile strategy had then a direct bearing on Ethiopia. Indeed, it is relevant to notice that, once the British completed the construction of the first Aswan Dam in 1902, they dispatched an envoy to Emperor Menelik in order to reach an agreement that would have prevented Ethiopia from building "any works across the Blue Nile, Lake Tana or the Sobat, which would have prevented the flow of the water of the Nile,

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<sup>29</sup> Erlich, "The Cross and the River", 74.

except in agreement with His Britannic Majesty's Government and the Government of Sudan.”<sup>30</sup> In the same year, the British were allowed to send a mission to survey Lake Tana, and from that moment the British vision of an “all-Nile system” under their control focused on the project of building a dam over the lake to exploit its huge amount of water. The British offered several financial incentives to the Ethiopians, and they even considered a military occupation of the country. In 1906, they signed a tripartite agreement with the Italians and the French to secure the British influence over the Lake Tana area, and in 1925 they made a deal with Mussolini to support each other's interests in Ethiopia. Finally, what was probably the greatest achievement of the British “all-Nile strategy” was the signing of the Egyptian-Sudanese Water Agreement of 1929, that covered many issues related to the Nile River and its tributaries. In particular, it granted Egypt an annual water allocation of 48 billion cubic meters and Sudan 4 billion cubic meters out of an estimated average annual yield of 84 billion cubic meters. In addition, the 1929 agreement granted Egypt veto power over construction projects on the Nile River, or any of its tributaries, in an effort to minimize any interference with the flow of waters.

Meanwhile, Ethiopia's internal affairs during the nineteenth century had revolved primarily around the struggle of centralizing the power at the expenses of the several rival leading regional families<sup>31</sup>. However, in the 1870s, the European colonial powers started infiltrating in the area: in 1882, the Italian company Rubattino bought the Assab bay in Eritrea, which would constitute the basis for the following colonization of the country, that would be conquered by the Italians in 1890. One year later, Menelik II became Emperor of Ethiopia (1899-1914). He managed to reunify the lands and the people of the South, East and West (the Oromo and the other groups), in an empire and to bring the country's borders to those of present-day Ethiopia. Then, he had to face the threat of the European expansion: in 1889, Menelik concluded a treaty with Italy which defined the borders between Ethiopia and Eritrea, and committed Ethiopia not to interfere in the Eritrean-Italian affairs in return for the guarantee of immunity for the Ethiopian traders and the Ethiopian goods<sup>32</sup>. However, the treaty was drawn up in the two national languages, but the Italian version was transcribed in a way that it gave Italy more power than that agreed with Ethiopia, so eventually Menelik rejected the treaty. Menelik's refusal led to the Battle of Adwa, in which the Italian colonial army was destroyed by the Ethiopian one; therefore, Italy was forced to sign the Treaty of Addis Ababa, in which it recognized the absolute independence of Ethiopia. Menelik died in

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<sup>30</sup> Erlich, “The Cross and the River”, 82.

<sup>31</sup> In particular, since the end of the eighteenth century until the year 1855, the country went through the so-called “Princes Era”, featured by the continuous conflicts among the several princes and the emperor; this period ended in 1855 with the rise to power of Emperor Tewodros II.

<sup>32</sup> Erlich, “The Cross and the River” 80.

1913, and until the coronation in 1930 of new Emperor Haile Selassie, Ethiopia was torn apart by internal struggles for power, also stirred up by the British, that kept on interfering with the country's internal affairs, for example by trying to fuel a potential secession of the province of Gojjam, a region in the north-western part of Ethiopia, which lied entirely within the bend of the Blue Nile from its outflow from Lake Tana to Sudan. For this reason, the province of Gojjam, surrounded by the river's waters, was isolated from the rest of the country, at least until 1933 when it was built the first bridge over the gorge of the Abbai. This confinement had fostered the spirit of independence of the people of Gojjam, who considered the Abbai as the protector of their autonomy.

In the 1920s, it emerged one of the most important Ethiopian political figures: Haile Selassie (or Ras Tafari), member of the Solomonic dynasty, who was regent of Ethiopia since 1916 to 1930, and Emperor of the country from 1930 until 1974. Haile Selassie was to play a fundamental role in the modernization of Ethiopia. Firstly, he led the process of Ethiopia's admission to the League of Nations in 1923. Then, he attempted to centralize the imperial power around his authoritarian figure, and in doing so he undermined the huge power of the Church. Clearly, this purpose was strongly interconnected to the religious bond with Egypt: indeed, Haile Selassie pressed Egypt to assign Ethiopia an Ethiopian independent *abun* and worked to undermine the power of the *abun* at home, by tightening the imperial control over the church<sup>33</sup>. The issue of an Egyptian *abun* had become in those years a major demand of the Ethiopian nationalists: many newspapers had started protesting against the religious institution of the foreign *abun*.<sup>34</sup> Eventually, Tafari's negotiations with Egypt brought to a compromise, according to which the new Egyptian *abun* sent to Ethiopia could not himself appoint bishops, but the Egyptian patriarch would have consecrated three Ethiopian monks, who became the very first Ethiopian bishops. Over the years, Tafari kept on pursuing his goal of secularizing the country: he secularized the education system, then imposed the government control over the church treasury and assets and deprived the priesthood of its judicial powers, even in the remote provinces, by implementing the 1913 Constitution. For what concerned the modernization of the infrastructures of the country, Tafari tried in vain to interest the British in an internationally American-British financed dam over Lake Tana, which would have been under the Ethiopian control. He organized two Nile conferences in 1933 and in May 1935, the latter in the attempt to obtain a help against the Mussolini's threat.

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<sup>33</sup> In 1924, Ras Tafari visited Egypt, where he met the patriarch and the members of the Coptic Church, and he demanded that Ethiopia could be assigned an Ethiopian *abun* with the power to appoint bishops. Ras Tafari did not achieve anything from his visit.

<sup>34</sup> On 10 March 1927 Tesfahun Abebe devoted the weekly article to Egyptian-Ethiopian relations. Although he titled it "On Friendship and Brotherhood", he stated that Ethiopians hated "the Coptic demand to control their church" and implied that Ethiopia might use its ability to control the Nile waters. Other young intellectuals went on to label the church connection "religious imperialism" and "Coptic tyranny" and demanded that Ethiopia raise the matter at the League of nations.

Source: Erlich, "The Cross and the River", 98.



But the British barely responded; eventually Ethiopia fell under the pressure of the European colonial expansion, and it was conquered by Fascist Italy from 1935 to 1941.

The years of the “Abyssinian crisis” constituted for Ethiopia five years of humiliation and destruction. The attack was conducted despite the fact that Ethiopia was part of the League of Nations, and no country intervened to stop Mussolini. The Ethiopian Empire was destroyed and it was annexed to the Italian East Africa; Haile Selassie went to exile. The Egyptian reaction to the Ethiopian conquest was mainly one of solidarity: Egypt sent small groups of volunteers as the process of occupation started in 1935, and almost all the Egyptian newspapers condemned Mussolini. Effectively, the presence of Mussolini in the country could not go unnoticed for the Egyptians, and it actually became a major issue on the country’s agenda for two main reasons. The first concerned the decision of the Fascists of severing the religious bond with Egypt and of declaring the Ethiopian Church autocephalous<sup>35</sup>. The Egyptian public opinion agreed that the very Egyptian identity had been offended<sup>36</sup> and depicted Mussolini as a brutal and imperialist dictator. The second reason was linked to the fear that the same fascist dictator was in control of the source of the Blue Nile. However, when in 1938 the Anglo-Italian negotiations on the Nile produced an agreement to maintain the status quo about the river, the Egyptian government recognized Italian East Africa. Eventually, in 1941 the British troops defeated the Italian ones and reinstated the authority of Haile Selassie, who returned from the exile and tried to restore the base of his power. Firstly, in 1942 he reestablished the church tie with Egypt, that was to last until 1959, when the first Ethiopian *abun* was finally consecrated by a Coptic Patriarch.

The twentieth century was a long period of both Ethiopia and Egypt’s self-redefinition: the foreign occupations fostered a process of awareness of their identities, and the rise of modern nationalism. For what concerned Egypt, Egyptian modern nationalism in the early 1900 was focused on the refusal of the European (particularly the British) interferences in the country<sup>37</sup>. The early Egyptian nationalists kept on working to achieve the independence of the country with a moderate liberal and parliamentary spirit of nationalism, which also supported and identified with Ethiopia when it was invaded by Fascist Italy. With regard to the Nile, the river was to play a major role in the Egyptian modern nationalism, which remained loyal to the concept of the unity of the Nile valley, despite the fact that the British occupiers separated Egypt from Sudan. Later, it has long been accepted that the 1930s witnessed “the return of

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<sup>35</sup> Erlich, “The Cross and the River”, 113.

<sup>36</sup> When the Egyptian Minister to Rome was asked by Mussolini’s foreign minister why the general public opinion in Egypt was so troubled by a “Coptic matter”, the former responded that “[...] the Abyssinian Church question was a national one for Egypt”. Source: Erlich, “The Cross and the River”, 114.

<sup>37</sup> Its first manifestation was the Urabi revolt from 1879 to 1882, led by Colonel Urabi, to depose the Khedive and to end the British and French influence over the country. However, not only the uprising was suppressed, but the country was occupied by the British.

Islam” in Egypt, which will articulate in two sides: one implying the abandonment of ideas of tolerance and liberalism, and another that will remain faithful to a liberal Islam. The latter will have his expression in the Young Men’s Muslim Association, a coalition of moderate Muslims which became the Ethiopia’s most energetic supporter, and in the early 1935 in the Committee for Defense of Ethiopia. On the other hand, Egyptian nationalism also developed a negative and anti-Ethiopian stand, as witnessed by the publication in 1935 of a book, *Islam in Ethiopia*, which fomented a sentiment of hate and condemnation of the Christian Ethiopia, together with a racist stance that described Ethiopians as barbarous.<sup>38</sup>

Starting from the end of World War II, it began a period of warm relations between Egypt and Ethiopia, that was to last at least until the end of the 50s, when the establishment of the revolutionary regime of Nasser in Egypt would have abruptly changed the fundamentals of the Ethiopian-Egyptian relations. However, during the 1940s and the early 50s, both the countries were willing to cooperate and to dialogue, so they managed to address several issues in a climate of substantial reciprocal trust. Indeed, on one hand Haile Selassie, returned to power from the exile, tried to reaffirm a stable political power by pursuing again a process of modernization of the Church, so he was keen to develop a dialogue with Egypt to reach his goal. On the other hand, during the 1940s, Egypt was still focused on the project of the unity of the Nile valley, and the Eritrean issue was a major asset on the national agenda: the ex-Italian colony, considered a corridor to Sudan by Cairo, was claimed also by Ethiopia. Therefore, Egypt was very interested in resurrecting the ancient Christian dimension of relations with Ethiopia in order to promote better working relations on other issues.

Therefore, after the end of World War II it was addressed the issue of the Ethiopian Church and its bond with the Egyptian Coptic one. Beginning from the second half of the 1940s, Ethiopia started a tough campaign to break the historical dependency: the emperor himself convened several religious conferences in Addis Ababa, and the press published various articles, speeches and deliberations of young intellectuals and churchmen describing the damages inflicted to Ethiopia for centuries by the unjust dependency. There was wide consensus around the idea that the fact that the *abuns* could not consecrate bishops made the Ethiopian Church weak and stagnant, and that the Egyptian *abuns* were generally ignorant of the Ethiopian customs and too often loyal to the interests of a foreign and Islamic country to provide Ethiopia a proper Christian leadership. On his part, the Coptic Church went on resisting any change and rejected all the Ethiopians demands, up to the point that the Ethiopian anger peaked during a conference in 1945, when it was approved a resolution to cease all negotiations and relations and to consider the election of an Ethiopian *abun*. What played a major role in the religious controversy’s resolution was the involvement of the

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<sup>38</sup> Erlich, “The Cross and the River”, 106.

Egyptian government in the late 1940s. Indeed, until the end of World War II, church negotiations were mainly conducted by the Ethiopians and the Coptic Church. However, as stated above, being at stake the Eritrean dispute, the Egyptian government entered the picture and tried to appease Ethiopia at least on the religious matters to build a comprehensive constructive diplomatic dialogue with the country. Therefore, thanks also to the authoritative leadership of Haile Selassie, who refused to accept the compromises proposed by the Coptic Church, finally on 25 July 1948 they were consecrated five Ethiopian monks as archbishops, with the authorization to appoint bishops; one of them was given the title of *abun*, becoming so the first Ethiopian *abun*. However, the 1948 arrangement did not break completely the bond between the two countries: the Egyptian Church was to remain the spiritual mother of the Ethiopian one, as the Ethiopian *abuns* were to continue to be appointed by an Egyptian Patriarch, elected now also with the involvement of an Ethiopian delegation. This agreement, made possible thanks to the Egyptian government's participation, was a great achievement for Ethiopia and for Haile Selassie, who could continue to promote the modernization of the country with a new nationalized church under his control.<sup>39</sup> However, it was not destined to last long, due to the revolutionary change of regime in Egypt in July 1952.

In the late 1940s it was reached an agreement also on the Eritrean issue. Starting from the end of World War II, both Egypt and Ethiopia had started diplomatic campaigns to regain Eritrea, exposing their claims in all the international conferences in London, Paris, and then in the United Nations<sup>40</sup>. Bilateral contacts between the two countries failed, and Egypt arrived to express claims over the entire Eritrean territory in 1947. Later, in December 1949, the Ethiopian spokesman met with King Farouk in Cairo and he expressly connected the Egyptian's stand on Eritrea to the fact that his country was in position to interfere with the Blue Nile<sup>41</sup>. This resulted in the abandonment by Egypt of its claims on Eritrea: in December 1950, in defiance of the other Arab delegations, Egypt joined the majority in the UN and voted for an Eritrean federation with Ethiopia. Despite it represented for Egypt the loss of its Eritrean claims, the 1950 arrangement witnessed the positive diplomatic attitude that featured the Ethiopian-Egyptian relations at least until the mid 1950s.

In 1952 it occurred a revolutionary change of regime in Egypt, with General Nasser leading a coup d'état that overthrew the monarchy of Farouk I and proclaimed the born of the Egyptian Republic. Later, after an attempt to Nasser's life carried out by a Muslim Brotherhood's member in 1954, Nasser cracked down on the organization, put President Naguib under house

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<sup>39</sup> Erlich, "The Cross and the River", 124.

<sup>40</sup> The Egyptians, led by the Coptic diplomat Wasif Boutros-Ghali, were arguing that the Italians had captured Massawa in 1885 from Egypt, and so that the Arab-populated towns should have been restored to Egypt. Whereas the Ethiopians, represented by the acting foreign minister Aklilu Habta-Wold, referred to the Egyptian defeat in Gura in 1876, and to the 1884 Hewett Treaty under which Egypt renounced to his claims on Massawa.

<sup>41</sup> Erlich, "The Cross and the River", 128. Source: Habtewold. *Aklilu Remembers*.

arrest and assumed himself the presidency in 1956, implementing a new Constitution and establishing a one-party system<sup>42</sup>. The new revolutionary regime of Nasser was to bring fundamental changes in nearly every dimension of Egyptian life, including its very identity, a thing that will also radically transform the relationship with Ethiopia, leading to a final, historic break between the two countries. Indeed, Nasser's ideology abandoned Egyptian nationalism and the territorial and historical conception of Egypt as a Nile country, to embrace a new Pan-Arab identity, emphasized by the establishment in 1958 of the United Arab Republic (UAR). Nasser turned to the Middle East, an option that was closed to Egypt since long time and, in particular after the 1956 Suez crisis and the Egyptian political victory, he managed to provide Egypt a leading role in the Arab world. These transformation in Egypt's strategic priorities and identity had an impact on the relationship with Ethiopia and on all the pertaining issues, such as the Nile, the religious connection and the disputed territories. Concerning the Eritrean issue, formally resolved in 1950 by the previous regime's diplomatic efforts, the new regime turned to an ethnic subversion strategy. Since 1955, Egypt started working for the instigation of an Arab revolution in the now-autonomous Ethiopian province. Muslims from Eritrea absorbed the new Arab spirit and identity spread by Cairo (even though they were not Arabic speakers, as they spoke the Tigre language). With the influence and the example also of the Pan-Arab Algerian Front de Liberation Nationale (FLN), and a military training carried out in Cairo, in 1959 they set up a truly liberation front, the Eritrean Liberation Front (ELF), that launched an anti-Ethiopian revolt in Eritrea. The Nasserist regime represented the main pillar of support for the Eritrean separatist movement<sup>43</sup>, but it worked on the Somali front too, trying to fuel the anti-Ethiopian character of the emerging Somali nationalism<sup>44</sup>. The support to the "Arab" liberation fronts was a major element of Nasser's ideology: indeed, Nasserism wanted to present itself as a popular, progressive and anti-imperialist movement.

The historical divorce with Ethiopia did not happen because of Egypt's interference with the liberation movements, even because Nasser never really addressed directly Haile Selassie and Ethiopia, whereas he continued to maintain friendly relations with the Ethiopian leader. It occurred thanks to the break of the two main point of connection between the two countries: the Nile and the religious bond.

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<sup>42</sup> General Nasser hold the presidency office until 1967 when, following Egypt's defeat against Israel in the 1967 Six Days War, he resigned. However, he held the office of Prime Minister for two more years, until 1970, when he died due to a heart attack.

<sup>43</sup> To reach his goal of liberating Eritrea from Ethiopia, Nasser was also ready to help the Christian Tigreans in their resistance against Haile Selassie's absolutism: in fact, their leader, the protestant Walda-Ab Walda-Mariam, was invited in 1955 in Cairo to broadcast anti-Ethiopian messages on the radio. Source: Erlich, "The Cross and the River", 130.

<sup>44</sup> Somalia eventually obtained independence in 1960, and it joined the Arab League in 1974. However, it kept on representing a serious threat to Ethiopia, began claiming on one-third of its territory.

Starting with the first, the Nile policy's goal of Nasser was to abandon the "Unity of the Nile Valley" strategy, as well as the historical dependence of the country from the river's floods. The most meaningful change he introduced was the construction of the Aswan High Dam, a dam built in the city of Aswan in the south of Egypt, with the intention of increasing the water storage for irrigation and the production of hydroelectricity<sup>45</sup>. The history of the project's financing led to a crisis in the West, with the consequent opening of Nasser to the USSR. It followed the nationalization of the Suez Canal and the 1956 war with Britain, France and Israel, that resulted in an important political victory of Nasser, that gave him even more prestige as leader of revolutionary Pan-Arabism. The building of the dam, that was completed in 1971, was to play a relevant symbolic role for the regime's ideology, a part from the practical gains in terms of spared water. Indeed, by adopting the High Dam idea and by recognizing Sudan as a separate entity, Nasser was quick to divorce the nationalist goal and slogan of the "Unity of the Nile Valley", and to present a country no longer definable by the old river<sup>46</sup>. The dam embodied the spirit of the revolution in the meaning that it was a demonstration of independence of Egypt, that was now the master of its own destiny, in control of the floods of the river. "The War of Arab Destiny" was conducted not only against the old dependency on the West, but also on the Nile's upstream countries: in Nasser's vision, Lake Nasser, and not Lake Tana, was to become the main source of the Nile. For Nasser, Egyptian identity was to be redefined by wider spaces than the ones related to water necessities and dependency on the Nile and upstream countries: these spaces, in his vision, formed three circles around Egypt, and they were the Arab, the African and the Islamic one. Ethiopia belonged to the African circle and, by building the Aswan High Dam, Nasser was intentioned to make it irrelevant as a Nile country. Effectively, at least in the short term, the dam proved to be a successful one-sided political solution that allowed Nasser to ignore Ethiopia. Indeed, on 8 November 1959 Nasser signed a treaty with Sudan, with which the two countries divided between them "the historic rights" over the Nile, without even considering Ethiopia. The response of Haile Selassie to the double Nasser's decision of excluding Ethiopia from the Nile's affairs and of instigating and supporting the Arabization of the Muslims of the Horn of Africa, was to carry out an historical disconnection from Egypt. In doing so, he managed to change the rhetoric about the Ethiopian identity, together with the country's focus and strategic options: beginning in the 1950s, Ethiopia turned his focus on the African affairs, abandoning the Middle East. The same country that, for historical reasons,

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<sup>45</sup> According to recent analysis of historians of Nile hydropolitics, Robert Collins, Rushdi Sa'id, and John Waterbury, the Aswan Dam was "the wrong dam in the wrong place. It provided a local, short-term, one-sided political solution where hydrological irreversible shortcomings, exposed more forcefully after the Ethiopian droughts of the mid-1980s, are becoming more and more painfully visible." Source: Erlich, "The Cross and the River", 132.

<sup>46</sup> In "The Philosophy of the Revolution", published in 1954, Nasser mentioned the Nile as the country's source of life, but he also asserted that it had to be mastered by the revolution and its dam. Source: Erlich, "The Cross and the River", 184.

had always considered itself part of the Middle East, and had been very hesitant in participating to the African affairs, became in the 1960 the leader of the African camp and the headquarters of the Organization of African Unity<sup>47</sup>. Fundamental witnesses of this change can be found in the words reported by the British ambassador to Ethiopia in 1956 of a conversation between Nasser and the Ethiopian ambassador to Karthoum, Meles Andom, in which the latter affirmed that: “We Ethiopians are not Arabs. We are Africans and we are black. We do not belong to your world although like you we drink the water of the Nile. [...]”<sup>48</sup> Whereas Haile Selassie in his Crown Speech of 1957 affirmed that, even though Ethiopia was willing to share the waters of the Nile with his neighboring countries, “it was its primary and sacred duty to develop her water resources in the interest of her own rapidly expanding population and economy.”<sup>49</sup> This change of perspective from Ethiopia was actually a successful diplomatic strategy of Haile Selassie. Indeed, according to a report of the Israeli Consul General in Ethiopia, without the Arab and Islamic pressure of Nasser, Ethiopia would have probably continued to take its stand in the Middle Eastern area<sup>50</sup>. The second strategy adopted by Haile Selassie was to obtain an anti-Nasserist ally in the Middle East, which was to be historically Israel. Israeli-Ethiopian relations gained momentum by the late 1950s until 1973: indeed, Israel aimed at having an ally in a strategic position to monitor Egypt, so it was willing to send Israeli water experts to tour and oversee the Abbai area, as well as intelligence’s agents to monitor developments among the countries.

The conclusive disconnection between the two countries occurred because of the breakup of the religious connection among the Coptic Church and the Ethiopian one. First of all, the Nasserist regime severely challenged the stability and the cohesion of the Coptic community at home by adopting a very hard-line position toward the Copts’ autonomy. Then, he considered the traditional religious tie with Ethiopia an obsolete and superfluous instrument of diplomacy to cut off. What triggered the breakup was that in 1955 Patriarch Yusab II was accused of corruption and was forced to abdicate but, since he was a close ally of Haile Selassie, Ethiopia took a stand by affirming that it still recognized him as the patriarch. The main point was actually that Ethiopia was no longer willing to accept a subordinated position in the issue of the Patriarch’s election so, after Yusab II died in 1956, it started demanding for an equal number of voting delegates and for the introduction of Ethiopian candidates for the position. Meanwhile, Cairo government was increasingly enforcing his control over the Coptic institution, imposing a process of centralization through the implementation of new regulations and by abolishing all the community’s religious courts. Concurrently, the

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<sup>47</sup> Erlich, “The Cross and the River”, 135.

<sup>48</sup> Erlich, Haggai. “Ethiopia and the Middle East”. Lynne Rienne Publishers, 1994.

<sup>49</sup> Sudanese Press Agency, Local News Bulletin, 14 November 1957.

<sup>50</sup> Erlich, “Ethiopia and the Middle East”, 135.

Ethiopian government too had institutionalized the imperial control over the Church with the 1955 Constitution, which in fact realized the old Haile Selassie's goal and defined the emperor as "Defender of the Faith" and "Head of the Ethiopian Orthodox Church", giving him the right to legislate in all the church matters and to control the appointment of bishops and *abuns*. Therefore, with the deepening crisis of the Egyptian Coptic Church, which Haile Selassie considered now as completely falling under Nasser's control, he took advantage of the situation to finally carry out the breakup of the old dependence. He appointed Dajazmach Asrate Kassa, future governor of Eritrea (1964-1970) and President of the Senate, to lead the talks with Cairo, and refused to accept any compromise that would have not included the Ethiopians in the patriarch's election process. Eventually, under Nasser's instructions, the Ethiopians were not invited to join the elections that took place on April 1959 and, even though the newly elected Patriarch Cyril VI immediately sent a delegation to Addis Ababa in an ultimate attempt to appease the Ethiopians, the historical breakup had already occurred. On 28 June 1959, Patriarch Cyril VI appointed the very first Ethiopian *abun* as head of an autocephalous Ethiopian Church.<sup>51</sup> Despite the fact that the agreement reached among the two countries still envisaged some form of spiritual affiliation with the Coptic Church, it had occurred an historical radical change in the Ethiopian-Egyptian relations. Further, on 8 November of the same year, Nasser would have signed the water agreement with the Sudanese, practically declaring Ethiopia as irrelevant as a Nile country. Those two elements resulted together in a mutual declaration of historical divorce<sup>52</sup>. Therefore, it can be asserted that, since the establishment of the Nasserist revolutionary regime in 1952 until 1959, Ethiopia and Egypt reciprocally moved away: Egypt became the leader of a Pan-Arab, anti-imperialist and laic movement oriented toward Middle East, whereas Ethiopia carried out an historical turn toward Africa, became the center of the Pan-African diplomacy, and managed to establish an autonomous and autocephalous Christian Church. For what concerned Nasser's double policies, if he effectively sought to weaken the Copts and to break the obsolete religious tie, he was not as well successful in emancipating definitively Egypt from the Nile's dependence. Indeed, even if the double break of 1959 marked a turning point in the Ethiopian-Egyptian relations, these could never really interrupt because of an external element which was independent from the historical and political contingencies: the sharing of the Nile. Although Egypt declared Ethiopia irrelevant to the Nile and Ethiopia terminated the Egyptian

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<sup>51</sup> Erlich, "The Cross and the River", 139.

<sup>52</sup> Erlich, "The Cross and the River", 140.

connection to its Christian culture<sup>53</sup>, the two states remained deeply interconnected, at least for what concerned the Nile issue.

Even if the Church and the Nile matters were sidelined (though the latter only temporarily), other issues engaged Egyptian and Ethiopian leaders in bilateral relations in the beginning of the 1960s. The first issue was the Eritrean one: in 1961, the Eritrean Liberation Front began a revolt in the autonomous federated province. The ELF was based in Cairo and, even if Egypt refrained from expressing official support to the revolt, the Egyptians exerted a great influence over Eritrean Muslims and they provided them aid, as indeed the ELF declared its war to be part of the Pan-Arab revolution. In particular, the ELF members compared themselves to the Palestinians: as the latter were engaged in the fight against Israel, they considered themselves Arabs fighting the Jews of Africa, personified by the Ethiopians<sup>54</sup>. Then, in 1962, after a revolt in Yemen, the Egyptian army landed there and launched a war in the name of revolutionary Arabism. Egypt's return to the Red Sea provoked the rebirth in Ethiopia of the famous "Ahmad Gragn trauma". Indeed, Ethiopian policymakers were afraid that Nasser's interventions in Yemen, Eritrea and Somalia were part of a strategy to carry out the destruction and then the Arabization and Islamization of Ethiopia. Despite the fact that Nasser expelled the ELF from Cairo in 1963, Haile Selassie and his closest were convinced that there was Nasser behind all the revolts, and also behind a 1960 attempted coup against the emperor, carried out by the commander of the Imperial Bodyguard. This fear actually shaped the Ethiopian foreign policy of those years and resulted in the complete annexation of Eritrea to Ethiopia in 1962. However, none of these tensions or fears came out in the official declarations or in the public relations between the two countries, which actually remained very friendly thorough all the 1960s. When in June 1959 Haile Selassie visited Cairo (he travelled to Cairo again in 1963, 1966 and 1969), he praised Nasser as one of the world's greatest leaders, and in public interviews he often defined him as "a great friend", other than a great leader<sup>55</sup>. From his part, Nasser too, even though his policy aimed at ignoring completely Ethiopia, he reciprocated Haile Selassie's good words and worked to appease Ethiopia diplomatically and verbally<sup>56</sup>. More important, during those years, the Ethiopian authorities even arrived to define the Ethiopian Muslims as "Arabs", and the press was invited to

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<sup>53</sup> Since the 1959 separation until today, the religious matters became of secondary importance: they resurfaced on the Ethiopian-Egyptian agenda from time to time, but they actually never resided at the top again.

<sup>54</sup> In August 1964, Ibrahim Sultan, an ELF leader, stated in Cairo: "We the Eritreans are Arabs no less than the Palestinians. We fight the Jews of Africa as personified by the emperor and his government – the offspring of Solomon, the Lion of Judah, just as the Palestinians fight the Jews of Palestine." Source: Erlich, "The Cross and the River", 147.

<sup>55</sup> Ethiopian Herald, 30 Sept 1970.

<sup>56</sup> In 1957, Nasser wrote: "Between ourselves and Ethiopia there are eternal relations of love incomparable to anything else between two close brothers. [...] In addition to this the two of us share this eternal river that brings good and blessings. Every drop of these waters...reflects the shared beliefs that tie the feelings of the Egyptians, the Sudanese and the Ethiopians together". This was a part of the introduction written by Nasser to the book "*A History of Ethiopia*", written by the authors A.H.M. Jones and Elizabeth Monroe in 1935, and reedited in 1957. Source: Erlich, "The Cross and the River", 189.



broadcast the message of an Arab-Ethiopian friendliness. All these were diplomatic strategies from the Ethiopian leaders, that actually found a clear consensus upon the fact that Nasser, Nasserism and revolutionary Arabism, embodied all that they feared and hated: in private, Haile Selassie even confided that :”The Arabs were always our enemies. [...] Colonel Nasser is trying to stir up the large Muslim minority with the aim of dismembering this Christian country”<sup>57</sup>.

The 1960s were a decade in which Ethiopia reached the peak of its territorial expansion with the annexation of Eritrea and, also because of the Nasserist challenge, it seemed to return to the ancient authoritarian imperial culture. Haile Selassie’s response to the threat of Arabization and Islamization had actually a direct impact on the way he dealt with affairs at home: indeed, the external challenge led Haile Selassie and his collaborators to pursue an internal policy of political and cultural unification that did not take into account the rise of new forces at home and their growing expectations for changes. This incapacity of properly addressing the internal affairs, which more often were simply ignored, would eventually led to the regime’s failure. There were actually two sets of options put forward by Haile Selassie’s closest collaborators: Prime Minister Aklilu Habta-Wold<sup>58</sup> endorsed a plan to placate Nasser by neutralizing him in an African strategy, while carrying out a centralization of power at home, whereas Asrate Kassa<sup>59</sup>, the chief negotiator of the 1959 break of church relations and governor of Eritrea, supported the idea of confronting Nasserism with an Israeli-Middle Eastern strategy, while opening up to provincial and regional forces at home, other than to the new forces and the young and fresh educated generation. In particular, Prime Minister Aklilu urged Haile Selassie not to grant any kind of autonomous power to the various districts in order not to encourage separatist tendencies, and indeed he endorsed the decision of the Ethiopian Parliament in 1967 not to allow provinces’ and districts’ self-administration. About his African strategy, Aklilu managed to shift the center of the Pan-African diplomacy to Addis Ababa, that became the headquarter of the OAU (Organization of African Unity), founded in 1963. Aklilu reached his goal of making of Ethiopia the center of Pan-African activities, which was actually a great achievement, considered the fact that Ethiopia had been more Middle Eastern-oriented than African-oriented for centuries. The process of reemphasizing Ethiopia’s “African-ness” was therefore a successful political and diplomatic process that actually made the country shifting from having a marginal role in the Middle

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<sup>57</sup> Erlich, “The Cross and the River”, 150.

<sup>58</sup> Aklilu was Ethiopia’s foreign minister from 1947 to 1958, and Prime Minister from 1961 to 1974. He was one of the chief negotiators in the diplomatic struggle over Eritrea in the late 1940s, and a promoter of Pan-African diplomacy in the OAU’s framework.

<sup>59</sup> Asrate Kassa was the son of Haile Selassie’s closet ally. He saved the emperor from the 1960 attempted coup and, beyond being the chief negotiator during the 1959 break of the church relations, he also was appointed as governor of Eritrea from 1964 to 1970.

Eastern scenario to a senior and crucial role in the African one. This had a direct impact also on the Ethiopian-Egyptian dialogue, which was “Africanized”, with Egypt considered in the Ethiopian eyes as a North African country, and this allowed the two countries to conveniently ignore their old Middle Eastern differences and to build a renewed dialogue on new bases. Conversely Asrate, the other collaborator of Haile Selassie, during all the 1960s strongly urged the Emperor to look after and to take into account the changes and the requests of the society<sup>60</sup>. He was well aware of the discontent of the people toward the regime, the unequal redistribution of wealth (which was mainly centered in the capital, while the provinces were left behind and ignored), and the corruption of the governing class. He had also identified which were the principle sources of unrest, and so of threat to the survival of the regime: the army, the intelligentsia and the people of the provinces. So, when he was appointed as governor of Eritrea in 1964, he tried to abandon the absolutist centralization of power and to encourage a local Christian Tigrean autonomy under his personal authority. However, he never really changed the imposed Amharization of culture and education coming from Ethiopia (indeed, teaching in Tigre, Tigrinya and Arabic was prohibited). Asrate was strongly against the intervention of the army to quell the rebellions, since he was convinced that the best way to regain the political control was by appeasing the society, rather than repressing it. However, eventually Haile Selassie decided to follow Aklilu’s advices, and in October 1970 he deposed Asrate and adopted the martial law in Eritrea. This was probably the ruin of Ethiopia’s chances to regain Eritrea since, more than the Islamic secessionism, it was the repression of the Tigrean Eritreans, that did not identify themselves in the Ethiopian centralism of power and culture, the real source of unrest and revolution. Ras Asrate gave a great contribution also to the building of the Israeli-Ethiopian alliance, that grew exponentially during the 1960s, with huge Israeli investments in Ethiopia in terms of manpower, know-how’s sharing, training and building. It was a matter of strategic diplomacy, since Israel benefitted from having an ally against Egypt, but there was also a cultural connotation, as for many Ethiopians the old biblical Ethiopian-Christian dimension was part of the same Ethiopian cultural identity. Indeed, people of Addis Ababa celebrated Nasser’s humiliation in the 1967 war’s defeat as it was an historical Ethiopian victory. Despite this, Ethiopia did not recognize Israel until 1962, and kept secret its relations with the country. Aklilu committed himself to persuade Haile Selassie not to open an embassy in Israel and to meet its representatives in secret not to bother the Arabs. Indeed, since the Ethiopian-Egyptian relations had moved to the African arena, Egypt had decided to use it at its advantage: arguing

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<sup>60</sup> In 1963, he was said to have told to an Israeli diplomat these words: “Ethiopia is undergoing a crisis and faces a revolution that may topple the regime. The widespread popular belief is that the system should be changed promptly, either peacefully or through violence. [...] The people are disgusted with the government, the administration, and its corruption.” Source: Erlich, “The Cross and the River” 158.

that Israel had occupied the African territory in 1967, they put the Israeli matter on the top of the OAU's agenda, forcing so Ethiopia to hide its special cooperation with Israel. In 1969, Israel offered a full open alliance to Ethiopia, but the country rejected it and it even took the lead in an anti-Israeli OAU campaign, arguing with Israeli officials that Ethiopia was too weak to side against the Arabs, so it had to pretend to side with them. Eventually, during the 1973 Yom Kippur War, Ethiopia followed the example of the other African States' leaders and broke off diplomatic relations with Israel. Ethiopia had been promised by Egypt support against the Somali riots, armed by Moscow, and by King Faisal of Saudi Arabia \$200 million<sup>61</sup>. However, these money were never given to Haile Selassie, and the cut of relations with Israel did not help Ethiopia: Israeli trainers and officials had been an important stabilizing factor as a link between the imperial establishment and the revolutionary forces in the army, so their sudden absence created great instability. Nonetheless, the major cause of failure of the regime in 1974 should be found in its incapacity during the 1960s to face the new socioeconomic challenges and to open up to the internal changes of the society. This closure and repression toward the various elements of the society, due in part also to the great fear toward the Nasserist social revolutionary threat, led to the outbreak of civil war in 1974. Haile Selassie and the other members of the imperial establishment were imprisoned or killed (including Aklilu and Asrate). The Derg (short name for the Coordinating Committee of the Armed Forces, Police and Territorial Army, that was the young officers' revolutionary army), took the power and became the sole effective body in the country: in 1975, it abolished the monarchy and embraced Communism as ideology. Major Mengistu managed to impose a one-party system in 1984, which reflected the climate of the new political culture he imposed: a brutal and repressing regime, that brought Ethiopian politics back to primordial age.<sup>62</sup> Meanwhile, Egypt too was undergoing important political changes: Anwar Sadat became the third President of Egypt in 1970, serving until his assassination in 1981. Sadat had participated to the Egyptian revolution of 1952 and had been a close confidant of Nasser, under whom he served as Vice-President. Nevertheless, he imparted a change of direction to the Egyptian politics, by re-instituting a multiparty system, and returning to the Egyptian nationalism. He led Egypt in the Yom Kippur war in 1973 to regain the Sinai Peninsula, but afterwards he also engaged in negotiations with Israel, which eventually culminated in the renowned 1978 Camp David Accords, the Egypt-Israel Peace Treaty which make Sadat obtain the Nobel prize for peace.

For what concerned the impact of these changes of regime upon the relations between the two countries, they worsened radically, mostly because of the new Ethiopian attitude. Indeed,

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<sup>61</sup> Erlich, "The Cross and the River", 163.

<sup>62</sup> Erlich, "The Cross and the River", 165.

even though Mengistu tried to maintain the Ethiopian African identity, his new priority and main external sphere of affiliation was represented by the USSR and the Communist bloc, whereas Middle East and Arab countries became the enemy, depicted as imperialist and potentially dangerous countries. However, this fear had been previously shared also by Haile Selassie's regime, but Mengistu did not even try to maintain friendly relations with Egypt. He resorted often to verbal aggressions and threats toward the new Western-oriented Egypt of Sadat, that indeed was guilty for the rapprochement with the United States and the appeasement with Israel, considered not differently as an enemy by the renewed Ethiopia. Like many dictators, Mengistu managed to eliminate any kind of internal opposition, and then looked for an external strong threat to keep the internal cohesion, which he found in the Somali revolution, against which he convinced the USSR to provide support exclusively to Ethiopia and, most importantly, in the Islamic-Arab threat<sup>63</sup>. Indeed, he did great use of the traditional old fear of an Arab-Islamic plot to destroy Ethiopia: in 1975, he started making several speeches calling on all the Ethiopians to prepare for an Arab invasion. In those years, the two countries were sided in two rival blocs: Egypt began cooperating with the United States, Sudan, Saudi Arabia and the ELF in Eritrea to curtail the Soviet influence in the Red Sea (increased after the reopening of the Suez Canal in 1975), whereas Ethiopia sided with the Communist bloc. The interest of Egypt in the Red Sea and the anti-Soviet coalition benefitted Mengistu internal propaganda, even though Egypt of Sadat had abandoned the revolutionary Nasserist Pan-Arabism and any plan for an Arabization of Ethiopia or the Horn of Africa, aiming more at maintaining the control over an economically productive area. In 1977, Mengistu convinced Moscow to finance a strong Ethiopian army and the Somalis, which lost then the USSR support, decided to launch a final offensive, and invaded the Ogaden in 1977. The Ogaden war of 1977-78 was the biggest threat to Ethiopia since the invasion of Mussolini, since the Somalis obtained an initial great success, capturing all the disputed territories until the renowned city of Harar, the Ahmad Gragn's medieval capital of Islam. However, the Ethiopian army, with the help of the Soviets and of a Cuban division, managed to push the Somalis back to their borders in 1978, and was finally free to concentrate its efforts on regaining Eritrea. The significance of the Ogaden war in Mengistu's rhetoric allows to understand how the fear of an Islamic-Arab invasion of the country has always existed in the Ethiopians' consciousness since the famous Ahmad Gragn occupation, and it had actually never been overcome. Indeed, even though the Somalis had received the Soviet support at least until 1977 invasion, and only in 1978 the two countries had broken up their relations, Mengistu never mentioned the role that the Socialist country had played in arming their enemy, but on the contrary he still led the public opinion to think that Egypt had a hand

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<sup>63</sup> Erlich, "The Cross and the River", 165.

in it. In reality, Sadat had intervened in the conflict only in 1978, when the Somalis had lost the Soviet support and were then falling apart, to prevent an Ethiopian invasion of the country. He started helping militarily Siad Barre, and criticized severely Mengistu, defying him a corrupt, pro-Soviet dictator, arriving at the point of threatening him with a military aggression if he had touched the waters of the Nile<sup>64</sup>. This allowed Mengistu to increase and fuel the anti-Egyptian propaganda, especially in the press, that accused explicitly Sadat of plotting for the conquest of Ethiopia and the control of Lake Tana and the Blue Nile. The Ethiopian press referred to Sadat with the term of “Egypt’s khedive”, which was the title of the 19<sup>th</sup> century Egyptian ruler Isma’il that tried to conquer the entire Nile basin and was defeated by the Ethiopians in the 1876 battle of Gura. In 1979, it was written a very significant book which reflected thoroughly the new Ethiopian vision of Egypt and Sadat, named “*Egypt’s Imperial Aspirations over Lake Tana and the Blue Nile*”, distributed and widely read throughout the country. The book contained again the accusation against Sadat of plotting to destroy Ethiopia and to gain control over the Nile, as Isma’il attempted before. Whereas the third chapter, named “The Nile System and the Risks to Ethiopia of Unutilized Water Resources”, was entirely dedicated to the Nile, and it asserted that “The great danger of unutilized rivers to Ethiopia is that it creates an insane desire on the part of her neighbors to see to it that she will never attain the capacity to utilize these rivers”<sup>65</sup>. It meant that, if Ethiopia did not commit itself to use and develop the Nile waters and resources, her neighbors would have always been tempted to capture them, by the means of interfering in Ethiopian internal affairs, and thus creating social and political unrest. These were the years in which the idea of using, developing and investing the Nile resources started to come to the Ethiopians’ mind. In 1978, a spokesperson for the Ethiopian government asserted that “No one can question Ethiopia’s inalienable and self-evident right to use her natural resources for the benefit of her struggling masses [...] However, she does not believe in the exclusive exploitation of her water resources against the well-being of the masses in the neighboring countries”<sup>66</sup>.

However, Ethiopia of Mengistu still lacked the financial resources to invest in infrastructures upon the Nile, and its most important ally, the USSR, did not seem interested enough.

The assassination of Sadat in 1981 actually marked the beginning of a relaxation of the tensions among the two countries. Indeed, the new President Mubarak, even though he did not abandon the line of Egyptian nationalism and Western orientation, nor recognized any Ethiopia’s claim upon the Nile, proved to be more willing to a policy of appeasement. Indeed,

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<sup>64</sup> Erlich, “The Cross and the River”, 167. Source: Boutros-Ghali. “Egypt’s Road to Jerusalem”, p. 327.

<sup>65</sup> Erlich, “The Cross and the River”, 168.

<sup>66</sup> *Ethiopian Herald*, 14 May 1978.

after the death of Sadat, the Ethiopian press stopped attacking Egypt and the two countries signed a commercial agreement. However, for what concerned the Nile, progress were made, but the two countries did not seem really open to negotiate: Boutros-Ghali attempted to create an all-Nile confrontation framework, so in 1982 representatives of the nine riparian countries met in Khartoum to talk about options for a cooperation among them, but the Ethiopians refused to join officially and participated as observers. Further, in 1983 the Egyptian ambassador to Ethiopia delivered a series of lectures in which he expressed the willingness of Egypt to share its knowledge with the other riparian countries, but not to give up on its historic rights on the river. So, since the 1980s, good and friendly diplomatic relations were reestablished<sup>67</sup>, but still the dialogue about the Nile proved to be tense, and the two countries remained stuck on their positions. In 1985, Mubarak travelled to Ethiopia and failed to convince Mengistu to join the all-Nile consultation body; moreover, Mengistu re-stated the Ethiopian position of May 1978, according to which whatever Ethiopia had done about the Nile would have not been against international law<sup>68</sup>.

However, Mengistu's regime was not strong enough to develop the Blue Nile: the internal social unrest against his dictatorial attitude was increasing, then he proved unable to deal with the separatist movements of Eritrea. By mid-1980s, the whole northern Ethiopia had become a war zone. To the rebellions it added the terrible drought of 1984, which worsened the situation of the country. Eventually, in 1986 chaos increased in Ethiopia as Mengistu continued to blame external factors for the failure of his regime. He proved to be unable to face the internal social protest, and in 1986 he even adopted an unlucky policy, the "villagization campaign", which forced people living in the regions still under his control to abandon their villages to carry out a rapid collectivization of agriculture. A referendum was called in 1987, which implemented a new communist Constitution, and in 1987 Ethiopia was proclaimed a "People's Republic". Mengistu even travelled to Moscow to make a last attempt to obtain financial aid for the infrastructural development of the Nile, but he returned frustrated for the refusal of the ally, so he decided to open to new horizons and turned again to the Middle East. Indeed, in the late Mengistu's regime years, Ethiopia renewed its relation with Israel. However Israel, having signed a peace treaty with Egypt, was no longer interested in supporting an aggressive Ethiopian foreign policy, but only in maintaining good relations with the Ethiopia's Jewish community. Therefore, Ethiopia too decided to reconnect to Egypt, and in 1987 Mengistu did his first visit to Cairo. These were the years in which, after three years of drought in Ethiopia, the water level in lake Nasser had dramatically decreased, so

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<sup>67</sup> In 1984 Boutros-Ghali travelled to Ethiopia to meet Mengistu, and in return the Egyptian Foreign Minister 'Ismat 'Abd al-Majid declared that relations between the two countries were good and that Egypt respected Ethiopia's territorial integrity. Source: Erlich, "The Cross and the River", 170.

<sup>68</sup> *Ethiopian Herald*, 20 July 1985. Source: Erlich, "The Cross and the River", 170.

Egypt had started a campaign for the establishment of a diplomatic all-regional cooperative symposium about the Nile issues, that met in March 1987 and ended with the consensus that cooperative measures were needed. Mubarak reciprocated Mengistu's visit on September 1987, in the event of the celebration of Ethiopia as a "People's Republic", and Mengistu returned to Cairo again in 1990 to bring its regards on the tomb of Sadat. This period of rapprochement between Egypt and Ethiopia, which started in 1987, ended four decades of tensions: indeed, Haile Selassie had tried to maintain formal friendly relations, but he had actually avoided Nasserist Egypt by finding refuge in African diplomacy, whereas Mengistu, in his first years in power, had depicted an evil image of Sadat and Egypt. Finally, the inevitable interdependence of the two countries, linked by a fundamental natural element, called for a much sober reciprocal conceptualization and for the need to look for some form of real diplomatic cooperation. The Ethiopian-Egyptian relations could not really depart from the objective interconnection among them, so both the "Middle Eastern" Ethiopia or the "African" one of Haile Selassie always remained a major issue on the Egyptian agenda.

It is worth mentioning here the ideas of Boutros Boutros Ghali, UN Secretary General from 1992 to 1997<sup>69</sup>, and architect of the Ethiopian-Egyptian rapprochement in the mid-1980s. He summarized his ideas in an article named "The Foreign Policy of Egypt", in which in the section "The Challenge of the Nile", he affirmed that "Egypt is not simply one country, but four: an African country, a Mediterranean country, an Islamic and an Arab country". In Boutros Ghali's vision, Egypt should have not privileged its Arab identity, and thus Nasser's "Arab circle", at the expenses of the African one, nor it should have supported revolutions in the Nile countries, whereas it should have actively worked for stability and cooperation with the Nile upstream countries, especially with Sudan and Ethiopia. In his book *"Egypt's Road to Jerusalem"*, pp. 321-323, Boutros Ghali wrote: "I tried repeatedly to convince Sadat of my views and maintained that Egypt's national interest required us to establish relations with Ethiopia, where 85 percent of the Nile waters originate. To guarantee the flow of the Nile, there is no alternative to cooperation with Ethiopia, particularly in view of the Ethiopian irrigation project at Lake Tana, which could reduce the Nile waters reaching Egypt." Boutros Ghali plan was to create a supranational authority of all the States bordering the Nile, to exploit its waters also to produce electricity<sup>70</sup>. However, Egypt was to be the center of this new pan-regional cooperative system, Cairo and Lake Nasser the capital. Boutros Ghali's idea was therefore welcomed by Sadat, but the external conditions were not favorable, with the Sudanese internal war and Mengistu looking at the Soviet Union. So, until the drought in

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<sup>69</sup> Boutros Boutros Ghali studied in Egypt and France and he obtained a doctorate in international law. He worked as professor at the Cairo University. He served Nasser, then played a major role in shaping Egypt's foreign policy under Sadat and Mubarak. He served as Secretary General at the United Nations from 1992 to 1997.

<sup>70</sup> Erlich, "The Cross and the River", 196.

Ethiopia in the mid-1980s, the Egyptians were not really concerned with the Nile issue, convinced that the High Aswan Dam and Lake Nasser had ended the old dependence of Egypt on the Nile and had made of the old fear of an Ethiopian interference with its waters only a matter of history. However, by 1985 the water level in Lake Nasser had already begun to drop, but when rains in Ethiopia failed to arrive in 1986 and in the summer of 1987, the water level dropped to 12 meters below its normal level. Therefore, the thirty-years old illusion that Egypt could control the Nile by building the Aswan High Dam was shattered and Ethiopia was readdressed as the actual source of the river<sup>71</sup>. In March 1987, Mubarak invited Mengistu to Egypt for the first time, and the meeting ended with the conclusion that all-Nile cooperation was vitally needed. Hence, the perception of the potential disaster of the dry up of the Nile made the two countries realize that they had to cooperate. Indeed, in the 1990s it was institutionalized a dialogue concerning the Nile: On 1 July 1993, Mubarak and Meles Zanawi signed a framework of cooperation, and Egypt agreed in principle that Ethiopia deserved a share in the waters, whereas both the parties agreed not to engage in activities on the Nile that might have damaged the other riparian countries<sup>72</sup>.

To conclude, it will be now outlined a brief summary of the recent history of the three countries of Egypt, Sudan and Ethiopia. For what concerns Ethiopia, in 1991 rebel forces managed to overthrow the communist dictatorship of President Mengistu. Immediately after, it was established a Transitional Government chaired by Meles Zenawi, the head of the Ethiopian People's Revolutionary Democratic Front (EPRDF), during which Eritrea achieved independence (May 1993). During the transitional government it was established a multi-party democracy, and in 1994 it was adopted the Constitution of the Federal Democratic Republic of Ethiopia. The first elections were held in June 1995 and were won by the EPRDF; Meles Zenawi became Prime Minister, an office that he held until his death in 2012. Meles Zenawi with the EPRDF elaborated an Ethiopia's state-building and economic resurgence plan, very far from the Washington Consensus principles of "laissez-faire". The EPRDF established a political order seeking autonomy from internal and external threats and that established control over the political economy. Central to the party and Meles Zenawi's vision was a Great Ethiopian Renaissance, with the country finally resurging from its poverty and realizing its domestic and regional ambitions as leader of the Horn of Africa.<sup>73</sup>

As for what concerns Sudan and Egypt, after the death of Sadat, it was Mubarak that held the Presidency of Egypt from 1981 to 2011, year in which the country would have gone through great internal instability and social unrest, as it was beginning the Egyptian Revolution.

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<sup>71</sup> Erlich, "The Cross and the River", 208.

<sup>72</sup> "Egypt Recognizes Ethiopia's Rights to Nile Waters". *Ethiopian Herald*, July 1993.

<sup>73</sup> Verhoeven, H. "Africa's Next Hegemon". *Foreign Affairs*, April 2015.



Indeed, the Egyptians protested against the corruption of the regime, the lack of political freedom and freedom of speech, and the critical economic conditions. The revolution resulted in the overthrow of Mubarak's regime in February 2011. After a period of rule by the Supreme Council of Armed Forces, the Muslim Brotherhood took the power with the election in June 2012 of President Mohammed Morsi. However, President Morsi encountered great oppositions to his Islamist government in the very first year in power. He was deposed in July 2013 by a coup d'état led by Minister of Defense General Al-Sisi, who was then elected President of Egypt in the elections of May 2014.

Whereas Sudan, after it gained independence from Great Britain and Egypt in 1956, it was affected by great internal political instability and governments who proved unable to adopt a permanent constitution and to deal with the internal problems. Several coups d'état and two civil wars, the first from 1956 to 1972, the second from 1983 to 2005, harmed the country and its population, that therefore suffered from major destruction and displacement, and from the lack of any infrastructural investment or development in agriculture.

It is now appropriate to consider the legal context in which the dispute takes place, by analyzing the old treaties signed in the past about the Nile's waters and by examining the existing international water law.

Actually, the legal context relative to the GERD dispute is quite vague, as in general international water law, in so far as it exists, has always been harmed by a certain degree of vagueness. Indeed, international water law does exist but, at least until 2014, it was missing a body of international water law of universal applicability: where it exists, international water law generally takes the form of interstate treaties and agreements among specific riparian countries. So, it can be said that the field of international water law is characterized by a large measure of anarchy, and until today there are no globally accepted and binding codes of conduct, or institutions entitled to oversee the compliance of States. One of the most significant attempts to codify principles of international water law dates back to the 1966 Helsinki Rules of the Uses of the Waters of International Rivers, prepared by the International Law Commission<sup>74</sup> (ILC) of the United Nations. The Helsinki Rules are an international guideline regulating how rivers that cross national borders may be used. However, the Helsinki Rules were never adopted by the UN General Assembly, due to the objections of a number of States. Moreover, the Helsinki rules did not address aquifers not connected to drainage basins, and they were provided no mechanisms to enforce the rules<sup>75</sup>. Therefore, in 1997 the UNGA adopted the ILC's Convention on the Law of the Non-Navigational Uses of International Watercourses, an international treaty, entered into force in 2014, pertaining the uses of all waters that cross international boundaries, including groundwater. It is a framework convention, in the sense that it provides a framework of principles that may be applied to the several particular international watercourses, and it is the only treaty governing shared freshwater resources that is of universal applicability<sup>76</sup>. However, it must be recognized that the 1997 Watercourses Convention took more than 17 years to enter into force, with the minimum number of ratification (36 States) required, so several countries are still out of the applicability of the treaty, among which Egypt and Ethiopia.

Therefore, it is still effectively missing a body of international water law recognized and accepted at the global level, which is one of the factors that contributes to the difficulties in

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<sup>74</sup> The International Law Commission is a UN General Assembly subsidiary body, established by the General Assembly in 1947 to undertake the mandate of the Assembly under article 13 (1) (a) of the Charter of the United Nations to "initiate studies and make recommendations for the purpose of [...] encouraging the progressive development of international law and its codification". Source: <http://legal.un.org/ilc/>

<sup>75</sup> The Helsinki Rules of the Uses of the Waters of International Rivers was then superseded in 2004 by the Berlin Rules on Water Resources, a document summarizing international customary law applied to freshwater resources.

<sup>76</sup> <http://legal.un.org/avl/ha/clnuiw/clnuiw.html>

cooperating in the Nile Basin context. However, it is possible to take into account some principles identified by the ILC as providing theoretical bases for international water law, and to analyze the treaties signed in the past with regard to the Nile waters.

For what concerns the principles, it could be firstly mentioned the principle of “sovereignty”, also known as the Harmon Doctrine, which recognizes the absolute and unconditional freedom of actions and use of resources of States within the borders of their sovereign territory<sup>77</sup>. This principle is contrasting with the principle of “equitable share”, which is regarded as the cornerstone of the 1997 Watercourses Convention. Contained in Part II Art. 5, the principle requires that a State sharing an international watercourse with other States utilize the watercourse in its territory in a manner that is equitable and reasonable vis-à-vis the other States sharing it. In order to ensure that their utilization of an international watercourse is equitable and reasonable, States have to take into account all relevant factors and circumstances (an indicative list of factors and circumstances is contained in Art.6 of the same Convention)<sup>78</sup>. Another key provision of the Convention is contained in Art. 7 (Obligation not to cause significant harm). The principle of “no significant harm” requires that States “take all appropriate measures to prevent the causing of significant harm” to other States sharing an international watercourse.

If the abovementioned principles were applied concretely to the Nile basin case, the principle of sovereignty would give Ethiopia an unconditional right to use its waters as it pleases within its territory, therefore allowing the construction of the dam without taking into consideration the downstream countries’ interests. Whereas the principle of “no significant harm” and of

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<sup>77</sup> It was the dispute between the USA and Mexico over the Rio Grande in 1895 which gave rise to the theory of ‘absolute territorial sovereignty.’ In this case, Mexico claimed that diversions in the USA (Colorado and New Mexico) significantly reduced the supply of water to Mexican communities. The US Secretary of State requested a legal opinion of the US Attorney General, Judson Harmon, as to whether the United States violated Mexico’s rights under international law. In the section of his opinion Harmon denied that the general rules of international law imposed any obligation on the United States to restrict its own use of the portion of the Rio Grande within its own territory, even if this use might cause adverse effects downstream in Mexico. ‘The fundamental principle of international law is the absolute sovereignty of every nation, as against all others, within its own territory.’ All exceptions [...] to the full and complete power of a nation within its own territories must be traced up to the consent of the nation itself. They can flow from no other legitimate source.’ From: <http://www.unwatercoursesconvention.org/the-convention/part-ii-general-principles/article-5-equitable-and-reasonable-utilisation-and-participation/5-1-1-theories-of-allocation/>

<sup>78</sup> Article 6 Factors relevant to equitable and reasonable utilization 1.Utilization of an international watercourse in an equitable and reasonable manner within the meaning of article 5 requires taking into account all relevant factors and circumstances, including: (a) Geographic, hydrographic, hydrological, climatic, ecological and other factors of a natural character; (b) The social and economic needs of the watercourse States concerned; (c) The population dependent on the watercourse in each watercourse State; (d) The effects of the use or uses of the watercourses in one watercourse State on other watercourse States; (e) Existing and potential uses of the watercourse; (f) Conservation, protection, development and economy of use of the water resources of the watercourse and the costs of measures taken to that effect; (g) The availability of alternatives, of comparable value, to a particular planned or existing use. 2.In the application of article 5 or paragraph 1 of this article, watercourse States concerned shall, when the need arises, enter into consultations in a spirit of cooperation. 3.The weight to be given to each factor is to be determined by its importance in comparison with that of other relevant factors. In determining what is a reasonable and equitable use , all relevant factors are to be considered together and a conclusion reached on the basis of the whole. From: [http://legal.un.org/ilc/texts/instruments/english/conventions/8\\_3\\_1997.pdf](http://legal.un.org/ilc/texts/instruments/english/conventions/8_3_1997.pdf)

“equitable share” would allegedly take more into account the Egyptian and the Sudanese needs, as well as those of the other riparian States, without forgetting the right of Ethiopia to use its natural resources for the economic development of the country. Articles 5, 6 and 7 ‘s aim in effect is to reach a solution that is equitable and reasonable with regard to all the States’ uses of the watercourse. However, as already said, the Nile lacks an assessed and accepted viable legal framework, and the two countries are not part to the Convention.

Therefore, moving to the individual States’ claims in this dispute, Egypt has always reclaimed its water-sharing rights using a narrative that refers to its “historical rights” or “prior use” over the Nile, other than to the treaties it signed over the years. The narrative asserts that the Egyptians were the firsts to use the Nile, and for several centuries, and this would have somehow conferred them certain property rights upon it. However, this assertion cannot itself imply any notion of ownership of the Nile’s waters, or special rights upon them, and it is not even supported by evidences which legally prove that they are the inheritors of the ancient Egyptians who started using the Nile. Further, even if Egypt and Egyptian civilization arose thanks to the Nile waters, the Egyptians were not the only ones to use the river’s waters<sup>79</sup>.

For what concerns the treaties Egypt signed to secure himself the almost monopoly over the Nile and the power to oversee and decide on every project or infrastructure to be built on it by other riparian countries, they are the 1929 Anglo-Egyptian Agreement and the 1959 Egyptian-Sudanese Agreement. Starting from the 1929 Anglo-Egyptian Agreement, it was signed between the British, Egypt (that was a British protectorate at that time), Uganda, Kenya and Tanganyika, which were under the British colonial rule. The aim of the agreement was to give priority and special rights over the Nile to Egypt, whose elite by that time was becoming impatient with respect to the British “indirect rule”. Moreover, Egyptian cotton was a fundamental raw material for the British cotton textile industry. The agreement allocated shares of the Nile waters to Egypt and Sudan in the amount of 48 billion cubic meters of water to Egypt and 4 billion cubic meters to Sudan out of an estimated average annual yield of 84 billion cubic meters. In addition, it granted Egypt a veto power over the construction of projects on the Nile or any of its tributaries, in order to prevent and minimize any interference with the flow of water into the Nile that could have harmed Egyptian interests. Egypt has often used this treaty as a proof of its “historic rights” over the Nile, as it did in occasion of the 2004 Entebbe meeting of the Nile Basin Initiative (NBI) , when the Egyptian Irrigation Minister Mamhoud Abu Zeid stated that any breach of the 1929 Agreement would have been “tantamount to an act of war”.<sup>80</sup> However, Egypt’s legal claim based on this treaty is very

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<sup>79</sup> Sifulaziz, Milas. “Sharing the Nile. Egypt, Ethiopia and the Geo-Politics of Water”. Pluto Press, 2013.

<sup>80</sup>Sifulaziz, “Sharing the Nile”, 66. From: Brunnee, Jutta; Stephen, J. Toope. “The Changing Nile Regime: Does Law Matter?” Harvard International Law Journal, Vol. 43, No. 1, pp. 105-59.

weak and questionable. Indeed, first of all this treaty did not involve Ethiopia at all, as well as other upstream countries such as Burundi, Rwanda and the Democratic Republic of Congo. With regards to the other signatory countries, Kenya, Uganda and Tanganyika were under British rule when they signed the treaty. Therefore, the most important element for which the 1929 agreement could no longer be used by Egypt as legal evidence to support its rights over the river is that almost all the States that signed it went through a process of decolonization, and thus of State succession, and according to international law independent States emerged from a process of State succession are no longer bounded by the previous State's treaties<sup>81</sup>. According to international law, as laid down in the 1978 Vienna Convention on Succession of States in respect of Treaties, "succession of States" occurs when sovereignty over a given territory shifts from one state to another in conformity with international law: it could happen as a result of various causes, as a decolonization process, annexation, conquest, merger or secession. As a matter of an accepted principle of general international law, a new state is a non-party to existing treaties other than treaties creating such states, boundary treaties, and treaties evidencing rules of general international law. The Nile Basin area was largely interested by state succession phenomena, especially due to the decolonization process. Almost all the Nile Basin countries were under the rule of some European country and became independent in the second half of the twentieth century, including the 1929 Agreement signatory countries, Uganda, Kenya, Sudan and Tanganyika. In particular, it is worth mentioning that Tanganyika, upon its independence in 1960, made expressly clear that it would have no longer been bounded by treaties concluded by Britain on her behalf, therefore including the 1929 Agreement. Tanganyika did so by sending a declaration both to the UN Secretary General in 1961 and by addressing the same note to the Governments of Britain, Egypt and Sudan. In the notification, the Government of Tanganyika declared that it would have applied treaties concluded by the UK on its behalf for a period of two years from the date of its independence, a period during which these treaties could have been re-negotiated, or they would have just expired<sup>82</sup>. Uganda and Kenya behaved the same way: they did not sign devolution agreements with Great Britain, and they allowed a two-years grace period for British treaties to be applied to their territories and, in case, to be renegotiated. However, Egypt failed to take advantage of this opportunity and ignored the offer of re-negotiation, so the 1929 Nile Waters Agreement ceased to exist, if not as an agreement between Great Britain and Egypt, with no effects on other States. Therefore, the 1929 Agreement, which created a legal order during the colonial era that prioritized Egyptian

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<sup>81</sup> Vienna Convention on Succession of States in respect of Treaties, Vienna, 23 August 1978.

<sup>82</sup> Seifulaziz, "Sharing the Nile", 69. From: Arthur, Okoth-Owiro. "The Nile Treaty: State Succession and International Treaty Commitments: A Case Study of the Nile Waters Treaties". Law & Policy Research Foundation, Konrad Adenauer Stiftung, 2004.

interests, is no longer valid: the former colonies went through a process of decolonization, and the effect of State succession upon the treaty made it no longer valid. Anyway, upper riparian States such as Ethiopia were never involved into the treaty, so they had never been bounded by it.

The only existing treaty concerning the allocation of the Nile waters between upper and lower riparian countries is the 1959 Egyptian-Sudanese Agreement on the Full Utilization of the Nile Waters. The agreement divides the entire flow of the river between the two countries, by allocating 55.5 bcm of waters to Egypt and 18.5 bcm to Sudan. The sum amounts to the full flow of the Nile waters measured at Aswan, leaving aside the average annual loss of 12 bcm due to the evaporation. The 1959 Treaty is relevant and valid, but only for the two countries that signed it, whereas it is not binding on the other riparian States who were excluded by it, and thus never signed it. The two downstream countries divided among them the Nile waters, probably thinking that the legal treaty could have forced the other States to accept the new partition. But the upper States have never recognized this bilateral treaty on which they were not consulted or included. Therefore, the 1959 Egyptian-Sudanese Agreement is valid only between Egypt and Sudan, whereas it has no legal validity on the other Nile upper riparian countries, nor relevance to their legal rights, on the quantity of water they use or on any project they might build on the river<sup>83</sup>. However, the agreement was effective for the Egyptian aim of imposing its prevalence on the Nile waters' sharing rights, as international financial institutions (as the World Bank) have always traditionally accepted the Egyptian position and refused to finance any project on the Nile on the part of other upper riparian countries as Ethiopia. The "threat of conflict" has served well Egypt's purpose, since generally the international financial institutions have showed reluctance in interfering in what could have potentially become a real conflict<sup>84</sup>. According to Tony Allan<sup>85</sup>, Egypt was particularly effective in exerting its influence in the main international financial institution which could have financed projects that might have affected the Nile flows, that is the World Bank. Indeed, two key Egyptian professionals headed the environmental directorate and law advisory position between the late 1980s and 1990s, and no other Nile riparian countries held such senior and relevant positions in the bank<sup>86</sup>. Therefore, the combination of two decades of political instability and civil wars in most of East African areas and Ethiopian highlands and the absence of the major IFI's support such as the World Bank, worked well in preventing the

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<sup>83</sup> Seifulaziz, "Sharing the Nile", 73.

<sup>84</sup> *Ibidem*.

<sup>85</sup> Tony Allan is a British geographer. He was awarded the Stockholm Water Prize in 2008.

<sup>86</sup> Seifulaziz, "Sharing the Nile", 74. From: Arthur, Okoth-Owiro. "The Nile Treaty: State Succession and International Treaty Commitments: A Case Study of the Nile Waters Treaties". Law & Policy Research Foundation, Konrad Adenauer Stiftung, 2004

building of any project on the Nile<sup>87</sup>. However, this strategy worked some decades ago, but in the context of a new changing world, with new players and developing countries, the Egyptian game could no longer succeed. The UN 1997 Convention, even though it hardly reached the required number of ratifications to enter into force as international law, by including principles as “equitable and reasonable utilization”, shows that the international approach on the issue have changed over the years. Nowadays, the concept of “prior use” or “historical rights” need to be justified in details and placed into a clear and widely accepted international legal framework. Egyptian or Sudanese claims of “prior use” should relate so to the amount of water these countries were able to capture before the building of water infrastructures. However, both these countries increased their amount of water by building infrastructures: Sudan built the Sudan’s Gezira Scheme, whereas Egypt the Aswan Dam. And the amount of water that Egypt could capture before the Aswan Dam completion was around 30 bcm of the annual Nile flow, whereas Sudan moved from an ever smaller amount to the capability of irrigating 4000,000 hectares after the Gezira Scheme, then extended to 800,000 hectares in the 1960s<sup>88</sup>. So, when considering the concept of “prior use” , before the water infrastructures built by these countries, their natural and most durable amount of usable water was around 34 bcm of Nile waters in total, a quantity that would have left a reasonable amount for the other basin users, and to which they would have probably not opposed. Therefore, basing on the idea of “prior use”, Egypt and Sudan have no basis on which to claim it of more than some 34 bcm of Nile waters, half of what is the total net flow as measured at Aswan.

However, nowadays the Nile continues to lack a viable legal framework that could gather the consensus of all the riparian countries, being the 1959 Egyptian-Sudanese Agreement on the Fully Utilization of the Nile Waters the only existing interstate legal treaty between upper and lower basin countries, which however binds only the two signatory countries. The conflicting principles of “prior use” and “equitable and reasonable utilization” or “no significant harm” have not yet determined meanings or have not been accepted by all the countries. In 1993 Ethiopia and Egypt signed an agreement stating their willingness to solve peacefully any controversies concerning the Nile waters, and to appoint experts from both the countries to technically deal with the existing issues, but from the outbreak of the GERD dispute it is easy to assert that these cooperation between the two countries did not happen. Indeed, over the years they were held many meetings between Egyptian and Ethiopian officials to explore the possibilities of cooperation about the Nile waters. Ethiopia advocated the principle of water sharing among the basin countries, but Egypt’s position was focused on limiting negotiations

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<sup>87</sup> Seifulaziz, “Sharing the Nile”, 74.

<sup>88</sup> Seifulaziz, “Sharing the Nile”, 76.

and ignoring the growing changes and tensions among the Nile Basin States. The country actually attempted to show its willingness to meet the other riparian countries' demands, for example through the joint proposal with Sudan made in 1978 of setting up a Nile Basin Commission to carry out hydrological studies, collecting data, preparing working arrangements of dams and standardize methods of measurement. However, the Commission's task was very limited to data-gathering, so it was actually not clear the scope of the project neither the real intention from the part of Egypt of renouncing to its monopoly over the river. Other projects were put forward to reach a Nile Basin cooperation, such as the Hydromet project in 1967 and the Undugu Group ("brotherhood" in Swahili) in 1983. The Hydromet project was supported by two UN Agencies, namely the World Meteorological Organization and the FAO, and it included Burundi, Egypt, Kenya, Rwanda, Sudan, Tanzania and Uganda, while Ethiopia joined as observer in 1971; the project failed at achieving some tangible result for an agreement, but it provided a good forum of discussion. The Undugu Group was the outcome of an Egyptian and Sudanese diplomatic campaign. The group met several times, as it held 66 meetings at technical and ministerial level between 1977 and 1992, but produced no results. All these initiatives were not well seen by the other riparian countries (indeed Ethiopia, Kenya and Tanzania never joined the group), as they were considered as a new tool with which Egypt managed to maintain its monopoly over the Nile.<sup>89</sup> Therefore, following years of unproductive talks among the Nile Basin countries, in 1997 it was put forward the idea of setting up the Nile Basin Initiative (NBI), that was eventually formally launched in 1999. The Nile Basin Initiative is an intergovernmental partnership set up to provide a forum for consultation and coordination among the Basin States for the sustainable management and development of the shared Nile waters and related resources for win-win benefits<sup>90</sup>. The highest political and decision making body of the organization is the Nile Council of Ministers (Nile-COM), comprised of Ministers in charge of Water Affairs of the Member States, which is supported by the Nile Technical Advisory Committee (Nile-TAC), comprised of 20 senior government officials, two from each of the Member States, and a Secretariat (Nile-SEC). The NBI aims at a range of projects and activities, that might involve all or only some of the countries, focusing on areas of capacity building, policy development, flood protection etc. However, after a decade of talks, little progress was achieved through the NBI institutions, mainly because of the Egyptian policy based on a combination of threats aiming at impressing the international community and potential donors of funds to the upstream countries, and on a circular dialogue aiming at maintaining the status quo and facilitating the stalling of negotiations to achieve any concrete result. This policy of stalling from the part of

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<sup>89</sup> Seifulaziz, "Sharing the Nile", 99-100.

<sup>90</sup> Nile Basin Initiative webpage. <http://www.nilebasin.org/index.php/nbi/who-we-are>



Egypt was actually effective for very long time. However, by the beginning of the 21st century, the riparian countries proved to be no longer willing to accept the Egyptian unilaterally-imposed monopoly over the river. For decades the countries had been affected by drought and poverty, but could not develop any project on the river so to use the amount of water they needed because of the Egyptian opposition. But the rapid urbanization across the region caused the growth of the demand for affordable power and it created a market for hydroelectricity, which eventually attracted investors. In November 2009, a Chinese company completed the Ethiopia's Tekeze River Dam, which is a Nile tributary, and in 2010 it was inaugurated the Tana-Beles hydroelectric dam in Ethiopia's Blue Nile basin. In the same week, the Nile upstream countries met to sign their own Nile Cooperative Framework Agreement (CFA). Egypt and Sudan declined to attend the meeting, and the text was initially signed by Ethiopia, Kenya, Rwanda, Tanzania, Uganda and Burundi. The text of the CFA outlines principles, rights and obligations for cooperative management and development of the Nile Basin water resources. Rather than quantifying "equitable rights", the Treaty establishes a framework to promote integrated management, sustainable development and harmonious utilization of water resources of the Basin. For this reason, the Treaty set up the establishment of a permanent institutional mechanism, the Nile River Basin Commission, that would have served to promote the implementation of the CFA and to facilitate cooperation among the States<sup>91</sup>. Moreover, the Commission, based in Addis Ababa, would have received and then approved or rejected projects related to the Nile waters.

The response of Egypt was to announce that the responsibility for the Nile issue had been transferred from the Irrigation and Foreign Affairs Ministries to the National Security Authority. However, the Egyptian intimidation proved to be no longer effective on the upstream countries, and in 2011 Ethiopia announced the forthcoming building of the Grand Ethiopian Renaissance Dam (GERD).

In the following chapter, it has been analyzed the diplomatic path followed by Egypt, Ethiopia and Sudan since the beginning of the Grand Ethiopian Renaissance Dam dispute, which is that of a direct negotiation process.

The methodology used consists in a first overview of the several steps of the negotiation, following a chronological line that starts from the early years of the dispute until the recent time. It follows an analysis of the negotiation through the application of theoretical principles peculiar to diplomatic studies, in which it has been considered with which fears, feelings and interests the parties approached at the negotiation table, and how they organized these

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<sup>91</sup> *Ibidem*.

interests and fears in negotiating positions, that eventually evolved over time. Finally, the chapter ends with some conclusions about how the parties dealt with the negotiation process, and with an assessment of the potential benefits that a recourse to mediation might have brought to the process.

## CHAPTER II

### THE DIPLOMATIC PATH

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#### PART II.I THE STEPS OF NEGOTIATION

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In April 2011, Ethiopian Prime Minister Meles Zenawi announced the intention of Ethiopia of building the Grand Ethiopian Renaissance Dam,

The project's launch came in the midst of the Egyptian revolution, which contributed to ignite a brief but intense crisis between Ethiopia and Egypt, which lasted until the Egyptian armed forces ousted President Mohammed Morsi in July 2013. The government of Ethiopia invited Egypt and Sudan to form an International Panel of Experts to carry out studies about the GERD project, in order to assess the benefits and the costs for the three countries and the dam's impact about the ecological, social and economic aspects<sup>92</sup>. The panel submitted its final report to the Governments of Egypt, Ethiopia and Sudan in May 2013, however it was not made public at least for one year. The Egyptian and the Ethiopian government did not find consensus on the meaning of the panel's final report: according to the Ethiopian government, the report "showed that the Dam offered high benefits for all the three countries and would not cause significant harm on the lower riparian countries", while according to Egypt the report called for more analysis on the potential risks upon downstream countries<sup>93</sup>. However, the discussions between the two governments on the International Panel of Experts' report became tense: in May 2013, President Morsi stated that "all options were on the table" to protect his country's water supply, and that Egypt, even though it was unwilling to start a war, would have not permitted its water security to be threatened<sup>94</sup>. Later, in January 2014 Ethiopia turned down Egypt's demand for a halt in the construction of the dam, called for Cairo's collaboration in negotiations<sup>95</sup> and affirmed that the dam's existence was not negotiable<sup>96</sup>.

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<sup>92</sup>The panel consisted of 10 members, of which 6 from the three countries and 4 international experts in the fields of water resource; it met six times, during which it examined the documents submitted to it by the Government of Ethiopia during May 2012 to May 2013 and the results from the field visits to the GERD project site. Source: International Panel of Experts Final Report on Grand Ethiopian Renaissance Dam Project. [https://www.internationalrivers.org/sites/default/files/attachedfiles/international\\_panel\\_of\\_experts\\_for\\_ethiopian\\_renaissance\\_dam- final\\_report\\_1.pdf](https://www.internationalrivers.org/sites/default/files/attachedfiles/international_panel_of_experts_for_ethiopian_renaissance_dam- final_report_1.pdf)

<sup>93</sup> *GERD Panel of Experts Report: Big Questions remain*. International Rivers Online, March 2014.

<sup>94</sup> *Egyptian warning over Ethiopia Nile dam*. BBC news, June 2013.

<sup>95</sup> Hussein Hassen. *Egypt and Ethiopia spar over the Nile*. Al-Jazeera America, February 2014.

<sup>96</sup> Malone, Barry. "Next on Egypt's to-do: Ethiopia and the Nile Water Ministers meet in Sudan for the latest round of talks on how to share Africa's fabled river". *Al Jazeera*, 9 Dec 2013. It is worth mentioning that in an interview of 2010 Ethiopian Prime Minister Meles Zenawi accused Cairo of supporting small rebel groups, and then stated "I am not worried that the Egyptians will suddenly invade Ethiopia. Nobody who has tried has lived to tell the story."

However, shortly after taking office in May 2014, President al-Sisi met Ethiopian Prime Minister Hailemariam Desalegn on the sidelines of the African Union summit, and they agreed to resume discussions regarding the dam<sup>97</sup>. In August of the same year, Egypt's Minister of Water Resources and Irrigation told reporters that Egypt had "a new vision" concerning the long-running dispute over the Nile, and expressed hope that "the other party responds [positively] to it"<sup>98</sup>. Therefore, the change of government in Egypt had resulted in a change in the country's attitude toward the diplomatic approach, and it had led to the declaration of the willingness from the part of Egypt to reopen negotiations with Ethiopia. In September 2014, Water Ministers from Ethiopia, Egypt and Sudan signed an agreement to form a Tripartite National Committee to study and evaluate the project of the Grand Ethiopian Renaissance Dam<sup>99</sup>. They agreed to the terms and procedures regulating the work of the committee, which included four experts from each of the three countries, and that proposed on his own the conduction of two specific studies on the dam project: the first one on the effects of the dam on the water quota of Sudan and Egypt, and the second one to examine the dam's ecological, social and economic impact<sup>100</sup>. They were selected to undertake the studies a French and a Dutch firm<sup>101</sup>.

Later, in March 2015, the water ministers of Egypt, Ethiopia and Sudan met in Karthoum and signed a Declaration of Principles on the Grand Ethiopian Renaissance Dam, that was ratified by the three Presidents on March 23 2015. The Declaration stated that the three countries were willing to cooperate and to implement the recommendations of the International Panel of Experts, and to reach an agreement on the guidelines of filling and operating the dam. It set a timeframe of 15 months for finding an agreement about the procedures concerning the filling of the dam starting from the beginning of the studies by the consulting firms, meanwhile Ethiopia committed itself to take the necessary steps to avoid significant harm to Egypt and Sudan and to mitigate the harm in case it had happened. The Declaration consisted of ten principles<sup>102</sup>, but it did not include any reference to the Egyptian "historical rights" over the river, nor to its historical agreements, and it did not commit Ethiopia to reconsider the size of

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<sup>97</sup> Lawson, Fred H. "Egypt versus Ethiopia: The Conflict over the Nile Metastasizes". Millis College, Oakland, *The International Spectator*, 2017, VOL. 52, No. 4, 129-144.

<sup>98</sup> *Egypt says it has new "vision" for Ethiopia's Dam*. Al-Ahram Online, August 2014.

<sup>99</sup> *Ethiopia, Egypt and Sudan to form dam committee*. African Review online, September 2014.

<sup>100</sup> *Tripartite Committee resumes meetings over Ethiopian dam*. Sudanese Tribune online, September 2018.

<sup>101</sup> The Dutch firm will be replaced successively by another French firm.

<sup>102</sup> Namely I. Principle of Cooperation, II. Principle of Development, Regional Integration and Sustainability, III. Principle Not to Cause Significant Harm, IV. Principle of Equitable and Reasonable Utilization, V. Principle to Cooperate on the First Filling and Operation of the Dam, VI. Principle of Confidence Building, VII Principle of Exchange of Information and Data, VIII. Principle of Dam Safety, IX. Principle of Sovereignty and Territorial Integrity, X. principle of Peaceful Settlement of Disputes. Source: [https://www.internationalwaterlaw.org/documents/regionaldocs/Final\\_Nile\\_Agreement\\_23\\_March\\_2015.pdf](https://www.internationalwaterlaw.org/documents/regionaldocs/Final_Nile_Agreement_23_March_2015.pdf)

the dam and the 74 billion cubic meters storage capacity of the reservoir<sup>103</sup>. These are the reasons why the 2015 Declaration of Principles raised controversies among experts and commentators, as some considered it a major step toward the resolution of the conflict, while others opined that it was an agreement weighted too heavily toward the Ethiopian interests<sup>104</sup>. However, more meetings were held after the signing of the 2015 Declaration of Principles, but the three countries did not seem even close to reach a consensus over the issue. In reality, an Egyptian diplomat who had taken part in the talks declared to the press that : “Ethiopia seems content to hold meeting after meeting without reaching any conclusion. They are wasting time. Soon, Egypt will find itself negotiating about the impact of a dam that has already been built.”<sup>105</sup>

Representatives of Egypt, Ethiopia and Sudan met in Cairo again in November 2015 to discuss technical aspects of the Grand Renaissance Dam, but the talks were once again hindered by the inability of the three governments to reach a consensus regarding the duties and responsibilities of the French and Dutch consulting firms charged with conducting studies about the environmental, social and economical impacts of the dam. Egypt demanded again all works on the dam to be suspended until the consulting bodies submitted their final reports, but Ethiopia refused, affirming that the consultants’ findings would have been taken into consideration at some unspecified future date.<sup>106</sup> Cairo went on to reiterate that it would have not relinquished any of its historical rights to the Nile waters for the remainder of the year.<sup>107</sup> While the two governments argued on the interpretation of the terms of the March 2015 Declaration of Principles, large-scale protests broke out among Ethiopia’s Oromo and Ahmara communities, whose representatives accused the Tigrayan officials who dominated the governmental apparatus of excluding them from the policymaking process.<sup>108</sup> The Ethiopian authorities accused Cairo of backing the demonstrations as a mean to subvert Ethiopia’s position in the regional affairs.<sup>109</sup> At the same time, while the disorders were taking place, it started the filling of the storage lake behind the Grand Renaissance Dam, an action that according to the 2015 Declaration of Principles should have received prior approval from

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<sup>103</sup> Tawfik, Ravia. *The Declaration of Principles on Ethiopia’s Renaissance Dam: a Breakthrough or Another Unfair Deal?* German Development Institute, March 2015.

<sup>104</sup> *Ibidem*.

<sup>105</sup> El-Bey, Doaa. “More Meetings, No Outcome”. *Al-Ahram Weekly online*, July 2015.

<sup>106</sup> Lawson, “Egypt versus Ethiopia: The Conflict over the Nile Metastases”, 130.

<sup>107</sup> *Ibidem*.

<sup>108</sup> Protests in the Oromo state, which amounts to a third of the Ethiopian territory, arose against the government’s decision of using the Oromo ethnic group’s lands for industrial means. The response of the Ethiopian government was harsh, with Human Rights Watch estimating that 140 people were killed by security forces. The demonstrations were threatening Ethiopia’s goal of transforming itself into a new industrial and agribusiness powerhouse for the continent and were harming its reputation for stability. Source: Schemm, Paul. “Ethiopia Confronts Worst Ethnic Violence”. *The Washington Post*, January 2016.

<sup>109</sup> Aman, Ayah. “Ethiopia, Egypt Dam Feud Drags On”. *Al-Monitor online*, December 2015.

the three signatory countries. Therefore, the foreign ministers of the three States met in December in Karthoum to discuss the ongoing circumstances and the filling of the dam's reservoir, which had now moved to the top of the negotiations' agenda. However, Ethiopia rejected the Egyptian suggestion to extend the period to fill up the storage lake to eleven years and to reduce its total capacity from 72 to 50 billion cubic meters, and Egypt refused Ethiopia's plan to test the strength of the structure by damming up 3 bcm of water immediately.<sup>110</sup> Once again, the parties' divergent visions and intransigent positions caused a failure in finding a solution to preserve their Nile water interests, and the meeting resulted only in an agreement to keep on trying to reach an agreement.<sup>111</sup> The negotiating parties signed a document calling for "continued cooperation", which added very few contents to the 2015 Declaration of Principles, and agreed to wait for the external consultants' reports and to adopt policies in line with the latter as soon as they had become available<sup>112</sup>. The year 2016 began with the Ethiopian refusal of the Egyptian proposal that four secondary spillways be added to the GERD so to ensure the uninterrupted flow of water, in case the primary flood had met difficulties and had not worked properly. Meanwhile, a technician who was working on the project announced reporters that the initial filling of the storage lake would have been of 4 bcm of water rather than 3, and that the lake would have been filled in a range of three to five years, instead of eleven.<sup>113</sup> In response to the uncompromising Ethiopian position, Egypt pulled out of the proceedings of the Eastern African Power Pool<sup>114</sup>, the regional hydro-electric coordinating body<sup>115</sup>. Further, in the following meeting of the Egyptian, Ethiopian and Sudanese Water Ministers in mid-February Egypt adopted an uncooperative and negative attitude, declaring that not only the countries had failed in signing a contract with the outside consultants to start the technical studies, but the behavior of Addis Ababa showed that it had no intentions to move away of its prearranged plans, thus further talks and studies would have led nowhere<sup>116</sup>.

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<sup>110</sup> Aman, Ayah. "Potential solutions to Egypt-Ethiopia dam dispute remain murky". *Al-Monitor online*, January 2016.

<sup>111</sup> *Ibidem*.

<sup>112</sup> During the meeting, the decision was made to restart the technical studies on the dam's impact – a topic of dispute for 18 months after the withdrawal of the Dutch consulting Institute Deltares. Officials agreed to use the French design and engineering consulting company Artelia Group to carry out 30% of the studies with the BRL, another French consulting group. Source: *Ibidem*.

<sup>113</sup> Aman, "Potential Solutions", 2016.

<sup>114</sup> The Eastern Africa Power Pool (EAPP) was established in 2005 with the signing of an Inter-Governmental Memorandum of Understanding (IGMOU) by seven Eastern Africa countries, namely: Burundi, Democratic Republic of Congo (DRC), Egypt, Ethiopia, Kenya, Rwanda and Sudan. The main objective was to create a framework to reach the optimum development of energy resources in the region and to ease the access to electricity power supply to all people of the countries in the Eastern Africa Region through the regional power interconnections. For the goals, source: <http://eappool.org/>

<sup>115</sup> Ligami, Christabel. "Egypt pulls out of regional power pool as it protests use of Nile waters". *The East African online*, February 2016.

<sup>116</sup> El-Bey, D. "Pre-Summit Tensions". *Al-Ahram weekly*, February 2016.

President al-Sisi tried then to change approach and to tighten the connection with the other African countries, so to rally support for the Egyptian cause. In particular, on 20-21 February 2016 he hosted a conference on regional economic cooperation, at which he announced the intention of Egypt of doubling its African trade<sup>117</sup>. Egypt, Ethiopia and Sudan took advantage of the conference to set up a fund to finance joint development projects, meanwhile Cairo managed to establish closer relations with the governments along the White Nile, such as the Democratic Republic of Congo. Indeed, the two states agreed that Egyptian experts would have taken part to the construction of a high dam across the Congo River and Cairo would have allocated USD 10 million to the project, whose information would have been shared equally between the two countries<sup>118</sup>.

However, in the same period the relations between Cairo and Sudan were worsening at the advantage of Addis Ababa. Already in the previous years, Khartoum had begun to distance itself from Cairo's position toward the dam and to get closer to the Ethiopian stance<sup>119</sup>. Then, in 2016 a territorial dispute contributed to make Egypt and Sudan drifting apart. Indeed, Egyptian officials refused to deliver maps to the external consulting firms, as those maps tracked an area of land adjacent to the Red Sea, namely the Halayeb triangle, sovereignty over which had long been the reason of a dispute between Khartoum and Cairo. In April 2016, the Egyptian authorities allowed an Oromo opposition group's rally to take place in Cairo, and a spokesperson declared that "since Sudan was strengthening its ties to Ethiopia, Egypt had become the safest place for Oromo's dissidents"<sup>120</sup>. In mid-April 2016, Egypt took the decision of hand back to Saudi Arabia a pair of islands in the Red Sea. In response, on April 18 a state-owned Ethiopian television channel reported the words of the Sudanese President Omar al-Bashir, who said that the dam benefitted both Sudan and Ethiopia. Bashir's statement came few hours after Sudan requested Egypt, in an official Foreign Ministry statement, to start bilateral direct negotiations to resolve the crisis of the Halayeb triangle in a way similar to how it dealt with Saudi Arabia, or via international arbitration, but Cairo had rejected the demand, stressing that the triangle belonged to the Egyptian territory and it will not have negotiate it or resorted to international arbitration<sup>121</sup>. A government source of the Egyptian Committee on the Renaissance Dam revealed the Egyptian fears that the Halayeb crisis with

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<sup>117</sup> In the occasion of the conference, both Egypt and Sudan expressed concerns about the building of the GERD. Ambassador Hazem Fahmy, head of the Egyptian development agency, said: "The issue of the water and Ethiopia is of course a tense issue. The more you have integration of interests and a common vision toward the future, the less the size of these problems". Source: "Egypt's President urges African partners to double trade". *The National* (Abu Dhabi), February 2016.

<sup>118</sup> Aman, Ayah. "Will the Democratic Republic of Congo be Egypt's newest ally in the dam dispute?". *Al-Monitor online*, February 2016.

<sup>119</sup> Ethiopia started then adopting a more belligerent attitude toward South Sudan. For more information, source: "Ethiopian Forces Hunt South Sudan Gunmen Who Killed 208 in raid", *The Guardian*, April 2016.

<sup>120</sup> Aman, Ayah. "Egypt defends treatment of Ethiopian refugees". *Al-Monitor online*, April 2016. From: Lawson, "Egypt versus Ethiopia", 132.

<sup>121</sup> Hussein, Walaa. "Is Egypt-Sudan Border Dispute New Thorn in Renaissance Dam negotiations?". *Al-Monitor online*, May 2016.

Sudan would have escalated to a new stumbling block in the Renaissance Dam negotiations<sup>122</sup>. In the meantime, few months later in July 2016, Israeli Prime Minister Binyamin Netanyahu carried out an 80-person delegation's visit to Uganda, Kenya, Rwanda and Ethiopia. Egyptian officials, considered the past anti-Egyptian stance of the Ethiopian-Israeli relations, feared that the visit signaled Israel's support to Addis Ababa in an anti-Egyptian position. Therefore, not long after, Egyptian Foreign Minister Samih Shukri visited Israel and released a press declaration in which expressed President al-Sisi's full commitment to achieve a "warm peace" between Israel and the Palestinian Authority. Egypt started taking steps to improve diplomatic and economic relations with Somalia too<sup>123</sup>, but on the other side it refused to send its representatives to the tripartite talks on the Nile that had been scheduled for July 30 2016. Also the talks at the water ministerial level between Egypt, Sudan and Ethiopia, that were to be held in September 2016, were postponed, thus delaying once again the signing of contracts with the consultants' firms. Finally, the Sudanese authorities stepped in and mediated between Cairo and Addis Ababa, so on September 19 2016 the three governments founded an agreement to commission to the French engineering firms BRL and Artelia the assessment of the GERD's impacts on the region<sup>124</sup> However, Ethiopian Minister of water referred reporters immediately afterward that no matter what the consultants' finding would have been, "this study won't affect construction of the dam; construction of the dam will continue"<sup>125</sup>. However, for what concerned the Egyptian-Sudanese relationship, the two countries reconnected: Sudanese Foreign Minister Ibrahim Ghandur assured Egypt that his government would have not permitted Ethiopia to enjoy the benefits of the dam if Egypt or Sudan would have been subjected to any harm, and Cairo rewarded Khartoum for its recommitment by having President al-Sisi attending the ceremonies for the adoption of a revised Sudanese Constitution in mid-October. Khartoum reciprocated by sending its irrigation minister to Cairo to discuss about the Egyptian-Sudanese cooperation on the GERD project<sup>126</sup>. The Ethiopian reaction to the Egyptian-Sudanese rapprochement was to charge once again Cairo (and Eritrea too) of backing, and even arming, the militants of the Oromo Liberation Front to gain leverage in the dispute over the Nile<sup>127</sup>. The response of the Egyptian Foreign Minister Shukri was of "total respect for Ethiopian sovereignty and non-interference in the country's internal affairs"<sup>128</sup>, while President al-Sisi went beyond underlining that

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<sup>122</sup> *Ibidem*.

<sup>123</sup> Aman, Ayah. "Dam Construction Going Full Steam". *Al-Monitor online*, August 2016.

<sup>124</sup> "Egypt, Ethiopia, Sudan Sign Final Contracts on Nile Dam". *Al-Ahram online*, September 2016.

<sup>125</sup> "Ethiopia: Nile Dam to Go Ahead Regardless of Impact Study". *Agence France Presse*, September 2016.

<sup>126</sup> "Sudan's Irrigation Minister in Cairo for Ethiopia's Dam Talks". *Al-Ahram online*, October 2016.

<sup>127</sup> "Ethiopia Blames "Foreign Enemies" for Stocking Unrest". *Al-Jazeera*, October 2016; "Ethiopia Blames Egypt, Eritrea for Protest Wave". *Middle East online*, October 2016.

<sup>128</sup> Lawson, "Egypt versus Ethiopia", 134.



Egypt could have confronted Ethiopia, but it had chosen to cooperate. In November 2016, Eritrean officials visited Cairo, while a Saudi delegation went to Ethiopia and visited the site of the Grand Ethiopian Renaissance Dam. Newspapers speculated that the Eritrean and the Egyptian leaders had discussed strategies to be pursued against Ethiopia, whereas the Saudi presence in Addis Ababa provoked a harsh response of the Egyptian press: Egyptian news commentator Mohamed Ali Khayr stated on television that “any interference in the GERD project implied a direct threat to Egypt’s national security”<sup>129</sup>. Ethiopian authorities responded once again accusing Cairo of supporting the Oromo and Amhara militants.

In January 2017, the Egyptian navy inaugurated a new command assigned to patrol the Red Sea, which was used as leverage for the Egyptian Foreign Minister Shukri to ask to Ethiopian Foreign Minister Gebeyehu to resume negotiations<sup>130</sup>. Later the same month, South Sudan’s President Salva Kiir Mayardit arrived in Cairo to talk with President al-Sisi. The visit provoked a chain reaction of concerns and tensions. Indeed, Egyptian newspapers reported that the aim of the meeting was forming a South-Sudanese-Egyptian-Ugandan alliance against Ethiopia and Sudan, and that al-Sisi and Kiir had planned to open training camps for Sudanese armed oppositions at the Uganda-South Sudan border to topple the Sudanese government because of its support to the GERD<sup>131</sup>. Sudanese government immediately reacted resorting the Halayeb triangle controversy and declaring that “the Halayeb triangle was Sudanese”, threatening then to bring the dispute to the UN Security Council if Cairo had refused again to engage in negotiations<sup>132</sup>. Meanwhile, Ethiopia attempted to repair its relationship and to reconnect with Sudan, by implementing an old proposal to set up a bilateral free trade zone between the two countries<sup>133</sup>, and it also went further by announcing that the specifications of the GERD had been modified so to increase the total electricity output, but without specifying how the modification would have affected the downstream flow of the river. The press also reported that the Ethiopian security forces had thwarted an attack against the dam, carried out by the Benishangul Gumuz People’s Liberation Movement, which Ethiopia retained sponsored by Eritrea.

In late March 2017, representatives of Egypt, Sudan, South Sudan, Kenya, Uganda, Rwanda, Burundi and Tanzania met in Kampala to talk about the future of the Nile Basin Initiative’s 2010 Cooperative Framework Agreement. In this occasion, it was rejected unanimously an Egyptian proposal that Cairo be accorded a veto power over any project that could have harmed Egypt’s water allocation. Uganda’s Water Minister Sam Cheptoris told reporters that

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<sup>129</sup> “Egypt- Gulf relations tested by Saudi visit to Ethiopia Dam”. *Middle East Eye*, December 2016.

<sup>130</sup> “Egypt Calls for Tripartite Meeting with Ethiopia, Sudan”. *Daily News Egypt*, January 2017.

<sup>131</sup> “Did al-Sisi, Kiir and Museveni Form a Tripartite Alliance against Ethiopia and Sudan?”. *Africanspress.org*, January 2017.

<sup>132</sup> Sakr, Taha. “Promoting Sudanese sovereignty over Hala’ib Triangle is unfounded and meaningless: Egypt’s former Foreign Minister”. *Daily News Egypt, Elbadil.com*, February 2017.

<sup>133</sup> “Ethiopia-Sudan Border Development Conference Kicks Off on Thursday”. *Sudan Tribune*, February 2017.

they were “tired of first getting permission from Egypt before using River Nile water for any development project”<sup>134</sup>. Later that year, the talks at the 17<sup>th</sup> Annual Tripartite National Technical Committee negotiations ended without an agreement, while in November Water Minister from Egypt, Ethiopia and Sudan met in Cairo to discuss again about the length of time in which Ethiopia would have filled the GERD’s reservoir (the top of the agenda) and how much of the Blue Nile river flow it would have used to generate power<sup>135</sup>.

After Egypt’s announcement that negotiations of November had failed, on December 26, Egypt’s Foreign Minister Sameh Shoukry traveled to Ethiopia to meet Prime Minister Hailemariam Desalegn and to discuss the stalling of negotiations on the Grand Ethiopian Renaissance Dam. Egypt expressed once again concern about the fact that the developments in the dam project would have affected its Nile water share. According to Egyptian and Ethiopian government sources, some specific issues were severely affecting the negotiations<sup>136</sup>. The first one, from the point of view of Egypt, was Addis Ababa’s refusal to clarify details regarding the filling of the dam reservoir while talks were ongoing. The Egyptian government complained that the first plan for the construction of the dam envisaged a reservoir’s storage capacity of less than 15 billion cubic meters but, while developing the project, Ethiopia had transformed the single dam into one of four connected dams, increasing the storage capacity to five times more than the initial target, and without reaching any agreement with the downstream countries<sup>137</sup>. An Ethiopian government official who attended the November Cairo meetings asserted that Egypt had announced the failure of negotiations because it rejected Ethiopia’s proposal to tailor the time period allocated for filling the reservoir to fit the amount of rainfall in the Nile Basin area during the season which sees the median annual rainfall. For its part, Ethiopia had restated again its commitment to minimize serious damages to Egypt while filling the reservoir, but anyway it had made no mention about how many years the process was expected to take. According to the Egyptian government, the only way to guarantee the prevention of an imminent damage for Egypt was the filling of the dam’s reservoir to be completed in at least seven years. Sudan too expressed discontent and concern over the distribution of Nile water, announcing that it had not been obtaining its share of 18 billion cubic meters, share outlined in the 1959 agreement signed

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<sup>134</sup> “Egypt Asks for More Time to Consult in River Nile Water Disagreement”. *The Independent* (Kampala), March 2017.

<sup>135</sup> Poindexter, Gregory B. “Meetings end without consensus on filling reservoir at 6,000-MW Grand Ethiopian Renaissance Dam”. *Hydroworld Review online*, November 2017.

<sup>136</sup> Soliman, Asmahan. “Stalling Negotiations on Ethiopia’s Renaissance Dam”. *Mada Masr online*, December 2017.

<sup>137</sup> The source calls the rapid filling of a reservoir of 74 billion cubic meters in size “a catastrophe of unimaginable consequences.” *Ibidem*.

with Egypt. The second issue was Cairo's request for a joint management of the dam, so to guarantee its safety and integrity<sup>138</sup>.

The meeting resulted once again in the lack of an agreement between the countries. From its part, Ethiopia complained that, following the announcement of the failure of the negotiations, it had started a tough anti-Ethiopian press campaign which severely harmed the climate of the negotiations, already affected by the Egyptian distrust toward the good faith of Ethiopia in not bringing any damage to the Nile downstream countries. Whereas Egypt started seeking for the international diplomatic support, as witnessed by the speech of President al-Sisi at the 72nd session of the United Nations General Assembly in September 2017. When mentioning the Grand Ethiopian Renaissance dispute, President al-Sisi had stated that the settlement of disputes in today's world could have been achieved only through respect for the principles of international law, and negotiation on the basis of legal, historic, and moral principles, as well as the respect of the sovereignty of states and of the principle of non-intervention in their internal affairs, whereas zero-sum games could have no longer remained means to realize interests of nations that were more and more becoming interdependent.

The leaders met again in February 2018 at the African Union Summit held in Addis Ababa, where they agreed to put the basis to reach a final agreement on the dispute, and they set a timeline of one month, from 5 April to 5 May, for a new meeting to find a consensus on the technical issues regarding the construction of the dam. However, Ethiopian and Sudanese authorities failed to respond to Cairo's invitation to meet in April to continue talks. Egyptian Foreign Minister Sameh Shoukry complained in an interview about the loss of time, which he affirmed was a huge factor contributing to the difficulties in reaching an agreement. The Minister also declared that Egypt had approved the initial report presented by the consultancy firm tasked with studying the impacts of the dam on the downstream countries, however Ethiopia had rejected the same report. He went on by saying that: "Ethiopia's position is stalling progress on the matter. Despite all our efforts, we do not see a reciprocal effort from the other side.", and again that Egypt will not have accepted the will of another state to be imposed on it by force<sup>139</sup>.

On 15 May, it was held in Addis Ababa the 18<sup>th</sup> meeting of the tripartite committee on the GERD with the participation of water and irrigation ministers of Egypt, Ethiopia and Sudan. The countries agreed to set up a new joint technical team, composed by 5 members of

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<sup>138</sup> The source adds that the request is also rooted in concerns regarding the environmental effects of the dam, as the water storage process is expected to impact the type of silt reaching Egypt which will impact agricultural activities. *Ibidem*.

<sup>139</sup> "Egypt has been flexible in meeting the demands of Ethiopia and Sudan during the technical negotiations even when these demands were not mandated by the text of the 2015 agreement. Egypt is conducting itself with transparency, and any claim to the contrary is an attempt to confuse the issue and distract from the reality of the situation and from who it is that is actually obstructing progress on the issue". Source: "Egypt regrets lack of response from Ethiopia and Sudan to invitation to discuss dam on Friday, says FM Shoukry". *Ahramonline*, April 2018.

researchers and experts from each country, to study specifically the filling of the GERD reservoir within a time set of six months, while Egypt withdrew its proposal to resort to the World Bank's mediation on the matter<sup>140</sup>.

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<sup>140</sup> "Tripartite committee resumes meetings over Ethiopian dam". *Sudanese Tribune online*, September 2018.

Negotiations about the Grand Ethiopian Renaissance Dam started in 2011, when Ethiopia announced its decision to build the dam. Over the years, the process stalled: indeed, despite several multi-parties meetings and talks, accompanied by the countries' respective statements of their good intentions of collaborating, the resolution of the dispute does not seem close. In the meantime, the building of the dam continues, which makes the risk increase that the negotiation process ends with no agreement (and thus with no peace) among the States. Meanwhile, the length of negotiations and the relentless progress of the Ethiopian project had grown the frustration of Egypt caused by the perception of being conducting the negotiation process alone, with the fear of finding itself in front of a *fait accompli*. The dispute is surrounded by a complex regional context of several States that over the years founded themselves more and more involved in dynamics of alliances concerning the dispute, which contributed to complicate the issue and the progress of the negotiation.

In this scenario, it is important not to lose the focus on which are the real needs, basic interests and feelings of the several countries involved, so to find a solution that could meet these interests and provide the basis for a common and shared development of the entire region. For this reason, it will follow in the context of this dissertation an overview of the interests and fears of the three main countries involved in the dispute, Egypt, Ethiopia and Sudan, and an analysis of how these were articulated by the States in negotiating position (that eventually evolved over time in the different stages of the negotiation process).

Egypt is commonly defined as the gift of the Nile, since the country arose and was permitted to survive over the years thanks to the river's waters. Still today, Egypt depends on the Nile, as it derives 95 percent of its water supply from the river: the Egyptian population depends on its waters, which are essential for the country's survival for the agricultural irrigation's need, and thus for the food production. The real average consumption of water in Egypt is 105 billion cubic meters, of which 55.5 billion cubic meters come from the Nile. However, there is also at stake the increase of the population: Egypt's population of over 80 million is still increasing at rates exceeding growth in food production<sup>141</sup>.

For centuries, Cairo managed to enjoy a pre-eminent position over the Nile, also thanks to the historical treaties it signed, that essentially allowed it to dictate the river policies and with which he assured itself 75 percent of the total flow of the Nile (alias 55.5 bcm)<sup>142</sup>.

Egypt's actual fear from the construction of the Grand Ethiopian Renaissance Dam is to see its annual water share of the Nile drastically reduced. Considering its huge and increasing

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<sup>141</sup> Seifulaziz, "Sharing the Nile", 37.

<sup>142</sup> The agreement at stake being the 1959 Egyptian-Sudanese Agreement on the Full Utilization of the Nile Waters.

need for water, the impact of the building of the dam on the Blue Nile, the main source of water for the entire river, could be dramatic for the country. Therefore, Egypt feelings consist in the fear for the potential consequences deriving by the completion of the GERD project, and in a profound distrust toward Ethiopia, mainly for what concerns the country's real commitment to find a solution so not to harm the other riparian countries. Hence, Egypt's interests consist in preserving its water share quota and in defending its country's water security.

Ethiopia is the country where the Blue Nile originates, which is the main Nile's tributary and the source of most of the Nile waters, thanks to the rainy season in the Ethiopian highlands. Ethiopia needs to use the Nile waters to irrigate its crops, and to generate power, so to develop its economy and reduce the country's poverty. Indeed, in 2004 Ethiopia ranked 168 out of 172 countries in the Human Development Index, an assessment composed by life expectancy, per-capita income, adult literacy and primary school enrolment rate. Ethiopia has high levels of child malnutrition and infant mortality. The majority of the rural poor depend on agriculture for their livelihoods, and they often lack adequate resources in terms of land and farm inputs to increase their productivity. The result of Ethiopia's soil and water crisis is that five million of the population are chronically food insecure and require food aid from year to year, whereas another additional six to seven million are transitionally food insecure and require food aid when the rains fail or under-produce. Agricultural growth is failing to keep pace with the population increase, and it has suffered from large period of weather shocks and variations in rainfall that have caused severe fluctuations in agricultural production<sup>143</sup>. The Grand Ethiopian Renaissance Dam, upon completion, will be the largest dam on the African continent, with an installed capacity of 6000 MW – equivalent to four to six nuclear reactors –, and it will double Ethiopia's total capacity (that is expected to reach an approximate 14,000 MW upon completion of ongoing projects including the Koysho dam, that is currently being built)<sup>144</sup>.

Despite providing most of the water, Ethiopia feels blocked from using the share of waters it would need to prevent recurrent famine and to reduce poverty in its country. The country also feels that Egypt has prevented for too long the other riparian countries from enjoying and benefitting of the gifts of the Nile, by depriving them of their equitable shares of the river's water. Ethiopian interests consist in finally achieving the economic development of the country and in reducing its dramatic poverty by exploiting its natural resources. It could be said that, in a broader sense, Ethiopia's goal is to achieve the country's "renaissance". Indeed, the Ethiopian government had stressed several times the point on the fact that the dam is

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<sup>143</sup> Seifulaziz, "Sharing the Nile", 24-26.

<sup>144</sup> "2018, a pivotal year for Ethiopia's electricity sector". *Ethiopian Embassy website*, February 2018.

“fully funded by the people and government of Ethiopia”<sup>145</sup>, as witnessed by the launching by the office of the National Council for the Coordination of Public Participation on the Construction of Grand Ethiopian Renaissance Dam of the so-called “bond-weeks” to raise funds for the construction of the dam. Therefore, the GERD project does not have only an economic meaning: it is a sensitive issue for the rise of Ethiopia as a nation, other than as a country.

Sudan is one of the main protagonists of the GERD dispute, because of its geographical relevant position (it is worth remembering that the Blue Nile and the White Nile meet in Khartoum), and because of its involvement in the treaties signed in the past with Egypt with which the two countries divided between themselves their rights on the Nile waters, without consulting the other riparian countries. However, despite its agreement with Egypt, Sudan was a “victim” too of the Egyptian unilaterally-imposed monopoly over the river, since it obtained only 18.5 bcm of water from the 1959 Agreement, with respect to the 55.5 that went to Egypt. Sudan claims it needs more water to irrigate millions of hectares of fertile lands between the Blue Nile and the White Nile and to become a major agricultural power. It has been estimated that Sudan has around 8 million hectares of arable lands between the two tributaries<sup>146</sup>, and it will need large volumes of water to establish an intensive agricultural production, which is of key importance for the country that is still dependent for the most of its revenues on the export of crude oil, but that is mainly located in South Sudan. In reality, it should be recognized that, despite the predominant Egyptian rhetoric that it needs the Nile for its very survival, Sudan, Ethiopia and all the other riparian countries need the Nile waters to support the increasing livelihood requirements of their populations, to prevent famine, reduce poverty, and to finally reach a sustainable and sound economic development. Therefore, it could be said that Sudan shares the same feelings with all the other downstream countries, that were appropriately summarized by a sentence pronounced by Uganda’s Water Minister Sam Cheptoris in occasion of the Nile Basin’s Initiative’s 2017 Meeting, that stated: “We are tired of first getting permission from Egypt before using River Nile water for any development project”.

It is now appropriate to proceed with an analysis of how the countries involved in the dispute organized their fears, feelings and interests in negotiating positions, and how some of these positions evolved over time during the several stages of the negotiation<sup>147</sup>.

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<sup>145</sup> *Ethiopian Embassy website.*

<sup>146</sup> Waterbury, John; Whittington, Dale. “Playing Chicken on the Nile. *Natural Resources Forum*, United Nations Department of Economic and Social Affairs.

<sup>147</sup> The theory concerning the different stages of a negotiation process was already exposed in the Introduction of this dissertation.

Starting from the early moments of the dispute, shortly after Ethiopia's Prime Minister Meles Zenawi announced the intention of building the Grand Ethiopian Renaissance Dam, the parties resorted to enquiry and it was set up the International Panel of Experts to carry out studies on the dam's impacts. However, when the final report of the panel was submitted to the states in May 2013, the disagreement upon its contents and guidelines increased the tensions between the countries, up to the point that Egyptian President Morsi declared that "all options were on the table" to protect its country's water security. It could be asserted that in this moment the negotiation process was at its first stage, namely the pre-negotiation one, as it was still missing the agreement from all the parties on the need to negotiate. As already asserted in the Introduction of the dissertation, the pre-negotiation phase is probably the most delicate phase of the entire process of negotiation, as the exit costs from the process are very low, since the parties have not yet engaged much energies in it. Therefore, each party should adopt a cautious attitude, especially the one who has a weaker "security position", that means that it has more to lose from the maintaining of the status quo of the situation. In the concrete case of the GERD dispute, the party with the lowest security position is Egypt, since from the construction of the dam it might lose its waters' share, whereas the country with the highest one is Ethiopia, as it could only benefit from the construction of the dam. However, in a negotiation process it must be taken into account also the political internal situation in each country: in the case of Egypt, in 2013 it was still facing the struggle of dealing with the instability that had followed the 2011 Revolution. This contributed to provoke the harsh reaction of President Morsi, that in May 2013 was already aware of the lack of consensus toward his government, and thus of its weakness.

Analyzing the sentence "all options are on the table", it means that military actions too are taken into account in the event that other peaceful resolution mechanisms fail in the context of a dispute. However, in truth, this statement contains implicitly a hint properly to of use of force: it is a message which is generally used to put pressure on the other party to a dispute by threatening the use of force. This sentence could be considered as in clear contrast with the principle enshrined in Art. 2. 4 of the UN Charter, according to which "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations." Therefore, this raises the question of what could be the relationship between the threat of the use of force and a process of negotiation, between violence and diplomacy, and why it effectively recurs frequently in the history of international relations. According to some diplomats and scholars, coercion must be considered as an integral part of diplomacy, such as one of the actors' bargaining strategies. The scholar Thomas C. Schelling affirms that: "The power to hurt is bargaining power. To exploit it is



diplomacy -vicious diplomacy, but diplomacy”<sup>148</sup>. This is what is called coercive diplomacy, which can be described as "a political-diplomatic strategy that aims at influencing an adversary's will. It is a strategy that combines threats of force, and, if necessary, the limited and selective use of force [...]. The aim is to induce an adversary to comply with one's demands, or to negotiate the most favorable compromise possible”<sup>149</sup>. This idea of coercive diplomacy is not new to the theory of diplomacy, but its origins trace back to ancient times: it is possible to find the concept already in a famous sentence of Frederick the Great of Prussia:“Diplomacy without force is like music without instruments”. In this view, diplomacy and military force are two alternative strategies for preserving or advancing interests<sup>150</sup>. Scholar Peter Viggo Jakobsen outlined four criteria necessary for a successful coercive policy, namely a credible threat, with a deadline for compliance, an assurance that to compliance won't follow more requests, and a compensation for compliance<sup>151</sup>.

However, the majority of scholars and diplomats consider diplomacy as alternative, and thus distinguished, from the use of force. It is commonly referred to diplomacy as the peaceful conduct of relations among political entities<sup>152</sup>, as an always viable response to violence. Therefore, in this view, the resort to the threat of use of force is in contrast with the beginning of a diplomatic path, such as what could be the opening of a negotiation process or of early talks and pre-negotiations among the parties. Indeed, it is worth remembering that negotiation consists in dialogues and discussions aiming at reaching an agreement that could satisfy each party's interests. The key point of negotiation lies in the manner in which the parties get to solve their controversy, that is by finding a joint solution that could satisfy them. Therefore, the most effective way of conducting a process of negotiation would envisage the parties sitting symbolically on the same side facing at the problem, without considering each other as the “enemy” to be defeated. Hence, the mention of the possibility of resorting to force in case negotiation fails creates a barrier between the parties that could seriously harm the dialogue. A famous sentence of John F. Kennedy states: “Let us never negotiate out of fear. But let us never fear to negotiate” . Indeed, Morsi's threat to resort to force from the part of Egypt did not benefit the dialogue with Ethiopia. First of all, the threat did not sound credible because of

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<sup>148</sup> Schelling, C. Thomas. “Arms and Influence”. Praeger Pub Text, 1977. According to Schelling, coercive diplomacy must be distinguished from “deterrence”, which consists in the threat of the use of force to discourage the counterpart from initiating hostilities, since in Schelling's view deterrence is a passive threat made in hope of not seeing a response. Rather, a comprehensive picture of coercion should include also the concept of compellence<sup>148</sup>, which is an active strategy whose aim is to extract concessions and to compel the counterpart to do something by threatening, or in this case by acting, harm. On the contrary, unlike Schelling, the scholar Alexander George was convinced that coercive diplomacy was mainly defensive, or consisting in a “carrot and sticks” strategy, more than a truly offensive mean to force the counterpart to do something.

<sup>149</sup> Levy, Jack S. “Deterrence and Coercive Diplomacy. The Contributions of Alexander George.” Rutgers University. Political Psychology, Vol. 29, No. 4, 2008.

<sup>150</sup> Levy, Jack S.; Thompson, William R. “Causes of War”. Blackwell Pub, 2010.

<sup>151</sup> Jakobsen, Peter Viggo. “Coercive Diplomacy: Theory and Practice.” Security Studies Program Seminar, September 2006.

<sup>152</sup> Hamilton, Keith; Langhorne, Richard. “The Practice of Diplomacy: Its Evolution, Theory and Administration.” Routledge, 2010.

the social unrest and instability that was harming Egypt in those years. Then, it did not have effect on the Ethiopian officials, considered the past and historical relations of Ethiopia with Egypt. Effectively, the Egyptian strategy of threatening the use of force when it saw harmed its water share rights was not new: for example, in 1979 President Sadat stated that the next war in northeastern Africa would have been about water, and this was taken as a direct threat to Ethiopia, the source of most of the Nile<sup>153</sup>. However, it could be asserted that, despite the threats, a real war against the other riparian countries and Ethiopia was never on the Egyptian's agenda. Rather, the aim of Sadat's threats was to convince potential donors, particularly the World Bank, that providing loans to Ethiopia or other upstream countries for building water infrastructure on the Nile or on its tributaries would have led to an armed conflict<sup>154</sup>.

However, Morsi's threat and the following Egyptian request to Ethiopia in January 2014 of suspending the building of the dam only resulted in the unwillingness of the Ethiopian authorities in remaining at the negotiation table (when they declared that "the building of the dam was not negotiable"). The Egyptian position in this early stage of talks with Ethiopia was still an intransigent and uncooperative one, and considering its request for a halt in the building of the dam, that was actually a pretentious demand to the counterpart, that would have also deprived it of the content of its actual bargaining power.

However, the attitude toward negotiation of Egypt, and thus the country's position, changed with the change of regime, when al-Sisi was elected President of Egypt in May 2014. In August of the same year, Egypt's Minister of Water Resources announced that Egypt had "a new vision" about the controversy: this meant that now Egypt accepted the reality of the construction of the dam, and it was willing to negotiate on the terms of its development. The new position was effectively concretized by the setting up in September 2014 of the Tripartite Committee to conduct technical and independent studies on the dam. Once reached the agreement from all the parties about the existence of a dispute and about the need to negotiate, the countries had to agree on the agenda of the negotiations, as well as on the procedures.

For what concerned the format, negotiation took almost always the shape of bi-lateral or tri-lateral talks among Ethiopia, Egypt and Sudan, mainly at the water ministerial level or at the presidential one. It was agreed that the first official meeting among the parties would have been held in March 2015 in Khartoum, and the negotiation's agenda saw on the top the issues of the time requested to fill the dam as well as the lake storage's total capacity. It could be asserted that with the 2015 meeting it started the Around-the-table negotiation's stage. The 2015 meeting, that was held in Khartoum in March 2015 at the water ministers' level, resulted

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<sup>153</sup> Seifulaziz, "Sharing the Nile", 9.

<sup>154</sup> *Ibidem*.

in the signing of the 2015 Declaration of Principles, that was then ratified by the three countries' Presidents. However, the 2015 Declaration of Principles did not represent a final treaty that ended the dispute nor it contained a formula for a potential agreement; rather, it provided a basis and outlined the agenda for the future negotiation's talks. The three countries committed themselves to cooperate to reach a peaceful settlement of the dispute for the purpose of the regional integration and development (I, II and X Principles) and, most important from the point of view of Egypt, they accepted to recognize the "principle of equitable and reasonable utilization" of the waters in their respective territories (IV Principle), a principle that had been the flagship of the Nile riparian countries reunited in the Nile Basin Initiative, but that Egypt had always rejected in name of its "historical rights" on the river. Indeed Egypt, with its "new vision" and its new intention to commit itself to negotiations, accepted not to include in the text of the Declaration any reference to its "historical rights" on the river nor to the treaties it had signed in the past. However, from the part of Ethiopia, the text of the Declaration did not actually commit the country to reconsider the size of the dam and the 74 billion cubic meters storage capacity of the reservoir. Nevertheless, at point V it agreed to cooperate with the other countries for the first filling and operation of the dam, and to implement the recommendations of the International Panel of Experts and to respect the final outcomes of the Technical National Committee's Final Report. With the same principle, the countries agreed to set up guidelines and rules for the first filling of the dam and for its future annual operation within a timeline of 15 months from the inception of the two studies recommended by the International Panel of Experts. Therefore, it was established a self-imposed deadline from the part of the negotiators of 15 months to find an agreement on the most important points of the agenda. It must be remembered that the entire process was featured by another kind of deadline, an external one, which was the progress, and eventually the completion, of the construction of the dam.

However, in the following meetings the countries did not manage to find an agreement about the responsibilities of the two consulting firms, that would have notified the beginning of the 15 months to find an agreement on the filling of the dam. Egypt demanded for the works on the dam to be suspended in the meantime, but Ethiopia refused. The Ethiopian following statements that "the consultants' findings would be taken into consideration at some unspecified date" increased the frustration of Egypt caused by the perception that Ethiopia was not actually committing itself to the negotiation process, but it was gaining time while carrying on its primary goal of building up the dam (it is worth to remember the words of the Egyptian diplomat: "Soon, Egypt will find itself negotiating about the impact of a dam that has already been built"). The Ethiopian behavior is actually common among States which have a huge leverage in a dispute when they approach to a negotiation process. Indeed, they

could decide to engage in negotiations just to gain time while they accomplish their interests and goals, or to please public opinion or the international community. The States that adopt this strategy are not really convinced that the actual situation must be changed, and that negotiating is the best way forward it.

The period following the signing of the 2015 Declaration of Principles saw the beginning of the stalemate in the negotiations concerning the GERD dispute. Indeed, while the countries did not manage to find an agreement about the responsibilities and the tasks to assign to the consulting firms, a feeling of distrust between them increased. On its part, Egypt felt left alone in the negotiation process, and began thinking that Ethiopia was only intentioned to carry on its prearranged plan. Whereas Ethiopia had to face the outbreak of huge anti-government protests from the Oromo and Ahmara's communities, and it suspected and accused Cairo of backing and supporting the demonstrations to weaken the Ethiopian position in the controversy. Meanwhile, Ethiopia started the filling of the GERD storage lake. With this action, Ethiopia effectively breached the agreed point V of the 2015 Declaration of Principles, according to which the beginning of the filling of the dam should have been previously agreed with Egypt and Sudan<sup>155</sup>. At this point, Egypt tried to resume the talks about the crucial points of the negotiation agenda, and at the meeting between the three countries' foreign ministers of late December 2015 it demanded Ethiopia to extend the time to fill the storage lake to eleven years and to reduce its total capacity from 72 to 50 bcm. However, once again Ethiopia's position was of total refusal of anything that might have stopped or even delayed the progress of the project, so it rejected the demand and kept on asserting that the dam's construction would have in any way affected the Egyptian and Sudanese interests as well as those of the other riparian countries. Further, in return to the Egyptian request it demanded to start testing the strength of the structure by damming up 3 bcm of water immediately, a demand that was clearly rejected by Egypt. The meeting of

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<sup>155</sup> For the full text: V – Principle to cooperate on the First Filling and Operation of the Dam

– To implement the recommendations of the International Panel of Experts (IPOE), respect the final outcomes of the Technical National Committee (TNC) Final Report on the joint studies recommended in the IPOE Final Report throughout the different phases of the project.

– The Three Countries, in the spirit of cooperation, will utilize the final outcomes of the joint studies, to be conducted as per the recommendations of the IPOE Report and agreed upon by the TNC, to:-

a. Agree on guidelines and rules on the first filling of GERD which shall cover all different scenarios, in parallel with the construction of GERD.

b. Agree on guidelines and rules for the annual operation of GERD, which the owner of the dam may adjust from time to time.

c. Inform the downstream countries of any unforeseen or urgent circumstances requiring adjustments in the operation of GERD.

– To sustain cooperation and coordination on the annual operation of GERD with downstream reservoirs, the three countries, through the line ministries responsible for water, shall set up an appropriate coordination mechanism among them.

– The time line for conducting the above mentioned process shall be 15 months from the inception of the two studies recommended by the IPOE.

December 2015 symbolized perfectly the stalemate of the negotiation process: both the countries advanced requests that were rejected by the counterparts, Ethiopia in particular remained stalled on its original and intransigent position, while tensions between the countries kept on growing and the dam's project went on. The meeting ended with an agreement among the parties on the need to keep on finding an agreement through cooperation, which actually did not portrayed the real Ethiopian position toward negotiation: not only the country had continued to carry on its project without consulting the other disputants, it rejected any requests from their part without actually advancing any proposals for a resolution. However, it kept on calling for cooperation and on asserting that the dam would have not harmed the downstream countries' interests.

At the beginning of 2016, Egypt tried with another proposal of creating four spillways to the dam so to ensure the uninterrupted flow of waters, but again Ethiopia refused, and it went on by announcing that the lake would have been filled within 5 years and that its total capacity had increased to 4 bcm of water, rather than 3. In light of Ethiopia's uncompromising position, Egypt reacted similarly, by stopping taking part to the proceedings of the Eastern African Power Pool and by making harsh statements to the press toward the Ethiopian attitude.

At this point, considered the stalemate in the talks, Egypt decided to try to change strategy, and it turned toward the other African countries, in particular the White Nile riparian ones, when it announced it was intentioned to double its African trade at the Conference on Regional Economic Cooperation that it held in February 2016. However, the regional context surrounding the dispute proved to be very complex. First of all, the Egyptian-Sudanese relations deteriorated because of the resumption of a territorial dispute over a land known as the Halayeb triangle. Sudan asked Egypt for bilateral negotiations on the issue, which Egypt refused. It followed a statement by the Sudanese Foreign Ministry who affirmed that the GERD project represented a valuable asset for Ethiopia and Sudan alike, which was interpreted by Egypt as a payback for the territorial dispute. Sudan *de facto* introduced the territorial dispute in the GERD negotiation's agenda, which actually complicated more the negotiations, as it resulted in a further obstacle to carry out cooperative talks based on mutual trust. The process was then harmed by other external events, such as by Egypt's fear that the Israeli delegation's visit to the dam site could have constituted a future interference of the country into the dispute, and negotiations stalled even more as Egypt did not send its representatives to the July 2016 talks. In this situation, the Sudanese intervention was fundamental for resuming the diplomatic momentum and for allowing the progress of the negotiations. Indeed, it was thanks to the mediation of Sudan's president al-Bashir that in September 2016 the three countries finally found an agreement to commission to two French

firms the conducting of the studies on the dam's impacts. Nevertheless, the Ethiopian position did not change, as it restated to reporters that whatever the consultants' findings would have been, the construction of the dam will have continued. The Ethiopian uncompromising stance worked to put Egypt and Sudan again on the same page at least for what concerned the common interest in protecting their water security. However, not only the two countries remained deeply divided on the Halayeb dispute, but the perspective of a reconciliation between Egypt and Sudan increased the Ethiopian distrust toward its neighbors, and the fear that Egypt was plotting to undermine the Ethiopian internal stability by financing and supporting the Oromo and Ahmara's revolts. The situation became even more complex by the entry of other countries in the picture, such as Eritrea, accused along with Egypt of the surge of the anti-government activism in Ethiopia. The Eritrean President's visit to al-Sisi in November 2016 was counterbalanced by the Ethiopia's invitation to a Saudi delegation to visit the site of the Grand Renaissance Dam, which provoked the Egyptian reaction in declaring that "any interference in the GERD project implied a direct threat to Egypt's national security". Further, the meeting of January 2017 between South Sudan, Uganda and Egypt's President was seen as a means by these countries to exert pressure on Ethiopia and to subvert the Sudanese government, which resulted in a reconciliation between Ethiopia and Sudan and in new harsh exchanges with Egypt.

Reached this stage of the dissertation, it is possible to draw some conclusions about how the countries dealt with the negotiation process on the Grand Ethiopian Renaissance Dam dispute, and it is also possible to consider if an approach different from that of a direct negotiation might have served better the cause and helped the countries to reach a satisfying agreement in a shorter period of time. In particular, the different kind of approach that will be regarded is that of a mediation among the countries. It must be taken into account that the considerations on this subject are made for pure theoretical purposes, since the countries to the dispute have already rejected the option of resorting to mediation. The thesis of this dissertation is that the recourse to mediation would have benefitted the negotiation process on the GERD dispute. Indeed, from the analysis of the Grand Ethiopian Renaissance Dam dispute's negotiation it can be derived that the process stalled at the Around-the-table phase for several reasons that have harmed the conduct of the direct negotiation, which might have been improved through the intervention of an external third party. The issues that have affected the process were mainly the attitude with which the countries approached at the negotiation table, with feelings of profound distrust toward each other and, for what concerns Ethiopia, without a real intention to find a joint compromise, together with unstable internal political and social

situations, complemented by a complex regional system featured by tensions among the several States.

It can be said that the countries that approached at the negotiation table brought with them similar interests, as actually all the Nile riparian countries need the river's waters, even if in not in equal amounts, but they had different feelings toward each other. Egypt approached at the table, at least from the change in regime in May 2014, with the fear of seeing its water share rights severely compromised, and thus willing to negotiate on the terms of the development of the dam's project. However, it must be remembered that Egypt had in the past always imposed its monopoly over the river on the other riparian countries and had prevented them from using their natural resources to develop their economies. Therefore, Ethiopia and Sudan, as well as most of the other riparian countries, showed resentment toward Egypt, and felt that the moment had come for their rights to be respected. The negotiation process stalled then mainly because of the intransigent Ethiopian position. Indeed, while the Egyptian and the Sudanese positions mutated and evolved over time, it could be asserted that the Ethiopian one remained stable: throughout all the process Ethiopia rejected all the requests from the part of Egypt, it made no proposals for a resolution and it kept on restating its willingness to cooperate, but pursuing *de facto* its original goal without consulting the other negotiating countries. Therefore, during the long-lasting negotiation process the countries never arrived at truly discussing their interests, but they remained stuck on a positional bargaining, mainly because of the Ethiopian unwillingness to cooperate. As already asserted in the Introduction of this dissertation, in every negotiation process there is a fundamental moment, that is collocated in the "Around-the-table" phase, called the "Turning point of seriousness", in which there is the clear perception that all the States sitting at the negotiation table are truly committed to find a joint negotiated solution. However, negotiation about the GERD dispute stalled at the Around-the-table phase because Ethiopia has never "turned the point of seriousness". Therefore, it has never been addressed a formula to outline an agreement to end the dispute, as the talks were featured by a positional bargaining, by the incapacity of the States in finding an agreement and by several delays. Despite the diplomatic momentum was resumed many times, and notwithstanding the technical studies committed on the dam's impacts, without a real intention from all the States to cooperate and without a shared feeling of trust, the process did not proceed.

To the unwillingness of Ethiopia to truly commit itself to negotiation, it was added the political and social instability that harmed almost all the countries, Egypt at the beginning, but Ethiopia too during the entire negotiation process, as proved by the continuous fears of the central government of the revolts in the important regions of Oromo and Ahmara, with the attached suspicion and concern that Egypt was supporting the militants.

To the internal unrest they were added the external tensions coming from a complex and tense system of alliances in the regional context. The shifting of Sudan from a traditional Egypt-oriented position toward the Ethiopian one was only one of the elements that triggered a chain reaction that eventually dragged many other surrounding States into the dispute. This realignment of regional relations did not benefit the negotiation process, whereas it only heightened the tones of the debate and the chances of a future escalation into a serious and wide conflict. But, most important, the entry of other States into the picture compromised the agenda, that was complicated by the entry of new not (completely) related issues, as the Egyptian-Sudanese dispute over the Halayeb triangle land, that eventually dragged into the picture other countries, and the length of the negotiation.

Considering all these elements, the recourse to mediation might have remedied some of the above-mentioned problems, by helping the parties in establishing a framework for meaningful and efficient talks. By reminding the concept of mediation, international mediation involves the intervention of outsiders – an individual, a State, a group, an organization – into a conflict between two or more states or actors to find a resolution to the dispute. The third party must have one fundamental requisite, which is that it has to be impartial to the dispute, so it must not have any interest in the outcome of the process, but it should endorse any settlement the parties agree on. Impartiality is essential for the parties to trust the third party and not to suspect that it is playing at the advantage of one or more of the counterparts. This is the reason why it can be asserted that the proposal of Egypt of resorting to mediation was effectively endorsable, but the choice of the mediator was not appropriate and it justified in some way the Ethiopian refusal<sup>156</sup>. Indeed, the Egyptian proposal to resort to mediation envisaged the intervention of the World Bank as third party. The institution of the World Bank was not considerable as the most indicated impartial third party to the dispute for historical reasons, as in the past years the World Bank, such as other international financial institutions, had always been more inclined toward the Egyptian interests and had always refused providing economic aid to Ethiopia to develop any infrastructural project on the Nile. Indeed, the supposed “threat of conflict” from the part of Egypt had always served as justification for their reluctance. Moreover, Egypt had traditionally played a huge role in the institution: two key Egyptian professionals headed the environmental directorate and the environmental law advisory position of the WB during the late 1980s and the 1990s, and no professionals from the other Nile riparian countries held such senior positions.

That being said, once assessed that the World Bank would have not constituted the most adequate impartial third party, anyway it could be affirmed that the intervention of a mediator could have facilitated the negotiation process. Indeed, a mediator is a third party deeply

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<sup>156</sup> “Ethiopia rejects World Bank mediation for Nile Dam”. *Global Construction Review website*, January 2018.



committed to the negotiation process: it prepares and provides the parties the necessary documents, it permits to better understand each party's real interests and needs behind their position, it intervenes from time to time to prevent or end stalemates, without excessively interfering with the talks among the States. In particular, the kind of approach to mediation that would have better benefited the dispute is the formulative one. It has already been outlined the distinction between the three main style of meditation in the introduction of the dissertation: the facilitative, the formulative and the manipulative one. In the facilitative mediation, the mediator acts as a facilitator, it serves the parties more as a communicator by helping them identifying the interests, by constituting a framework for talks and encouraging meaningful discussions, but it tends to remain at the borders of the process. By contrast, in the manipulative mediation, the mediator uses constantly its leverage, which could be its economic, political or military power, or some trump card it has, to influence the process by promising positive sanctions or even by threatening negative sanctions to solve a crisis. The facilitative approach would not have suited the context of the GERD dispute, as being the scenario complex and the States far from being cooperative among them and from trusting each other, the facilitative mediation might not have constituted an approach incisive enough. It would have not damaged the negotiation process, but it is unlikely that it could have made a significant difference in its outcome. Whereas the manipulative approach was unadvisable in this case, since it is effectively very helpful in context of potentially serious and dangerous crisis, such as when there is at stake the outbreak of an armed conflict, but considered the intricate regional scenario surrounding the GERD dispute, it might have resulted in a forced agreement among the States, but that would not actually brought a long-lasting peace and development for the region. Indeed, there are old and frozen tensions among the several States composing the picture, as well as new conflicting issues, that could and should be resolved by the States themselves, by finally developing an honest and meaningful dialogue among them. The resolution to the GERD dispute might actually put the basis for a future consistent development of the entire region, but that should derive from a deep commitment of all the States to achieve it. That is why the most advisable kind of mediation would have been the formulative one. In the formulative mediation, the mediator intervenes consistently into the process, unlike the facilitator, but it does not interferes too much by influencing it, as the manipulator does. The formulator would have helped in this case the parties in avoiding stalemates and the excessive length of the progress of the negotiations, by establishing protocol, procedures, and by controlling and organizing the agenda and the respect of times and deadlines. Finally, the formulator might have brought the parties to elaborate a formula for an agreement. Indeed, as the name recalls, the formulator generally does not wait for the parties to make a proposal, but it advances suggestions that might be accepted or not by the

States, but that actually brings them talking about their interests and real needs to find a solution.

The GERD dispute falls under the wider category of the water-related conflicts. It has by now been ascertained that the polluting human activities have over the centuries significantly altered the climate and dramatically reduced the amount of available natural resources and the water balance on a global scale. The awareness about the suffering of the planet and about the disastrous effects on the environment of human activity dates back to several decades ago. For what concerns the water scarcity issue in particular, three successive UN Secretaries General warned the global community about the future potential conflicts that would have outbreak because of it, the last one being Secretary Ban Ki Moon, who in 2007 affirmed: “The consequences for humanity are grave. Water scarcity threatens economic and social gains and is a potent fuel for wars and conflict”.<sup>157</sup>

Despite the fact that Dr. Fabrice Renaud, head of the Environmental Vulnerability and Energy Security Section of the UN University Institute in Bonn, affirms that “water has never been the principal cause of two states going to war”, still access to water raises several disputes among the countries, which damage their relations and the people’s living conditions. Indeed, due to the increase in populations’ growth, urbanization, rising industrial, agricultural and household demands, together with the threat of the higher temperatures caused by climate change, many countries face in the next years the real possibility of running out of the water they need for their very existence. There are worldwide several signs that management of water resources is reaching a tipping point. Many lakes and rivers are vanishing, and the quality of those remaining is deteriorating, therefore water supplies are under pressure from overuse or pollution. According to water experts, the problem is not only the lack of water, but also the use that is done of it: the Organization for Economic Cooperation and Development estimated that nearly 70 percent of the water used worldwide goes to irrigation purposes, which is rarely the most productive use of it, considered also that economies and people shift toward cities and their demand for industrial and household water grows.<sup>158</sup> Then, with the most of the world’s watercourses shared by several countries, water management has become a major source of tension, not only in the Nile Basin area but, for example, also between United States and Mexico over the Colorado River, between India and Bangladesh

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<sup>157</sup> Previously, in 1985 Secretary General Boutros Boutros-Ghali had affirmed: “The next war in the Middle East will be fought over water, not politics.. Whereas in 2001 Secretary General Kofi Annan stated that :“Fierce competition for fresh water may well become a source of conflict and wars in the future”. Source: “Former National Leaders: Water a Global Security Issue”. <https://unu.edu/media-relations/releases/water-called-a-global-security-issue.html>

<sup>158</sup> Nicku, James E. “Hydraulic Pressures”. Foreign Affairs, September 2010.

over the Ganges and Brahmaputra rivers, between China and neighboring Southeast Asian States over the Mekong River<sup>159</sup>.

For what concerns the Nile Basin situation, the Nile is one of the most important river in the world. It drains an area which covers about one tenth of the African continent, and its basin area is shared between eleven countries, namely Burundi, the Democratic Republic of Congo, Egypt, Eritrea, Ethiopia, Kenya, Rwanda, Sudan, South Sudan, Tanzania and Uganda. It is composed of two main tributaries: the White Nile and the Blue Nile. The flows that eventually become the White Nile begin in the complex of lakes, rivers and wetlands in the Equatorial Lakes region of Burundi, Democratic Republic of Congo, Kenya, Rwanda, Tanzania and Uganda, then emerge from Lake Victoria in Uganda and enter the huge Sudd swamps of South Sudan, where half or more of its water is lost to evaporation; finally, the river enters Sudan as the White Nile, where it meets the Blue Nile in the Sudanese capital of Khartoum. The Blue Nile, for its part, flows for some 1.527 km from its source in Lake Tana to Khartoum. The White Nile has a slow and placid stream, and by the time it reaches Khartoum it has already left behind half of its water. The Blue Nile is different, it is the source of most of the Nile waters, as after the rainy season in the Ethiopian highlands it arrives at Khartoum as a massive, rushing flood, to form the main Nile that flows down to Egypt.<sup>160</sup> Downstream of the confluence of the two major branches of the Nile in Khartoum the intermittent Atbara River, that originates in Ethiopia and Sudan as the Tekeze River (Setit River in Sudan) joins to form the last major contribution before reaching Egypt. Around 370 million people are living in the Nile Basin countries and approximately 200 million in the basin itself. It is estimated that in 2030 around 600 million people will be living in the Nile Basin countries.<sup>161</sup> Water is already a scarce resource in parts of the basin and in the incoming years there will be even higher stress on this limited but vital resource due to the foreseen population growth. Therefore, the use and distribution of water will be a crucial issue for the geopolitical equilibrium of the region and for the development of the respective countries, with the relative improvement of the people's living conditions. All the States are dependent upon the Nile, but to various degrees.

Egypt is a downstream country located in a desert, it has scarcely any rain, so it is totally dependent upon the Nile, which is literally the life-artery of the country. The Nile valley has been for millennia watered by the annual Blue Nile floods, that brought water and topsoil from the Ethiopian highlands and created a fertile floodplain that became the basis for the Egyptian civilization and agriculture. This area accounts to over 3% of Egypt's total land

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<sup>159</sup> *Ibidem*.

<sup>160</sup> Seifulaziz, "Sharing the Nile", 2.

<sup>161</sup> Oestigaard, Terje. "Nile Issues, Small Streams from the Nile Basin Research Programme". Fountain Publishers, Kampala, 2010.

area, and indeed 96% of the country's population lives in this narrow strip of fertile land.<sup>162</sup> Egypt started in the past to try to control its dependency on the river's waters: as already seen in the first chapter, in the nineteenth century Mohammed Ali was able to make some progress by building digging irrigation canals and dams to take better advantage of the flat terrain. As a matter of fact, the construction of the Grand Ethiopian Renaissance Dam is the latest chapter in a substantial history of infrastructure development in the Eastern Nile Basin. The irrigation projects of the 19<sup>th</sup> century built under the Ottoman ruler Mohammad Ali caused the population growth from 4 to 10 million. The works on the Nile continued over time. In particular, in 1843 they were built a series of diversion dams (barrages or weirs) across the Nile at the head of the delta, about 12 miles downstream from Cairo, so as to raise the level of water to supply the irrigation canals and to regulate navigation. This delta barrage scheme was not fully completed until 1861. The Zifta Barrage, nearly halfway along the Damietta branch of the deltaic Nile, was added to this system in 1901. In 1902 the Assiut Barrage, more than 200 miles upstream from Cairo, was completed. This was followed in 1909 by the barrage at Isna(Esna), about 160 miles above Assiut, and in 1930 by the barrage at Naj Hammadi, 150 miles above Assiut (El-KammashHurst and Smith, 2006).<sup>163</sup> However, it was with the Aswan Dam that the greatest results were achieved: the Aswan Dam allowed to secure access to a minimum of about 40 cubic kilometers per year by the 1970, and the additional water from the new storage was sufficient to enable Egypt's irrigated land to be double cropped; since the Aswan dam opening in 1971, the population increased from about 30 to 95 million. The construction of the Aswan Dam was started under the British rule between 1898-1902, but the dam's level was raised in the following years between 1908 and 1911 and again between 1929 and 1934. However, when in 1946 the water level almost overcame the dam's one, it was decided to build a new dam, whose construction lasted from 1960 to 1970. The Aswan High Dam enabled Egypt to take full advantage of the benefits of the Nile, and this had deep effects on the Egyptian economy through increased production and productivity of the irrigation sector. New tracts were reclaimed for agriculture, 15% of non perennial irrigated areas were converted into perennial irrigated ones, and the formerly irregular flow regime was transformed to ensure a predictable annual flow. In addition to the benefits it brought to agriculture, the Aswan generated hydro-power was crucial to the Egyptian economy: it was of key importance to develop a significant industrial economy and to provide employment for large sectors of the population.<sup>164</sup> However, the Aswan Dam did not stop Egypt's dependency on the Nile's waters. Moreover, while the dam was providing Egypt the water storage and the

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<sup>162</sup> Seifulaziz, "Sharing the Nile", 34.

<sup>163</sup> Attalla, Rania A. "The Grand Ethiopian Renaissance Dam. An Interactive Qualifying Project Report". Worcester Polytechnic Institute, 2015.

<sup>164</sup> Seifulaziz, "Sharing the Nile", 44.

hydropower it needed to incredibly develop its economy and become one of the richest country of the region, the blockage of Ethiopia and of the other upstream countries from accessing to international funds for the development of their Nile water resources was contributing to make them the poorest and least developed countries in the region. The highlands of northeastern Africa's Nile basin include some of the poorest parts of the world. The poverty of Nile basin communities in the upper riparian States is closely linked to a non-viable subsistence farming and to the lack of energy, both problems related to water scarcity. In Ethiopia, in particular, poverty is the result of an economy based on a low-input/ low-output subsistence-oriented and rain-fed agriculture. To improve the Ethiopian economy it would be needed to shift from subsistence to commercial farming, but also to diversify the economy by developing the energy sector. Until the late 1950s, Ethiopia was self-sufficient in staple foods and a net exporter of food grain, but already since the 1970s domestic food supply started to fail to meet the minimum food requirements of the population. The World Bank reported that from the mid-1960s to 2006 per-capita food grain production declined to about 160 kg per year. Ethiopia has three principal resources: land, water and labor force. However, the country's abundant labor is largely unemployed and concentrated in rural highlands, where due to the shortage of water lands cannot be properly used. To achieve sustainable economic growth it would be needed to bring these resources together and integrate them in ways that could enable Ethiopia's economy to transform. The problem is that productivity is constrained by the dependence on a highly erratic rainfall regime, featured by frequent drought episodes, that lead to crop failure, lands shortage and over-cultivation of small holdings. Increased agricultural productivity is essential, but it requires access to adequate, predictable and controllable water. Too many people farming too little lands harmed by erratic rainfall and the lack of key inputs as irrigation has led to the widespread degradation and destruction of farmlands.<sup>165</sup> The Ahmara regional state is one of the most vulnerable and food insecure of the country: a significant proportion of this population depends on relief food for their livelihood, as up 40 percent are "chronic food insecure", 20 percent "transitory food insecure" and another 20 percent "transitory food secure". Therefore, only a small proportion of population of those districts can be considered to be sustainably food secure. Ethiopia is currently severely affected by food insecurity and vulnerability to famine, so rain-fed subsistence farming can no longer provide the solution. Increased agricultural productivity and opportunities for employment are essential for food security and poverty reduction. As already stated, Ethiopia is plenty of rain, but it not always gets the right amount and not always at the right time. Therefore, when it is plenty of water it is necessary to store it for the time there will not be enough. However, increasing farm productivity cannot

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<sup>165</sup> Seifulaziz, "Sharing the Nile", 24.

be the only goal to reach, as the amount of land is no longer capable of supporting the population living conditions: the development of the region's hydroelectricity potential is a crucial factor for the rise of Ethiopia. The other upper riparian countries share, to different extents, many of the same problems and needs, based on availability of land, water and energy. All face problems of unemployment with an increasing population growth, and they also have the awareness that whatever they might be able to do in the agricultural area over the next decade is unlikely to be adequate to both feed population and reduce their poverty. That would require considerable progress toward industrialization and creation of non-farm employment to absorb the young population. The White Nile Basin states – Kenya, Tanzania, Uganda, Rwanda, South Sudan and Burundi- likewise need to use their Nile waters for economic transformation and poverty reduction. Tanzania, for example, needs water infrastructures for irrigation and hydropower in its Nile basin regions, while Uganda needs to build capacity for irrigation in its arid northeast, and hydropower to improve livelihoods for its increasing urban population. All of the Nile Basin countries in general need to develop fast their water resources for food production, hydropower and other needs. Sudan is also an important actor in the management of the Nile waters, even if its concerns have been less displayed than the Egyptian ones. For many years, it has enjoyed the water quota allocated to it by the 1959 agreement with Egypt, but it claims it needs more. However, its civil war has interrupted several Nile projects, among which the Jonglei Canal project. The Jonglei Canal project was supposed to increase the flow of the White Nile by a total of 8 bcm, that would have been divided equally between Sudan and Egypt, by speeding up the Nile flow through the Sudd swamps, from which it otherwise takes almost a year to emerge after losing much of its water to evaporation. The first phase was launched in June 1978, but the construction ceased in 1984, since the project was one of the causes that led to the outbreak of the Sudanese civil war, as it was seen by many southern Sudanese as an unacceptable threat to the pastoral livelihoods of much of the southern Sudanese population for the benefit of Egypt and northern Sudanese farmers. So the Sudan People Liberation Movement (SPLM) destroyed the machineries used to excavate the canal. The 21-year Sudanese civil war ended in 2005 with the Comprehensive Peace Agreement, negotiated by the Sudan government and the SPLM. In 2011 it was held a referendum that allowed the people of South Sudan to choose if to remain part of Sudan or to secede and create a separate nation comprising Sudan's ten southern states<sup>166</sup>. The secession of Southern Sudan had several effects on the Sudanese economy, that depended consistently on the export of oil, located mainly in South Sudan. However, for what concerns Ethiopia, back in the 1920s it started exploring the possibilities of building a dam on the source of the Blue Nile at Lake Tana. For example, in 1927 Ethiopia

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<sup>166</sup> Seifulaziz, "Sharing the Nile", 46.

contracted J.G. White Engineering Corporation of New York to carry out the necessary feasibility studies at a cost of \$20 million.<sup>167</sup> But before the project could be taken forward, Mussolini invaded Ethiopia, and when the Fascist occupation of the country ended in 1941, after years of war and repression, the economic resources for the development of such an ambitious project were no longer available. Subsequently, in the 1950s Ethiopia obtained the assistance of the United States Bureau of Reclamation, which carried out a survey of the Blue Nile basin during 1956-64 and produced several proposals. Among these proposals there was the construction of four major dams on the Blue Nile, with a combined storage capacity of 51 bcm and a combined hydroelectric capacity of more than double the combined potential of Egypt and Sudan. According to Nile experts, the amount of water available to the downstream countries would have not been reduced. Ethiopia, however, was unable to access the financial resources necessary to implement the project, partially because of its political instability, and partially because of the Egyptian influence in the most important international financial institutions. However, the current site of the GERD was noted at that time. Later, in 1962 a German engineering team also carried out further studies of the water of the Abbai. Other states in the region endorsed these ideas. Indeed, in 2008 the Eastern Nile Power Trade Studies carried out feasibility studies in the Abbai Gorge under the auspices of the Nile Basin Initiative Eastern Nile Subsidiary Action Program, and these studies confirmed the suitability of the present site along with others for hydropower generation.<sup>168</sup> The first and the second surveys were carried out in October 2009 and July and August 2010 by Studio Petroangeli. An up-dated Master Plan for the management and exploitation of the water resources of the Blue Nile was presented on 7 June 2010, and on 16 November by it was presented the basic design of the project. To implement such a huge project it was set up an effective governance structure with a specific project management unit: The National Steering Team of the Growth and Transformation Plan (GTP), the Ministry of Water and Energy and other involved regulatory bodies were charged with following the project closely, whereas the management board and team of Ethiopian Electric Power Corporation (EEPSCO) were tasked with following up the implementation<sup>169</sup>. Finally, on April 2011 Ethiopia's Prime Minister Meles Zenawi formally announced the launching of the largest engineering project ever attempted in Ethiopia, the Grand Ethiopian Renaissance Dam over the river Abbai/Blue Nile. The ownership of the project is of the Ethiopian Electric Power<sup>170</sup>, and the firm contracted for the construction is the Italian company Salini Impregilo. The cost of the dam amounts around to

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<sup>167</sup> Mccan, J. "Ethiopia, Britain and Negotiations for the Lake Tana Dam, 1922-1935". *The International Journal of African Historical Studies*, Vol. 14, No. 4 (1981), pp. 667-699

<sup>168</sup> "Grand Ethiopian Renaissance Dam". Consulate General Ethiopia in Los Angeles report.

<sup>169</sup> *Ibidem*.

<sup>170</sup> The Ethiopian Electric Power is the state-owned electricity producer of Ethiopia.



\$4.8 billion, and it is completely financed through Ethiopian funds. According to the Salini Impregilo data<sup>171</sup>, the GERD is located approximately 750 km northwest of Addis Ababa on the Abbai River, in the Beneshangul Gumuz National Regional State of Ethiopia. At the end of the works, the Grand Ethiopian Renaissance Dam will be the largest dam in Africa. The works will mainly consist of a Roller Compacted Concrete (RCC) dam, two powerhouses, a gated spillway and a rock-fill saddle dam. The main dam which will have a volume of approximately 10MCM, a length of 1780 meters and height of 145 meters, will be a RCC gravity dam, divided in three sections: right bank, central section and left bank. The central section will be used as a stepped spillway. This will create a reservoir that covers, at full supply level, an area of 1,680 sq. km and hold a volume of 74 Billion cubic Meter (BCM) of water. The normal and minimum operating water levels will be 640 and 590 meters above sea level respectively, and the reservoir volume at minimum operating level is to be 12 BCM. The two powerhouses will be at the downstream of the main dams: one on the right bank and the other on the left bank. They will accommodate 10 and 5 Francis Turbine Units respectively, with a total installed generating capacity of 5,250MW. The reservoir level will be controlled through three spillways, designed to cater for a probable maximum flood (PMF) of 19,370cu mt/s. The saddle dam, with a maximum height of 60m and approximate volume of 17 MCM will have a curved axis and a length of approximately 4,800 meters. The cross section will include an impervious asphalt core with the relevant upstream and downstream transition. The dam body is to be made of material obtained from the spillway excavation, whilst selected rip-rap will constitute the slope protection. A wave protection wall will be placed on the 4m wide crest. A 500KV double bus-bar switchyard will be set up about 1.4 km downstream of the main dam. The switchyard will include incoming bays from the transformer feeders at the power plant and the outgoing transmission line bays. The first major step in the schedule will be the diversion of the river through diversion culverts. This will take place at the beginning of the 2012/2013 dry season. The river will be diverted to enable the construction of the central section of the dam and will be carried out using four culverts constructed in the dam body. The central section of the dam will be kept lower than the right bank and left bank sections to serve as a spillway and allow for rainy season floods.

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<sup>171</sup> The Salini Impregilo is the Italian firm charged with the construction of the GERD. It is an industrial group specialized in the construction of major complex projects. Dams and hydroelectric plants, hydraulic works, railways and metro systems, airports and motorways, civil and industrial buildings are the sectors in which the Group is operating. Salini Impregilo is a signatory of the United Nations Global Compact and pursues sustainable development objectives to create value for its stakeholders. Source: <https://www.salini-impregilo.com/it/>

This arrangement will also allow for the construction of the main dam body to proceed on both river banks during the rainy season<sup>172</sup>.

The addition of 6000 MW of installed generation capacity is likely to make of the GERD a significant asset for the entire Nile Basin region with respect to access to electricity.



**Figure 1.** Map of Eastern Nile region, with reservoir locations.

Source: Wheeler, K. G.; Basheer, M.; Mekonnen, Z. T.; Eltoum, S. O.; Mersha, A.; Abdo, G. M.; Zagona, E. A.; Hall, J.W.; Dadson, S. J. "Cooperative filling approaches for the Grand Ethiopian Renaissance Dam". *Water International*, 2016, 41:4, 611-634, DOI: 10.1080/02508060.2016.1177698.

<sup>172</sup> "Grand Ethiopian Renaissance Dam". Consulate General of Ethiopia in Los Angeles.

In the following pages they will be considered some of the main study reports and technical assessments made over time about the Grand Ethiopian Renaissance Dam. The first one that will be considered is the report of the International Panel of Experts (IPoE) delivered to Egypt, Ethiopia and Sudan in 2013, on which the three countries did not find an agreement. The IPoE was composed of six national experts, two for each country, and four international experts, and it elaborated its report and recommendations through the analysis of the documents delivered to it by the Ethiopian government from May 2012 to May 2013 and through four field visits. Its objective was to build confidence among the three countries by providing a sound assessment of the benefits of the dam together with its impact on the downstream countries of Egypt and Sudan. The report divided its findings and recommendations according to three areas of technical expertise: dam safety and engineering, water resources and hydrology, environment and socio-economics. For what concerns the first area, the IPoE recommended to update the documents regarding the project's design with the new geological and hydrological findings. Indeed, the IPoE found that the Main Report was not updated with the latest details and modifications made to the project, therefore there were still many details to be clarified and resolved about the dam's safety and engineering. For what concerned the other areas, the report was able to assess from the Hydrological and Reservoir Simulation Study of August 2011 the impacts from the filling of the reservoir on Egypt and Sudan in three scenarios: a normal case, which corresponded to a sequence of average hydrological years, a sequence of dry years and a sequence of wet ones. The findings showed that water supply in Egypt would have not been affected during the first filling of the reservoir, given wet or average years, but power generation would have decreased of 6% due to the general lower water level in Lake Nasser. Whereas, should the first filling of the dam occurred during dry years, the Aswan Dam would have reached the minimum operating level during at least 4 consecutive years, which would have caused the water supply of Egypt to reduce drastically and cause a huge loss of power generation. However, the report assessed that the dam could have in general been useful to stabilize the river's floods. So, it concluded that the GERD could have brought positive effects about the stabilization of the downstream countries' water supply, but if it had been drawn down to the minimum operating level for about 15 consecutive years.<sup>173</sup> The report also gave some technical recommendations, for example about the assessment of the sediment transport, that could have been improved through a sediment monitoring program at the dam site, at least during the rainy season. The IPoE concluded the report by asserting that more investigations were needed to definitively assess the impacts of the dam: in particular, it stated that a comprehensive study of the GERD using a proving, sophisticated and reliable water resource system/hydropower model was

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<sup>173</sup> International Panel of Experts Report, Section 5.3.3 Hydrological and Reservoir Simulation Study.

strongly recommended to quantify the downstream impacts.<sup>174</sup>The IPoE's report raised some critics as it was affirmed that it actually did not explain the project well enough to instill the level of confidence it had hoped to. Some of the contentions include the lack of details about the downstream effects of the dam.

More details about the dam's benefits come from a report re-published by the Consulate General of Ethiopia in Los Angeles. The report asserts that with the construction of the GERD Ethiopia will be finally able to meet its Millennium Development Goals and reduce poverty, by creating new jobs and improving people's livelihoods, and by providing clean and renewable energy at cheaper prices for the region, which will finally boost the Ethiopian economy. In line with the several statements made by the Ethiopian official authorities over the years, the report affirms that the dam will not affect downstream countries' water interests. According to the report, on the wider level the project will also enhance other areas, such as the navigation on the river, tourism and fisheries. Indeed, it asserts that the dam is located in an area where there are no significant human settlements or economic activities, and it will have actually a positive effect on the environment: thanks to the dam, it will be possible to reverse the land degradation and soil erosion, often caused by deforestation in the search for fuel and for charcoal production. The dam will minimize the evaporation loss of water that is typical of other downstream dams: a total of close to 19 billion cubic meters of water evaporate annually from the Aswan High Dam and other dams in Sudan (of this evaporation from Aswan alone amounts to 14.3 bcm). Evaporation at the Jebel Aulia dam in Sudan amounts to 3.5 bcm annually from 1.75 bcm storage capacity. By contrast, the report estimates that evaporation loss from the full development of the GERD is likely to be no more than 0.4 bcm. Therefore, the development of the GERD will actually encourage the decommissioning of wasteful dams like Jebel Aulia and reduce the operating level of the Aswan High Dam, and other dams in Sudan, so the result will be the saving of over 6 bcm of water for the Nile system annually. Another positive effect the dam will bring concerns the sediment management: most of the dams in Sudan are suffering from silting, with the effect that they have lost over 50% of their storage capacities. According to Ethiopian' estimates, downstream hydraulic infrastructures would benefit from the construction of the GERD as the amount of sediment reaching dams and water conveyance structures in Sudan and Egypt will start to be reduced as soon as the first impoundment starts. The project will have a major impact on mitigation of drought and on flood management too, and as for navigation, the GERD will allow regulated and sustainable minimum flow levels in the dry season, which

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<sup>174</sup> For more information: [https://www.internationalrivers.org/sites/default/files/attached-files/international\\_panel\\_of\\_experts\\_for\\_ethiopian\\_renaissance\\_dam-final\\_report\\_1.pdf](https://www.internationalrivers.org/sites/default/files/attached-files/international_panel_of_experts_for_ethiopian_renaissance_dam-final_report_1.pdf).

will make reliable downstream navigation possible. Sustainable and regulated flows will also allow for increased agricultural production.

It is worth mentioning an Egyptians-made report's concerning the GERD project published in 2013: a group of professionals from Egypt, reunited in the "Group of Nile Basin" published a recommendation report for their government about the effects of the Grand Ethiopian Renaissance Dam project<sup>175</sup>. The GNP's report concluded that the dam's construction would have dramatically affected the Egyptian water security, so its water supply for drinking, agriculture, industry and production of electricity from the High Aswan Dam. The report outlined catastrophic consequences for both Sudan and Egypt.<sup>176</sup> However, the GNP's report raised several critics for what concerned the impartiality of the study group, as well as the lack of details about the method applied to carry out the researches.

It will be now considered the assessment about the GERD impacts made by Ghada Soliman, PhD in Environmental Engineering at the Institute of Environmental Studies and Research, Ain Shams University, Hoda Soussa, professor of Water Resources Engineering at Ain Shams University, and Sherif El-Sayed, associate professor and head of the Hydraulics Research Institute at the National Water Research Center, made through the use of the Decision Support System. In particular, the study was conducted through the Analytic Hierarchy Process (AHP), a technique in Multicriteria Decision Analysis (MCDA), which is an approach that provides a systematic way for decision makers to reach consensus, in this case to assess the trade-off of the dam's impact using social, environmental and economic indicators. So, the Analytical Hierarchy Process is one of the Multi Criteria decision making methods. It uses a multilevel hierarchical structure of criteria and alternatives; the priority scales are derived using a set of pair wise comparisons. The methodology of AHP involves four main steps, the first one being the decomposition of the complex problem into a hierarchical structure of goals, criteria and alternatives, so to evaluate easily and independently the several elements. The second step is the construction of a set of comparison of alternatives using criteria, while the third consists in developing the relative weights for the criteria by using the geometric mean of each row. Finally, it must be checked the consistency of the judgment used to develop the comparison matrix, that can be measured using the consistency ratio. The comparisons in a judgment matrix are considered to be consistent if the corresponding consistency ratio (CR) is 10% or lower, random if the consistency ratio (CR) exceeds 10%.

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<sup>175</sup> The "Group of Nile Basin" is a group of professors and experts in the faculties of engineering and agriculture from the Cairo University. The report was published on Facebook by a member of the GNB and on a blog online. For more info: <http://web.mit.edu/12.000/www/m2017/pdfs/ethiopia/cairo.pdf>

<sup>176</sup> Soliman, Ghada; Soussa, Hoda; El-Sayed, Sherif. "Assessment of Grand Ethiopian Renaissance Dam using Decision Support System". *IOSR Journal of Computer Engineering*, Vol. 18, Issue 5, 2016.

To conclude, they must be aggregated the relative weights of the criteria to perform the overall evaluation of the alternatives.

The report outlines the positive and negative impacts of the dam according to the different matters. For what concerns employment opportunities, the power project is expected to generate new employment opportunities during both the construction and during its normal working. Moreover, improving access to electricity in the rural areas will encourage the development of rural industries and services and thus will open up many opportunities for people, including women. Indeed, the Ethiopian government has assured women will have equal employment opportunities as well as men. However, the dam construction implies considerable disadvantages to local communities: many people lost their land and assets and had to be resettled, even though the Ethiopian authorities had assured the dam would have taken place in non habited areas. So, local communities do not share the same benefits of the hydropower projects, but they were forced to carry most of the burden. For what concerns public health, the study explains that newly created water bodies could produce water related diseases such as malaria. About the dam's safety, the report outlines the concerns about any fault in the dam's design or construction, for example due to a structural failure of the materials used in the construction or to an insufficient maintenance of the structure. For what concerns the economic and industrial improvements, the dam's construction will create employment opportunities and will cause industrial and service sectors expansion, so it is very likely to attract investors in the country. An effort should be required though to speed up of the implementation of trans-boundary transmission interconnectors to move energy to other countries, so to make of Ethiopia an exporter country of electric energy. Electricity then plays a significant role in the promotion of the economic development and thus in poverty reduction. Tourism has a role too, as if it will increase it could provide additional incomes for local population. About the effects on the environment, the study explains that hydroelectric projects often have major effects on fish and other aquatic life. Reservoirs might positively affect certain fish species by increasing the area of available aquatic habitat. However, the net impacts are often negative, either because the dam blocks upriver fish migrations, while downriver passage through turbines or over spillways is often unsuccessful, or because many river adapted fish and other aquatic species cannot survive in artificial lakes; then, changes in downriver flow patterns adversely affect many species, and water quality deterioration in or below reservoirs (usually low oxygen levels; sometimes gas supersaturation) kills fish and damages aquatic habitats. Freshwater organisms are even more sensitive to these changes than most fish species, due to their limited mobility<sup>177</sup>. About irrigation, it is expected that the

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<sup>177</sup> Soliman,; Soussa,; El-Sayed,. "Assessment of Grand Ethiopian Renaissance Dam using Decision Support System", 12.

increase in the water surface area will lead to evaporation losses from the reservoir. For what concerns the downstream flow regime, the study explains that upstream dams generally bring damages to downstream riparian ecosystems, not only because of the reduction of downstream water, but also due to the reduction of sediments and nutrients loads in the downriver, which leads to an increase in the river's edge and to coastal erosion, or due to diversion in water, which causes damages to the river's fauna and flora. This raises the matter of the water quality, that might worsen due to the reduced oxygenation and dilution of pollutants by relatively stationary reservoirs, and affect the living species and flora. Finally, the report analyzes the effects of the dam on navigation, and the feasibility of the project with respect to climatic variability. For what concerns the latter, it is asserted that large areas of the basin are vulnerable to drought because of the high variability in rainfall and high evaporation rates. So, seasonal shortages in water caused by natural climatic might make it difficult to maintain the peak generation capacity of the hydropower project throughout the years. About navigation, dams change the flow of water and transport of sediments and nutrients, which do not have an impact only on aquatic ecosystems, but also on boating and tourism, that might be harmed by excessively low water levels.

Considered all these elements, and using the above-outlined AHP method, the scholars have elaborated three alternatives to the hydropower GERD dam construction. The first one is the "Do Nothing" alternative: with the "Do nothing" alternative (that thus entails the non-construction of the GERD), the quality of life would remain at a low level for local community, as no increase in the economic activity of the country would occur. The existing conditions of the socio-economic environment would remain unchanged. The second alternative is the "Dam Planned" one : Ahmed and Elsanabary (2015) proved that the best accepted scenario for constructing the GERD dam is by charging a reservoir with 10 bcm per year or less in 8 years. This amount of water will be sufficient for power generation and would have less impacts on the upstream counties. Finally, the third option is the "Dam Reality", such as the acceptance of the actual construction of the dam with its prearranged features. To conclude, the study investigated the impacts of constructing the GERD dam from social, environmental, and economic aspects using the AHP decision support system. Some of the findings regard the fact that poor project design can lead to soil erosion and water quality deterioration during the construction and operation of hydropower facilities. The very high sediment loads in the headwater areas (especially in the eastern Nile region) will affect the economic feasibility of possible hydropower projects by reducing the storage capacity and water volume available for generating electricity. Moreover, according to International Rivers, the population in the study area was not properly informed about the project, so they did not have the chance to understand the impact that the Grand Ethiopian Renaissance Dam

would have had on their lives. According to Michaela Schoeters (2013), the benefits of the GERD project are rather limited. So to maximize the dam's benefits, the project should be implemented as part of an integrated water management plan, in which the impact of this project is described while bearing all the river basin's need in mind.

It will be now considered one last study addressing the technical features and characteristics of the GERD dam, which took in consideration the findings of 224 potential and practical filling strategies developed from combinations of various operation of filling of the GERD, operations of the Sudanese and Egyptian reservoirs and explicit coordination of releases from the GERD to avoid critical downstream impacts on the High Aswan Dam.<sup>178</sup> The method used was the RiverWare platform, which is a platform for operational decision-making which was used also in the negotiations over the international management of the Colorado River between United States and Mexico. RiverWare uses an object-oriented workspace to represent physical items in the basin; its model of the Eastern Nile developed with this study was structured to contain all the major features in the basin that significantly affect water management and distribution. The goals of the study were to identify and evaluate potential cooperative filling and management options for the Grand Ethiopian Renaissance Dam in coordination with the downstream countries of Egypt and Sudan. In particular, for what concerns Egypt and the High Aswan Dam (HAD), this study showed that Egypt will lose both hydropower generation from the HAD and the ability to fully satisfy its water demands simultaneously if the HAD pool elevation falls below the intake elevation of 147 m. Therefore, in this study the management of this risk was analyzed by examining two policies. The first one is a policy envisaging Egypt reducing releases downstream the HAD. The other policy concerns the operation of the GERD dam with a drought management policy for the HAD: the drought management policy envisages the use of the GERD storage at a level to ensure that the minimum power pool elevation of the High Aswan Dam in Egypt (147 m) is protected, and in case it falls below an additional release is made from the GERD to try to maintain the same elevation. The study showed that the GERD-HAD safeguard policy allows to maintain the HAD at an elevation of 150 m regardless of an agreed annual release. The results indicate that the GERD-HAD safeguard policy alone largely protects the HAD and avoids the need for Egypt to proactively reduce releases downstream of the HAD. This policy may need to be extended for a period of time after the GERD is filled, to assure that the risk to Egypt is alleviated. However, to eliminate essentially all risks of the HAD reaching the minimum power elevation, a combination of the HAD drought management policy and the GERD-HAD safeguard policy was shown to be effective. Indeed, the large generation

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<sup>178</sup> Wheeler, K. G.; Basheer, M.; Mekonnen, Z. T.; Eltoum, S. O.; Mersha, A.; Abdo, G. M.; Zagana, E. A. ; Hall, J. W.; Dadson, S. J. " Cooperative filling approaches for the Grand Ethiopian Renaissance Dam". *Water International*, 41; 611-634.



capacity of the GERD would allow Ethiopia to provide the HAD safeguard releases with only small reductions in hydropower production, but in addition to the use of the HAD drought management policy the three key additional components of this strategy – an agreed annual release, a trigger elevation for protecting the critical HAD power pool elevation, and the calculation of a safeguard release volume – proved to be helpful and more effective.

Whereas, for what concerns Sudan, the study estimates that by starting the Sudanese reservoirs at the maximum capacity when the filling of the GERD begins, and re-operating them to make releases only to meet downstream demands and allow necessary spills during flooding, the risk of shortages to Sudanese irrigated agriculture and municipal uses is essentially eliminated. Maintaining reliable water supplies to the irrigated agricultural areas of Sudan will require in particular changes to the operations of the Rosaries and Sennar dams to accommodate the intra-annual timing of releases from the GERD. These changes envisage the Rosaries and Sennar reservoirs to reach their full capacity during the first year of GERD filling and make releases only to meet direct diversion requirements to the Gezira/ Managil canals, satisfy the minimum downstream flow requirements, while retaining the maximum possible volume of storage. With effective communication and coordination between Ethiopia and Sudan, the supplies to these large diversions can be assured during the filling period. However, without agreed annual GERD releases and proper reoperation of Sudanese reservoirs, losses to energy generation in Sudan up to 28% may occur in the initial years. However, once the filling of the GERD is complete, increases in energy generation of up to 21% can result, thanks to greater available flows during the non-flood period and reduction of spills during the flooding season. Anyway, this study did not address the sediment management issue during this transitional period.

So, the final findings of this study demonstrate that under assumed hydrologic conditions and with proper planning and coordination among the three countries, the risks to downstream current uses and hydropower generation can be managed with the combination of an agreed annual release from the GERD, proactive reoperation of the Sudanese reservoirs, implementation of drought management policy for the High Aswan Dam, with a safeguard release from the GERD if the Aswan Dam pool elevation falls below a critical level. This study is worth being considered in the negotiation process as a valuable technical assessment of potential cooperative forms of management of the GERD dam in coordination with the downstream countries of Egypt and Sudan.

After having outlined the technical dimension and aspects of the Grand Ethiopian Renaissance Dam dispute, with the presentation of the needs of the several countries and the technical features and data about the dam provided by scientific reports, it is appropriate now to conclude the chapter by providing a set of proposals and options to overcome the dispute's

dilemma. They will be provided in the following pages two sets of measures that should be adopted by Egypt, Ethiopia and generally by all the riparian countries to transform a conflict of interests into an opportunity for the creation of a cooperative community of shared interests in the Nile Basin area and for the achievement of a shared and sustainable economic development of the whole region.

The first set of measures entails the intervention of the so-called Track One of diplomacy, such as the carrying out of actions at the governmental level. These solutions consist in proposals to finally achieve the resolution of the GERD dispute. They envisage on one side the institution of a technical, impartial and supranational body on the model of the High Authority of the European Coal and Steel Community in the context of the Nile Basin Initiative to solve the dispute on the water sharing rights among the States and help them manage jointly in the future the contended resource. On the other side, these measures concern the implementation from the part of Egypt of innovative techniques to reduce the waste of water and make the best use of its scarce water resources. The second set of measures envisages the intervention of Multi-Track diplomacy, such as of the private sector, private citizens and associations, businessmen, educators, students and public opinion. Indeed, it has been noticed that in intrastate conflicts the sole intervention of Track One of Diplomacy is highly ineffective at ensuring a long lasting peace and the establishment of better and cooperative relations among the countries. Rather, it is necessary the involvement of all the parties of the societies to guarantee the creation of truly new bases of dialogue among countries, even at the governmental level.

Starting with the Track One diplomacy's proposed measures, once asserted that the negotiation process would have benefitted from the use of mediation and that a neutral third party, whether a State or an international organization, could facilitate a meaningful and honest dialogue among the parties, given the Ethiopian refusal of resorting to mediation, there will be proposed in the following pages other measures that could facilitate the negotiation process and help the States finding a solution to the dispute. First of all, the Nile Basin Initiative represents an excellent framework for discussion and cooperation among the Nile Basin countries. This intergovernmental partnership has constituted a great progress in bringing together and connecting all the riparian States, and in the future it should be fostered and charged with more powers from the countries. However, in order to solve the GERD dispute and provide a solution to the water sharing issue deriving from the forthcoming completion of the dam, it should be set up another kind of organization, on the model of the High Authority of the European Coal and Steel Community (ECSC). Indeed, the Nile Basin Initiative is an intergovernmental partnership, and since the stalemate in the GERD dispute occurred because of the inability of the countries' governments to abandon their positional

bargaining and talk to find a joint agreement, the NBI does not provide alone the best way forward a resolution of the dispute in the short term. Whereas, it should be set up another body, which should be inserted into the NBI institutional framework, which could play an impartial role and provide technical and fair assessments concerning the water sharing quotas of the different countries and the management of the contended resource. It could be asserted that the countries have already set up an international panel of experts and they have already charged technical firms (the BRL and Artelia) with studying the impacts of the dam on the downstream countries. However, these bodies were study groups with no powers or authorities devolved from the part of the States. Hence, it took long time for the States even to decide with which responsibilities to charge them, and for what concerns the IPoE's report, the countries did not find an agreement on its findings and meaning. Therefore, the new body should be a technical and impartial body, but with supranational powers, such as with some devolved powers from the part of the States, as it was the High Authority for the ECSC. The ECSC was established by the Treaty of Paris in 1951 to regulate the dispute about the coal and steel resources' allocation between France and Germany. Indeed, it was one of the major obstacle to the Franco-German reconciliation after World War II: coal was the primary energy source in Europe, accounting for almost 70% of fuel consumption, whereas steel was a fundamental material for industry. Both materials were also needed to create weapons, and these resources were contended at the borders of France and Germany. The solution to the coal and steel problem between France and Germany was provided by the Schuman Plan, named after the French Foreign Minister Robert Schuman. According to the Schuman Plan, coal and steel production should have been placed under a supranational authority, which would have been the European Coal and Steel Community. The European Coal and Steel Community (ECSC) pooled the coal and steel resources of six European countries: France, Germany, Italy, Belgium, the Netherlands, and Luxembourg (BENELUX).<sup>179</sup> The institutions of the ECSC were the High Authority, the Common Assembly, the Special Council of Ministers and the Court of Justice, plus a Consultative Committee established alongside the High Authority, representing the civil society. The Common Assembly was composed of 78 representatives of their national countries which exercised supervisory powers over the High Authority, while the Special Council of Ministers was composed by representatives of the national governments, and it was charged with harmonizing the work of the High Authority and the internal policies of the several countries. The High Authority, which was meant to be the predecessor to the future European Commission, was the truly innovative body. It had an executive of nine members, eight of which were appointed by the national governments, and then they appointed themselves a ninth person to be the President. However, despite being

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<sup>179</sup> "European Coal and Steel Community". *Encyclopaedia Britannica*.

appointed by the governments, the members were not meant to represent their national countries' interests, but they had to defend the general interests of the Community as a whole. Indeed, as a sign of their impartiality, they were not allowed to have any other occupation outside of the Authority and no other business interests while in office, and for at least three years after they left the office. Moreover, one third of the membership was renewed every two years. The Authority's principal innovation was its supranational character: this same character was to feature the integration process of the European countries in several areas that eventually gave life to the supranational institution of the European Union. Therefore, from a controversy over two energetic resources indispensable for France and Germany, it was decided to integrate and put in common these two resources so to make impossible the outbreak of a new conflict between the two countries, that were to become in this way indispensable to each other.

Following the ECSC's High Authority example, it should be set up an independent and supranational body also in the context of the GERD dispute. In particular, the body could be instituted within the NBI framework. The NBI is already provided with a Council of Ministers, composed of the Member States' Ministers of Water Affairs, which could harmonize and oversee on the model of the ECSC's Council of Ministers the work of an independent High Authority, composed of members appointed by the three governments of Ethiopia, Egypt and Sudan, but working for the interests of the entire community of the Nile Basin countries. This body, differently from the IPOE, would be a truly institutionalized body charged with at least two types of instruments, namely the power to adopt binding decisions upon the States, as well as non-binding recommendations. In particular, the first task it should carry out would be the analysis and the implementation of the recommendations made by the two companies BRL and Artelia, that were charged by the States with studying the impacts of the dam and finally assessing its downstream effects. On the basis of this final report, integrated with the IPOE's report, they could be finally established the modalities of management of the waters between the countries. So, the real waters' needs of each country should be technically assessed by the two firms that are conducting the studies, and further complemented by details about the dam's effects over time and in relation to the climatic rainy conditions of the various seasons. It should be also taken into proper consideration the above-outlined study carried out through the RiverWare platform, as it has effectively exposed realistic, tangible and feasible options for the implementation of a cooperative model about the filling of the GERD dam in coordination with the downstream countries. Once ascertained these indispensable technical elements, the recommendations should be implemented and followed up by the impartial and technical body of the High Authority in the context of the Nile Basin Initiative. This organ would serve to ensure the countries to

respect the technical recommendations made by the two companies. However, its work would continue over time to find new management mechanisms of the Nile's waters among all the riparian States, with the hope of following the example of the process of integration of the European countries, at least for what concerns the economic and energy areas.

For what concerns other technical issues concerning the filling of the dam, such as the time element, it can be possible to assert that Ethiopia, Sudan and Egypt should accept the proposal of filling the dam's reservoir over four to seven years, depending on the amount of rainfall and intensity of the Nile's water flow. This proposal, put forward by the study group in September 2018, would constitute a meeting point between the Egyptian, Sudanese and Ethiopian interests and needs, other than between their positions. Indeed, it would allow Ethiopia to carry on its initial project of creating a dam to produce enough energy to boost the country's economic development and to drastically reduce the poverty, but it would provide more time to further investigate and study the dam's technical details and features, as it was recommended by all the study groups charged with analyzing the dam's project, so to secure the dam's safety, the protection of the environment and of the downstream countries' interests. The country should also adopt a more cooperative attitude and actually commit itself to truly listen to the other riparian countries' demands, therefore it should generally change its approach toward the negotiation process and finally commit itself at participating and contributing to it with an honest and meaningful dialogue.

Egypt should accept the proposal as it represents a compromise with respect to its original request of delaying the filling of the dam to 12 years, with respect to the Ethiopian intention to start it in a three-year period. Indeed, Egypt can no longer prevent the other riparian States to exploit the natural resources in their territories to help their population recover from famine and poverty. However, during this period they could be discussed the modalities of operation of the dam and further investigated its effects. Meanwhile, the country should commit itself at implementing new techniques to reduce the waste of water in its country and to make the best use of its scarce resources. Indeed, water resources in Egypt are limited to the Nile River, rainfall, flash floods and deep ground-waters in the desert, plus potential desalinization of sea and lakes water. The average annual quota of Egypt from the conventional water is limited in the Nile River which is at 55.5 bcm as established in the 1959 Agreement with Sudan. Another 0.82 bcm per year is obtained from groundwater in the western desert. Another 1 bcm is utilized from rainfall along the coastal areas and from heavy storms in the Red Sea and Southern Sinai. The non-conventional water resources include the renewable groundwater aquifer underlying the Nile valley, which is estimated at 6.1 bcm per year, the reuse of agricultural drainage water, about 3.5 bcm per year, and the reuse of treated sewage water, 1.4

bcm per year.<sup>180</sup> These limited quantities of water have to fulfill the Egyptian demand for water, of which agriculture is the largest consumer with a quota of around 85%, and increasing population will raise this demand both for drinking water and to maintain the per capita food needs. Each resource has its usage limitation, so Egypt must take into account these limitations, whether they are related to quantity, quality, exploitation costs or external factors, and it should carry on a plan to implement water saving techniques related to the several activities, so to optimize benefits from its scarce resources. Effectively, during a press conference held in Cairo in February 2018 organized by the Ministry of Agriculture and Land Reclamation, the UN Food and Agricultural Organization (FAO), the European Bank for Reconstruction and Development and the World Bank, Minister of Irrigation and Water Resources Mohamed Abdel-Ati outlined the four-pillar approach the Egyptian Ministry is implementing to deal with scarcity of water<sup>181</sup>. The first pillar concerns the treatment of ground water, so the increase of the quality of water. State's investment in water purification amounts to more than \$1 billion to achieve the reuse of about 25 percent of used water. The second pillar envisages the improvement of the irrigation system. Through the implementation of modern irrigation techniques, they could be transformed small agricultural areas into larger ones from 100 to 200 feddans in size. The third pillar is to develop water resources through the desalinization of water from the Red Sea and the Mediterranean, even if this solution requires a lot of energy. Finally, the fourth pillar is raising awareness of correct water use.

In the following pages they will be outlined and considered some of the water saving techniques currently adopted in Egypt. As already mentioned above, agriculture is commonly the largest consumer of water resources in Egypt, this is why it has the largest share of these techniques. The first measure envisages the use of modern irrigation systems in newly cultivated lands: sprinklers<sup>182</sup> and drip irrigation systems<sup>183</sup> might be used in the desert lands that could be converted into cultivable lands<sup>184</sup>. The traditional surface irrigation system should be converted into drip irrigations also in the farms and old lands. Another technique

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<sup>180</sup> Abdin, A.E., Gaafar I. "Rational water use in Egypt". In : El Moujabber M. (ed.), Mandi L. (ed.), Trisorio-Liuzzi G. (ed.), Martín I. (ed.), Rabi A. (ed.), Rodríguez R. (ed.). "Technological perspectives for rational use of water resources in the Mediterranean region." Bari : CIHEAM, 2009. p. 11-27.

<sup>181</sup> Samih, Mai. "Reusing waste water: Egypt's fight against water scarcity". *Ahramonline*, February 2018.

<sup>182</sup> A sprinkler is a device to irrigate agricultural lands. Sprinkler irrigation is the method of applying water to a controlled manner: the water is distributed through a network that may consist of pumps, valves, pipes, and sprinklers.

<sup>183</sup> Drip irrigation is a type of micro-irrigation system that has the potential to save water and nutrients by allowing water to drip slowly to the roots of plants, either from above the soil surface or buried below the surface. The goal is to place water directly into the zone and minimize evaporation. Drip irrigation systems distribute water through a network of valves, pipes, tubing, and emitters. Depending on how well designed and installed it is, a drip irrigation system can be more efficient than other types of irrigation systems, such as surface irrigation or sprinkler irrigation.

<sup>184</sup> Abdin, Gaafar. "Rational water use in Egypt", p. 11.

concerns the land leveling, which has a positive impact on the reduction of water supply, as it reduces surface run-off to a minimum (special attention should be given to the major water consuming crops like sugar cane and rice). Then, farmers should be encouraged to practice night irrigations, since it reduces evaporation losses. However, an important tool would be to reduce agricultural water requirements to a minimum, so to make sufficient quantities of water available for other activities and priorities. The cropping pattern in Egypt is governed by a number of factors which include the country's need for food, the export requirement, the availability of land and water, the employment needs, the climate conditions, the status of soil salinity. Among the crops cultivated in Egypt it has been estimated that rice and sugarcane have the highest water requirements. So, to reduce agricultural need for water the government had decided for the area of sugar cane to remain constant while for sugar beet to increase. Indeed, a useful method to save more water envisages the introduction of shortage varieties, such as of growing crops which have a shorter period in the fields. An example is given by the shortage varieties of rice which need to stay in the field only 150 days compared to the 180 the traditional variety takes (the area cultivated with rice is limited to about one million feddans, and they are envisaged penalties for farmers for deviation from these rules).<sup>185</sup>

Apart from the water saving techniques related to agriculture, the other measures adopted by Egypt to make the optimum use of its scarce water resources envisage the reuse of waste water and the desalinization of water. Egypt is actually one of the leading countries in the reuse of water: the process started in the 1920s and the water multiplier was at 150/200 % in 2009.<sup>186</sup> All drainage water of Upper Egypt returns back to the Nile raising its salinity from about 200 ppm at Aswan to less than 300 ppm near Cairo. Four more billion cubic meters of drainage water generated in the southern part of the Delta are mixed with fresh water and reused for different purposes.<sup>187</sup> Whereas desalination capacity in Egypt has grown to some 150,000 m<sup>3</sup>/day. Desalinization of sea water has today become a serious option for the production of both drinking and industrial water. The most of the plants treat seawater, but a growing number of installations use brackish water<sup>188</sup>. There is unlimited potential for further development of seawater desalination in Egypt, mostly in the industries along the coast. Moreover, considering the huge reserves of brackish groundwater, there is also great potential for brackish water desalination, which would also have a lower cost. Indeed, to carry out the

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<sup>185</sup> *Ibidem*.

<sup>186</sup> Abdin, Gaafar. "Rational water use in Egypt", p. 20.

<sup>187</sup> Data of 2015. Source: Attalla, "The Grand Ethiopian Renaissance Dam. An Interactive Qualifying Project Report", 44.

<sup>188</sup> Brackish water is water having more salinity than freshwater, but not as much as seawater. It may result from mixing seawater with fresh water together, as it happens in estuaries or in brackish fossil aquifers. Also human activity can produce brackish water, such as civil engineering projects and the flooding of coastal marshland to produce brackish water pools for freshwater prawn farming.

desalinization of a cub meter of water the cost would be \$1, and this is the best cost available today, but it is still most expensive of other methods.

All these new projects and measures will need also an update of the country's existing legislation on the subject. In particular, they should be implemented new increased penalties for water wasting, and it should be encouraged the participation at the institutional level of water users associations through the setting up of water federations. Indeed, Egypt has an old and strong central institutional organization, which is also in charge of the water distribution and usage. These agencies should change this old regime of complete government control to enlarge the decision-making table so to include new partners from the private and civic society and establish a Participatory Irrigation Management (PIM). The objectives are to create water networks to decide about water use and to transform the competition between stakeholders into cooperation to achieve the highest result of water efficiency.<sup>189</sup>

So, Egypt from its part should commit itself at pursuing the way of saving as much of water it can. However, it must be remembered that Egypt's water resources are 90% produces outside the country, therefore international cooperation is fundamental and it is crucial that any plan for expansion of water supply is taken in collaboration with the other countries. In this, the Nile Basin Initiative could work as an appropriate framework for discussion and cooperation among the Nile Basin countries, through the joint implementation of projects to achieve a long-term sustainable growth.

It is now worth mentioning a proposal made to supply to the Egyptian increasing water scarcity that envisages the linking of the Nile to the Congo River. This idea is not new to Egyptians: it was mentioned in a book by Apata Basha, Egypt's former chief irrigation engineer in Sudan, and in 1980 President Sadat sent a committee to the Democratic Republic of Congo to study the feasibility of the idea, but the plan was never realized. The idea would envisage a canal linking the White Nile in South Sudan to the Congo River in the Democratic Republic of Congo. The Congo River's waters that would be diverted from the Atlantic Ocean to the Nile River Basin would be of 1000 bcm, and it is estimated that this canal would supply Egypt with 95 bcm per year. However, there are some technical and political difficulties facing the project. First of all, the two rivers have a huge difference in altitudes, which would require the construction of more dams and canals. Studies were conducted by the Egyptian Mineral Resources Authority, and they outlined three different scenarios from the creation of the linking canal. In the first scenario, the length of the canal would be 263 miles with a water level altitude differential of 0.9 miles between the two rivers, which would make the project impossible to be realized due to the huge difference in altitude in such a short distance. In the second scenario, the canal length would be 584 miles, with an altitude

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<sup>189</sup> Abdin, Gaafar. "Rational water use in Egypt", p. 22.



differential of 0.4 mile, while in the third scenario the length would be of 373 miles with an altitude of 218 yards. The third scenario is the one with the best chances of being implemented, through the use of four consecutive water-pumping stations. The project would also have the ability to generate 300 trillion watts of electricity per hour, enough to satisfy the entire African region's needs<sup>190</sup>. However, the Egyptian government never seemed convinced of pursuing this path. Indeed, in 2015 the Egyptian Minister of Irrigation and Water Resources reasserted that the project of linking the Congo River to the Nile would have not gone ahead, in particular because of the lack of crucial technical details<sup>191</sup>. Then, there have been harsh critics about the same feasibility of the project. Indeed, according to Ahmed El-Sayed Al-Naggar, former chairman of Egypt's top-selling state-owned newspaper, Al-Ahram, diverting the Congo River to the Nile is pure fantasy<sup>192</sup>. In his article he tried to analyze the feasibility of this option and the several alternatives to achieve it. In particular, he considered the proposal of digging a new river parallel to the Nile to transfer water from the Congo River to Egypt. According to Ahmed El-Sayed, this option is not considerable as it would imply digging an entire river, which would be nearly 35 times longer than the Suez canal. This proposal entailing the creation of an entire new river was put forward as the option of diverting the waters from the Congo to the Nile via the Bahr Al-Ghazal basin or directly to the White Nile was, in his words, even more absurd for topography's reasons, direction of slopes of each river and the capacity of the Nile, especially the White Nile, which has a shallow course and cannot hold any more water. So, he asserts that diverting water from the Congo River to the Nile, or even to a parallel course, would require lifting a large volume of water at a very high and unsustainable cost. It is technically impossible to divert it directly to the White Nile, and unrealistic to dig a new watercourse parallel to the Nile. He claims it is unviable in terms of cost and time it would take, and in addition it would require the consensus from the Democratic Republic of Congo, Chad and Sudan, plus the guarantee of a climate of political stability for the works to be carried in these countries. Ahmed El-Sayed mentioned the example of the Jonglei Canal project in South Sudan, sabotaged after the spending of large funds by the internal political instability of the country.

After having outlined the first sets of solutions, it is now appropriate to consider the second set that involves the recourse to Multi-Track Diplomacy. Indeed, it is up to now clear that unilateral actions from the part of the countries would not succeed: they effectively realize their unilateral interests in the short-term, but at the expenses of the good relations with the other neighboring States in the long-term, and at the expenses of the protection of the people's

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<sup>190</sup> Attalla, Rania A. "The Grand Ethiopian Renaissance Dam", 53.

<sup>191</sup> "Egypt sidelines linkage of Nile and River Congo for technicalities". *The North Africa Post*, January 2015.

<sup>192</sup> Ahmed El-Sayed Al-Naggar. "Fact and Fiction: Diverting water from the Congo to the Nile". *Al ahram online*, May 2014.

water needs and of the development of the entire region. However, to make States overcome their unilateral actions and finally start truly cooperating with each other, the sole action at the governmental level is ineffective. Indeed, as it was seen over these years, governments proved unable to find agreements and compromises as they did not commit themselves at negotiating with the other countries, but they stalled at their positions with uncooperative attitudes. Even the Nile Basin Initiative, that provided a good framework for discussions, did not manage to avoid the outbreak of the GERD dispute and the long stalemate as it was held at the governmental level and the distrust the countries feel toward each other impeded a meaningful and efficient dialogue. The institutional framework for cooperation, provided by the Nile Basin Initiative, should be complemented through other measures creating trust among the riparian States. Indeed, to establish new relations among the Nile Basin countries based on mutual trust and cooperation and to enhance solidarity among them it is needed the involvement of all levels of the society. Cultivating intercommunity actions and solidarity could provide the basis for permanent future mutual trust and confidence, that could continue beyond the life span of the political regimes of the day or of their transient ideologies. People-to-people interaction can be used in a continuous and progressive manner as second- third track diplomacy approach, complementary to the first track. External actors and international agencies can play a useful role in facilitating the government-level efforts among the riparian countries to transform a conflict of interests over a water issue into an opportunity for peace building and sustainable development of the region.<sup>193</sup> So, they should be investigated the ways in which the riparian countries could cultivate a community of interest not only related to the shared water resources. Opportunities for cultural exchange in a variety of sectors have to become available, and direct contacts among people, which could be students, teachers or businessmen, is of great relevance. It should be a task of governments, but also of educators, religious leaders and private citizens to rediscover the longstanding cultural ties and improve contacts with the other neighboring countries, so to stop considering them as “black boxes”. There is already a basis on which to work to establish further contacts between the countries. For example, there have always been long-lasting cultural contacts between Ethiopia and Egypt for what concerns the historical religious tie between the Egyptian Coptic Church and the Ethiopian one, as outlined in the First Chapter of this dissertation. Then, many communities along the Ethiopia-Sudan border cross freely back and forth on both sides of the frontiers since ever. This solidarity has been sometimes used by subversive and rebel groups. However, it could be asserted that also this kind of interaction consisting in population movements and inter-border ethnic relations represent a good basis for further contacts between people. Another way could be through students’ exchange, following the European

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<sup>193</sup> Attalla, Rania A., “The Grand Ethiopian Renaissance Dam”, 59.

Union Erasmus's policy example. Indeed, thousands of students from all the countries of the sub-basin generally go to Europe or to the United States for higher studies or training programs, but exchanges of students between the riparian countries is very small. It is not difficult to understand that there are fewer opportunities to attract students to other basin countries, but improving exchanges, even for short periods of time and at lower-levels of education, could enhance the sense of solidarity among the people inhabiting the basin area and the understanding of the respective cultures and habits. The same applies to teachers: actually Egyptian instructors were consistently sent in the past to Ethiopia, and this habit gave a great boost to the modernization of the country, but over time these exchanges have reduced. However, it would be important to revive this line of interaction and to enhance it, as well as to create more opportunities for exchanges of scientific activities and knowledge sharing in the field of the research.. Trade should play a huge role too, and generally the Eastern Nile basin countries are good trade partners. For example, in the year 2001 Egypt exported to Ethiopia industrial and consumer goods, fuel, crude minerals and semi-finished products for a value of 19 million US\$ , while Ethiopia's export to Egypt included items such as coffee, fruit and vegetables, teas etc for a total value of 2.653 US\$. Whereas Sudan's export to Ethiopia in the same year amounted to 928 US\$, and Ethiopian export to Sudan was of 401.765 US\$.<sup>194</sup> These already existing economic exchanges should increase at the regional level. Trade and all the other forms of interaction, if pursued regularly and with increasing intensity, could actually make the riparian countries indispensable to one another, so to make conflicts and wars extremely unlikely.

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<sup>194</sup> Attalla, Rania A., "The Grand Ethiopian Renaissance Dam", 68.

## CONCLUSIONS

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The present dissertation analyzed the several aspects of the Grand Ethiopian Renaissance Dam dispute. It considered the history of the relations between the countries involved, so to understand the fears and the feelings with which the States approached at the negotiation table and the causes that led to the outbreak of the dispute, then it outlined the legislative framework applicable to the case and the technical studies and data concerning the dam's project. Most important, it analyzed the negotiation process established by the countries, and it tried to draw some conclusions about appropriate measures that could be adopted by the States to solve the dispute and establish new forms of cooperation in the region.

The relations between Egypt and Ethiopia were based since the very early moments around the Christian/Islamic religions dichotomy. Indeed, in the fourth century A.C. it was established a religious tradition for which the highest Ethiopian Christian authority, the *abun*, was to be appointed by the Egyptian Coptic Patriarch. This custom lasted for many years, indeed it was abandoned only in 1959, and it represented a curious case in the history of Christianity, as for the first and only time in history a Christian State accepted voluntarily to be dependent on the goodwill of another Islamic State's authorities for the appointment of its most important religious leader. In the seventh century A.C., Ethiopia founded itself surrounded by neighboring Islamic States, so its bond with Egypt became fundamental to maintain a contact with the rest of the Islamic world and also to have a sort of guarantee of protection against potential invaders, whereas Egypt backed the preservation of the bond as by that time it had acknowledged that the source of the Nile was located in Ethiopia, and it feared that the country could have interfered with the river's flow. Therefore, it could be said that even if the two countries needed each other for different reasons, and they established religious as well as cultural exchanges, with educators travelling from Egypt to Ethiopia, their relations were shaped since the beginning by reciprocal diffidence and distrust. It happened many times in their past history that when the Ethiopians felt under attack by the Muslim communities established in the Horn of Africa, they threatened Egypt of blocking the Nile's flow, while Egypt retaliated on the Christians based in its territory. However, the Nile issue was for long time only a marginal issue on the two countries' agenda, as the Ethiopians used it as bargaining power with Egypt, but they had no intentions or sufficient economic resources to actually invest in infrastructural projects on the river. Then, in the nineteenth century it started the European colonialism of the area, with the British occupation of Egypt, that deprived the country of an autonomous foreign policy. The British managed to assure Egypt

the almost monopoly over the Nile's waters with the signing of the 1929 Agreement, that would be followed by the 1959 Agreement with Sudan. Then, with the Fascist Italian occupation of Ethiopia from 1935 to 1941, it can be asserted that only by the end of the twentieth century Ethiopia, as well as the other riparian countries, were allowed to truly consider the possibility of investing in projects on the Nile so to use the natural resources on their territories and to develop their economies. However, Egypt always opposed these projects and managed to interfere in the main international financial institutions to prevent them from providing economic support to the Nile Basin countries, by threatening the resort to the use of force to defend its national water security. Egypt claimed it had "historical rights" over the river's waters, as enshrined in the two treaties signed in 1929 and 1959. However, as it was seen in the First Chapter of this dissertation, both these treaties are no longer applicable, as the 1929 Treaty was signed while the countries were under the British colonial occupation, while the 1959 Agreement had no effects on the upper riparian States other than Sudan, since they were never consulted or included in the treaty. Anyway, the Egyptian behavior fostered the grievance of the other riparian States for being prevented for so long from using their natural resources to develop their economies. Therefore, in 1999 they set up the Nile Basin Initiative, an intergovernmental partnership aiming at discussing the redistribution of the Nile waters and at developing new infrastructural projects on the river. Egypt kept on opposing any proposals to change the status quo over the river and even refused to discuss the issue, but Ethiopia proved to be no longer willing to accept the Egyptian self-imposed monopoly. Indeed, by the end of the twentieth century, the new Ethiopian government was intentioned to bring the country to a truly "renaissance". The Grand Ethiopian Renaissance Dam project was designed as part of a bigger plan concerning the Ethiopian national rise: in fact, not only the dam could finally supply the Ethiopian internal demand for energy, but it would allow the country to become a huge energy exporter, and thus it would provide it a new key role in the regional context. The GERD has a great significance for Ethiopia not only as a country, but mostly as a nation; as a matter of fact, the dam is completely financed through national funds and bonds, a point that was stressed multiple times by the Ethiopian government.

The negotiation process between the countries started almost immediately after the announcement by Ethiopian Prime Minister Meles Zenawi of the decision to build the dam in April 2011. However, until the change of regime in Egypt in 2014, the country was not actually willing to negotiate, as it was not ready to give up on its claims concerning its alleged "historical rights" over the Nile, and it kept on threatening to resort to force in case the building of the dam would have continued. However, as it was outlined in this dissertation, despite the new Egyptian government's more inclined attitude toward negotiation and the

continuous declarations from the part of all the countries of their willingness to find a joint solution to the dispute, over the years the negotiation process stalled and the relations among the States only worsened. From the analysis of the negotiation, it was possible to assert that many factors contributed to create a stalemate in the process. An important factor was the unwillingness of Ethiopia of truly committing itself to the negotiation process. Indeed, the country expressed its intention to cooperate, but it actually remained stuck on its original position throughout the entire process, which was based on the assertion that the dam would have not damaged the downstream countries' interests. Therefore, Ethiopia refused any proposals from the part of Egypt and Sudan about delaying the filling of the dam's reservoir or about reducing its total water storage capacity. Ethiopia made no proposals for a resolutions to the other countries and it declared multiple times that the project would have continued notwithstanding the technical studies' findings and recommendations. It could be affirmed that the country never "turned the point of seriousness" proper of every negotiation process as it was never really intentioned to negotiate its original plan. However, the reasons for the Ethiopian authorities' attitude must be found in the feelings of resentment and distrust that the country has toward Egypt (feelings shared by many other riparian countries), caused by the modalities in which the relations between the countries were shaped during history and caused by the several years in which the country was prevented by Egypt from exploiting the river's water to reduce its dramatic poverty and increase its population's living conditions. To the unwillingness of Ethiopia to truly commit itself to negotiation, it was added the internal political and social instability that harmed the countries, together with the involvement into the negotiation picture of a series of other countries coming from a complex regional system of alliances, which only compromised the negotiation agenda and heightened the tone of the discussions.

Therefore, the thesis of this dissertation is that the negotiation process might have benefitted from a resort to mediation. Indeed, an impartial and external third party could have helped the parties to abandon their positional bargaining to finally establish a meaningful and honest dialogue about their feelings, fears and basic interests and needs. The intervention of a mediator might have prevented the stalling of the process, as it would have organized and controlled the agenda, established deadlines and helped the parties to actually respect them. Most important, a mediator adopting in particular a formulative approach would have advanced proposals for a resolution of the dispute, therefore it would have proposed a formula, that was the phase at which the States stalled in the negotiation process. However, the Egyptian demand to resort to mediation was actually rejected by Ethiopia. Therefore, it was attempted in the context of this dissertation to propose other measures that could be adopted by the States to actually solve the dispute and even to transform it into an opportunity

to establish new forms of cooperation in their relations so to achieve a shared regional development.

The first set of measures put forward entails the recourse to the so-called Track One of Diplomacy, such as the carrying out of actions at the governmental level. The first proposal concerns the creation of a technical and supranational body on the model of the High Authority of the European Coal and Steel Community (ECSC) in the framework of the Nile Basin Initiative to help the countries solving the dispute and also to help them managing jointly this resource in the future. Indeed, the Nile Basin Initiative constitutes an excellent framework for discussion and cooperation among the Nile Basin countries. However, it is still an intergovernmental organization, and the GERD dispute negotiation process stalled because of the inability or unwillingness of the governmental authorities of truly committing to the negotiation process and finding a joint agreement. This is why it should be set up a different kind of organization that might provide a better way forward a resolution of the dispute in the short term. In particular, the new body should be a technical body with a supranational feature on the model of the High Authority for the ECSC: it should be composed by experts appointed by the governments of Ethiopia, Sudan and Egypt, but that would not represent their national countries as they would work exclusively for the interests of the entire Nile Basin community. The organ should be provided with two kind of instruments, such as the power to adopt non-binding as well as binding resolutions, and it could be inserted into the NBI framework, whose Council of Ministers could harmonize and oversee its works. The first task the supranational body should carry out to solve the GERD dispute should be to analyze and then implement the recommendations that will be provided by the two external firms of BRL and Artelia that were charged by the States with conducting final studies about the dam's impacts on the downstream countries. On the basis of this final report, they could be finally established the modalities of management of the waters between the countries. Indeed, until now they have never been technically ascertained the real needs of the States, so for example if Ethiopia's needs about energy production might be satisfied even with a lower operating level of the dam. It should also be taken into proper consideration the study carried out through the RiverWare platform, outlined in the Third Chapter of this dissertation, that was able to actually elaborate and expose realistic, feasible and efficient cooperative ways to manage the filling of the GERD in coordination with the downstream countries of Egypt and Sudan. The study outlined several options following which the downstream countries could limit or even completely eliminate the risks coming from the upstream dam. Thereafter, the supranational body should ensure the technical recommendations to be actually implemented by the States, and its work would continue over time to help the countries manage jointly the Nile waters.

For what concerns the time of the filling of the dam's reservoir, Egypt and Ethiopia should accept the proposal to carry it on within a period of four to seven years, depending on the amount of rainfall and intensity of the Nile's water flow. Indeed, this proposal constitutes a meeting point between the Egyptian and the Ethiopian needs, as it will allow Ethiopia to continue with its initial project, but it would provide more time to further investigate and study the dam's technical details and features, as it was recommended by all the study groups charged with analyzing the dam's project, so to secure the dam's safety, the protection of the environment and of the downstream countries' interests. Moreover, it would give Egypt more time to improve and implement new techniques to reduce the waste of water in its country so to make the best use of its scarce resources and to find new alternatives to supply to its growing internal demand for water.

Finally, the other set of measures put forward in the last chapter of this dissertation entails the intervention of Multi-Track diplomacy, such as of the private sector, private citizens and associations, businessmen, educators, students and public opinion. Indeed, as it was seen over these years, the actions carried out only at the governmental level have not been effective at preventing and then solving the controversies among the several Nile Basin States. Given the long-lasting feelings of distrust among the States, they should be investigated and adopted new measures to establish better relations between the countries. The institutional framework for cooperation provided by the Nile Basin Initiative should be complemented by other measures creating trust among the riparian States. In particular, cultivating intercommunity exchanges could provide the basis for a more permanent future trust and confidence between them, that could continue beyond the life span of the political regimes of the day. These actions should be carried out at a people-to-people interaction level, which would be a multi-tracks diplomatic approach complementary to the one carried out at the governmental level. Therefore, opportunities for cultural exchanges in a variety of sectors have to become available, for example by establishing regular exchanges of students, educators and scientific researchers among the States. It should be a task of governments as well as of people to rediscover the longstanding cultural ties among the Nile Basin countries and improve contacts with the neighboring States; trade should play a fundamental role too to integrate the countries of the region and to make them indispensable to each other, so that wars and conflicts would become very unlikely. In this way, the States might succeed to transform a dispute over a contended and necessary resource as water into an opportunity for establishing new forms of interactions between them based on mutual trust and solidarity, so to achieve a joint and shared regional development.

As a matter of fact, the Grand Ethiopian Renaissance Dam dispute is a paradigmatic case of the new challenges featuring the international relations in the contemporary inter-connected



world. Indeed, it encompasses a serious of heterogeneous matters, such as security issues, as well as historical, political, diplomatic, ethnic, nationalistic, technologic and environmental ones. Therefore, given the amount of issues attached and also subsequently raised by the dispute, it is inconceivable to respond to it with unilateral measures from the part of the States, but also it is not possible to solve it by simply implementing a technical divisions of the waters among the countries. The risk of the first case, such as the carrying out of unilateral actions, would no longer affect only the current and future relations between Egypt, Ethiopia and Sudan, but it would have an impact of international concern. Indeed, as we have seen, already during the negotiation process they were dragged into the picture countries who were external to the dispute and also to the Nile issue. To mention some, it was the case of Saudi Arabia, dragged in by the Halayeb triangle issue between Egypt and Sudan, or Israel, that in the past had always maintained contacts with Christian Ethiopia, that represented for it a stronghold in the region in an anti-Egyptian perspective, and that now was again invited to play a role in the relations between the two countries. These countries were dragged in by the respective three involved States to gain a leverage in the dispute. Then, they must be taken into account all the unresolved issues and tensions among the several Nile Basin countries to understand how complex the situation has become and that any change or action in the dispute would now no longer affect only and exclusively Egypt, Sudan and Ethiopia. It must not be forgotten then the involvement of Italy. Indeed, even though the Salini Impregilo is a private company, it cannot be underestimated the inevitable involvement of the Italian government in case the dispute was not solved through diplomatic means. In particular, for what concerns the Italian-Ethiopian relations, we have seen in the First Chapter of this dissertation that the Italian interests in the Horn of Africa started already in the second half of the XIX century, as in 1869 Italians established commercial basis in the port of Assab and in 1890 it was created the Eritrean colony, followed by the Somali one. Then, it followed the Italian Fascist invasion of Ethiopia, with the creation of the Italian East Africa, which comprised Italian Eritrea, Somaliland and Ethiopia. Because of its colonial past in the area, for long time Italy stayed outside from the issues of the area. However, in the very last years the situation has changed and the two countries are reopening a close line of contact, mainly linked to economic interests. Indeed, already in 2013 the Italian government of Gianni Letta expressed the renowned interest of Italy and of Italian companies toward the Horn of Africa area, and the following cabinets pursued the same line of the former one. Indeed, in October 2018 Italian Prime Minister Giuseppe Conte travelled to Ethiopia and Eritrea after the signing in September 2018 of the peace agreement between Ethiopia and Eritrea in Jeddah, Saudi Arabia.

Italy has strong and sound relations with Egypt too. Indeed, despite recent tensions due to the Giulio Regeni case, the contacts between the two countries did not stop. Giulio Regeni was an Italian Cambridge University graduate who was tortured to death in Egypt in 2016, and since the Egyptian police is strongly suspected of involvement in his murder, although the denial from the part of the Egyptian authorities, in November 2018 President of Italian Chamber Roberto Fico announced the suspension of relations between the Italian and the Egyptian Parliaments. However, structural relations between the two countries went on, rather economic exchanges even increased over the years<sup>195</sup>, as Italy has several economic interests and companies in Egypt.

Therefore, it is clear that the country would encounter no few difficulties if it had to be forced to take a stand in the GERD dispute. Indeed, Italy proved not to be willing to renounce to the economic exchanges with Egypt, not even for a dramatic and complex diplomatic case that affect its same country as the Regeni one. However, as already said above, Italy has also new interests in the Horn of Africa, and the Salini Impregilo was charged of one of the most important infrastructural project built in the entire African continent. Then, apart from the economic interests, Italy has long-lasting and important diplomatic relations with both the countries, and it is also geographically close to the area, so the country would find itself in a complex and compromising position in case the dispute enlarged and became an open conflict.

Hence, it is now clear that the Grand Ethiopian Renaissance Dam dispute does not entail a dispute between the three countries of Egypt, Ethiopia and Sudan about water sharing rights over the Nile. It is an issue of international concern with multi-dimensional features that does not allow the States to adopt unilateral actions without taking into proper consideration all the potential repercussions on the other States, the region as a whole, and last but not least the populations and the environment, if considered that the Nile Basin area hosts over 480 million people<sup>196</sup>. The GERD dispute takes place in a region that has been historically unfortunate and troubled, and that for this reason must be handled carefully, as nowadays a simple hotbed of tensions might blow up a conflict that would affect the entire region and thus the international community. Therefore, unilateral actions must be avoided but, since as already mentioned the dispute does not entail only water sharing rights, the solution to the dispute cannot come from a simple and technical division of the Nile waters. Rather, the GERD negotiation process should be the first step of a path leading the countries of the Nile Basin

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<sup>195</sup> In 2016 Italian export toward Egypt amounted to 3.089,11 million euro, thus they increase with respect to the 2,7 milion of 2014; direct investments increased as well. Source: Scridel, E. "Tutti gli affair dell'Italia con l'Egitto di Al-Sisi (che dopo l'omicidio di Regeni sono aumentati)". *L'Espresso*, August 2017.

<sup>196</sup> Data of 2012. The UN estimates a likely increase in population of 200 million in the region by 2050 (from 250 million to 450 million). Source: Nile Basin Water Resources Atlas. "Chapter 3: the socio-economic profiles of the Nile Basin countries".

area to establish permanent future cooperative relations about all the issues, in a perspective of integration that could make the countries indispensable to each other so to prevent any possibility of conflict. It is needed a Multi-Track approach that sees the involvement and the willingness to cooperate of the governments of all the Nile Basin countries, the diplomatic help of the entire international community and international organizations, the contribution of scientists and technicians and, last but not least, the involvement of all the level of the society, through new proficient cultural exchanges at a people-to-people interaction level. The Grand Ethiopian Renaissance Dam dispute could in this way represent a positive case study and a success in the history of international relations.

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The present thesis analyzed the Grand Ethiopian Renaissance Dam dispute, which is an international dispute arisen in 2011 between Egypt, Ethiopia and Sudan after the announcement of the Ethiopian Prime Minister Meles Zenawi of the intention from the part of Ethiopia of building a dam over the Blue Nile, namely the Grand Ethiopian Renaissance Dam. Egypt immediately opposed the construction of the dam, expressing concern for the potential reduction of the amount of water arriving at its country. The negotiation process started in 2011, but over the years it stalled due to several reasons. Meanwhile, the construction of the dam continued and the relations among the States only worsened, with other countries that over the years were dragged into the dispute, linked together by a complex regional system of alliances. As a matter of fact, the Grand Ethiopian Renaissance Dam dispute has become a controversy of international concern, as it seriously undermines the equilibrium of the entire Nile Basin area, other than the water security of many countries and thus of millions of people.

The First Chapter of the dissertation considered the history of the relations between the countries involved into the dispute, so to understand the origins of the dispute and the feelings with which the countries approached at the negotiation table. The Chapter continued by outlining the legal framework of the dispute, and by analyzing the existing international treaties concerning the Nile waters. The Second Chapter constitutes the core of the dissertation as it analyzed the diplomatic path pursued by the parties. They were outlined the several steps of the negotiation process, as well as the interests and feelings of the various countries and how they organized them into negotiating positions, that eventually evolved over times. Then, it was carried out an analysis of the negotiation process through the application of theoretical principles peculiar to diplomatic studies, and they were assessed the potential benefits that a recourse to mediation might have brought to the process. The Third Chapter addressed the technical aspects of the dispute, so the water and energy needs of the Nile Basin countries and the technical features of the GERD, as assessed by the several studies and researches carried out over time. In the Conclusions, it was attempted to present some measures that the countries could implement to solve the GERD dispute, but also to establish new forms of integration and cooperation between them so to achieve a shared growth for the entire region.

The relations between Egypt and Ethiopia were based since the beginning around a Christian/Islamic religious dichotomy. Indeed, since the 4<sup>th</sup> century A.C., it was established a

tradition for which the highest Ethiopian Christian authority, the *abun*, was to be appointed by the Egyptian Coptic Patriarch. This custom lasted until 1959, and it represented a curious case in the history of Christianity, as for the first and only time in history a Christian State accepted voluntarily to be dependent on the goodwill of another Islamic State's authorities for the appointment of its most important religious leader. The religious bond became of the utmost importance for Christian Ethiopia when it found itself surrounded by neighboring Islamic countries in the seventh century. Indeed, it was fundamental to maintain a contact with the rest of the Islamic world and also to have a sort of guarantee of protection from potential invasions. From its part, Egypt backed the preservation of the bond as by that time it had acknowledged that the source of the Nile was located in Ethiopia, and they had started circulating many myths attributing to the Ethiopians the power to divert or block the river's flow. However, despite the religious connection and the fact that the two countries needed each other respectively for different reasons, their relations were based since the beginning on substantial reciprocal distrust and diffidence, as the Egyptians feared the Ethiopian blackmail of the diversion of the Nile's waters, while the Ethiopians always looked with suspicion at the country that had assumed the role of protector and leader of Islam. Indeed, after the occupation of Ethiopia from the Muslim communities of the Horn from 1529 to 1543, the so-called "Ahmad Gragn trauma", such as the fear that the Muslims could have reunited again to invade and destroy Christian Ethiopia, became part of the same Ethiopia's national consciousness. Therefore, it happened for many centuries, and notwithstanding the different dynasties that succeeded in the two countries, that when Ethiopia felt threatened by the Muslims, it blackmailed Egypt of blocking the Nile's waters, whereas Egypt retaliated on the Christians in its country. All of it resulted in a diplomatic mechanism of substantial cooperation, as there were nonetheless religious and cultural exchanges between the countries, but featured by a sense of mutual distance and distrust that was to last over the centuries. In this context, the Nile was still a marginal issue on the two countries' agenda, as the Ethiopians used it only as a bargaining power with Egypt, but they had no real intention or sufficient economic resources to actually invest in infrastructural projects on the river (that thus might have blocked or reduced its flow). In the 19<sup>th</sup> century it started the European colonialism of the area, with Egypt and Sudan becoming both formally part of the British Empire and that were thus substituted by the British in the conduct of their relations with Ethiopia. Whereas Ethiopia was invaded by Fascist Italy from 1935 to 1941, and after the occupation Emperor Haile Selassie had to struggle to re-establish a stable political power. In the 1950s it occurred a great change in the Egyptian-Ethiopian relations after the revolutionary change of regime in Egypt led by General Nasser, who in 1952 managed to overthrow the monarchy of Farouk I and to proclaim the birth of the Egyptian Republic.

Nasser changed also the same identity of Egypt: he turned toward Middle East and attempted to provide Egypt a leading role in the Arab world. By embracing this new Pan-Arab identity, Nasser abandoned the conception of Egypt as a Nile county and tried to rid the country of its historical dependence on the river's floods by building the Aswan High Dam, so to increase the water storage for irrigation and the production of hydroelectricity. He also signed in 1959 an agreement with Sudan with which the two countries divided between them the Nile's waters, without even consulting the other riparian countries. Nasser's policy caused a break in the relations with Ethiopia, as he effectively made the country irrelevant in the Nile issues. The response of Ethiopia was to turn toward the African affairs and to break the religious bond with Egypt. However, in the 1970s it occurred a change of regime in Ethiopia too, as in 1974 a military junta, the Derg (the Provisional Military Government of Ethiopia), overthrew Haile Selassie's power and imposed a new communist and military regime, led by Mengistu, who ruled the country until 1991. Eventually, in 1991 rebel forces managed to overthrow his communist dictatorship, and the following elections of 1995 were won by the Ethiopian People's Revolutionary Democratic Front, whose leader, Meles Zenawi, held the office of Prime Minister until 2012. During his government, Meles Zenawi elaborated an Ethiopia's state-building and economic resurgence plan: central to his vision was to finally rescue the country from its poverty and to realize its domestic and regional ambitions by providing it a leading role in the Horn of Africa.

For what concerns Egypt, after the death of Sadat in 1981, it was Mubarak that held the Presidency of Egypt from 1981 to 2011, year in which the country went through a revolution, with the Egyptians protesting against the corruption and the lack of political freedom of the regime; the revolution resulted in the overthrow of Mubarak's regime in February 2011. Thereafter, the Muslim Brotherhood took the power with the election in June 2012 of President Mohammed Morsi. However, President Morsi encountered great oppositions to his Islamist government in the very first year in power, and he was deposed in July 2013 by a coup d'état led by Minister of Defense General Al-Sisi, who was then elected President of Egypt in May 2014. As for what concerns Sudan, after it gained independence from Great Britain and Egypt in 1956, it was affected by great internal political instability. Several coups d'état and two civil wars, the first from 1956 to 1972, the second from 1983 to 2005, harmed the country and its population, that therefore suffered from major destruction and displacement, and from the lack of any infrastructural investment or development in agriculture.

It could be asserted that due to the colonial occupation of the countries, with the consequent political instability, and due to the lack of sufficient economic resources, Egypt enjoyed for centuries an almost total monopoly over the Nile's waters, and only by the end of the

twentieth century the upstream riparian countries were allowed to truly consider investing in infrastructural projects over the river. Indeed, by that time the countries, harmed by several years of foreign occupation and featured by dramatic conditions of poverty, started exploring the possibilities of exploiting the natural resources in their territories so to develop their economies. However, Egypt always opposed any project of building infrastructures over the Nile as it feared to see the amount of water arriving at its country reduced. It also managed to prevent the main international financial institutions, such as the World Bank, from providing the upstream countries the economic resources they needed for the projects by threatening the resort to the use of force to defend its national water security. Egypt claimed it had “historical rights” over the river’s water, as enshrined in two treaties signed in 1929 and 1959. However, both these treaties do not provide a valid legal basis for the Egyptian claims. Indeed, starting with the 1929 Agreement, it was signed between Egypt, that was at that time a British protectorate, Uganda, Kenya and Tanganyika, which were British colonies. The agreement allocated 48 billion cubic meters of water to Egypt and 4 billion cubic meters to Sudan; in addition, it granted Egypt a veto power over the construction of projects on the Nile or its tributaries. However, the 1929 treaty did not involve Ethiopia and the other upstream countries at all, that thus were not bounded by it. Then, about the signatory countries, Kenya, Uganda and Tanganyika were under the British colonial rule when they signed the treaty. However, later in the years they went through a process of decolonization, and thus of State succession. According to international law, as enshrined in the 1978 Vienna Convention on Succession of States in respect of Treaties, States that emerge from a process of State succession are no longer bounded by the previous State’s treaties, other than treaties creating such State, boundary treaties and treaties evidencing rules of international law. Therefore, the 1929 Agreement is no longer binding on the signatory States. Whereas, for what concerns the 1959 Egyptian-Sudanese Agreement on the Full utilization of the Nile Waters, the agreement divided the entire flow of the river between the two countries, allocating 55.5 bcm of water to Egypt and 18.5 bcm to Sudan. The 1959 Agreement is valid only between the two countries that signed it, whereas it cannot bind the other riparian States, as they were never consulted and included into the treaty, thus it has no legal validity on any other Nile riparian country other than Egypt and Sudan. Therefore, it is clear that both the 1929 and the 1959 agreements cannot be used by Egypt as legal evidence to support its alleged “historical rights” over the river. However, Egypt’s threat of conflict was actually effective for many years for the aim of imposing its control over the Nile waters as it impressed the international community and the financial institutions. However, by the end of the 20<sup>th</sup> century the riparian States proved to be no longer willing to accept the Egyptian monopoly over the river. After years of unproductive talks with Egypt to try to change the status quo over the Nile, in 1999 they set up the Nile

Basin Initiative, an intergovernmental partnership aiming at discussing the redistribution of the Nile waters and at developing new infrastructural projects on the river. Ten years later, they started concretely investing in these projects, and in 2010 the Nile upstream countries signed the Nile Cooperative Framework Agreement (CFA), that set up the Nile River Basin Commission, charged with receiving and approving or rejecting projects related to the Nile waters. Egypt and Sudan did not sign the CFA, and Egypt's reaction was to resort once again to the threat of use of force. However, the Egyptian's intimidation proved to be no longer effective, and in 2011 Ethiopia announced the forthcoming building of the Grand Ethiopian Renaissance Dam (GERD).

The negotiation process between the countries started almost immediately after the Ethiopian announcement. However, until the change of regime in Egypt in 2014, the country was not actually willing to negotiate, as it was not ready to give up on its claims about its alleged historical rights, and it kept on threatening to resort to force, with President Morsi's declaration that "all options were on the table" to defend the national water security. Thereafter, despite the new Egyptian government's more inclined attitude toward negotiation and the continuous declarations from the part of all the countries of their willingness to find a joint solution to the dispute, the negotiation process stalled over the years, with a subsequent worsening of the relations among the countries. To better understand the reasons why the negotiation process encountered a stalemate, it was attempted in the context of the dissertation to provide an overview of the main feelings, fears and basic interests of the countries involved, followed by an analysis of how they organized them into negotiating positions (that eventually evolved over time in the different stages of the negotiation process). For what concerns Egypt, it is a desert country, commonly defined as "the gift of the Nile", as it was allowed to rise and survive over the centuries only thanks to the river's waters. Therefore, Egypt's actual fear from the construction of the Grand Ethiopian Renaissance Dam is to see its annual water share of the Nile drastically reduced and, considered its huge and increasing internal demand for water, the impacts of the construction of the dam could have dramatic effects on the country. During the negotiation process, at least since when Egypt proved to be actually willing to negotiate its original and intransigent position about a change of the status quo on the Nile, Egypt's frustration has grown, due to the perception that Ethiopia was not truly committing itself to negotiation. Therefore, Egypt felt left alone, with the fear of finding itself in front of a *fait accompli*, such as the completion of the dam. For what concerns Ethiopia, it is the country where the Blue Nile originates, which is the main Nile's tributary and the source of most of the Nile waters. Ethiopia needs the Nile waters to irrigate its crops and, most of all, to generate hydroelectric power so to develop its economy and finally reduce the country's poverty. In particular, Ethiopia's poverty is the result of an economy based on a



subsistence-oriented and rain-fed agriculture. The problem is that productivity is constrained by the dependence on a highly erratic rainfall regime featured by frequent drought episodes. Increased agricultural productivity is essential, but it requires access to adequate and predictable water. However, the amount of lands is no longer capable of supporting the growing population's living conditions: the development of the region's hydroelectric potential is a crucial factor for the rise of Ethiopia. The Grand Ethiopian Renaissance Dam, upon completion, could provide a good answer to the country's problems, as it will be the largest dam on the African continent, with an installed capacity of 6000 MW. Despite providing most of the water, Ethiopia feels blocked from using the share of waters it would need to prevent recurrent famine and to reduce poverty in its country. The country also feels that Egypt has prevented for too long the other riparian countries from benefitting of the gifts of the Nile, by depriving them of their equitable shares of the waters. Ethiopia's interests consist in finally achieving the economic development of the country: it could be said that, in a broader sense, Ethiopia's goal is to achieve a truly country's "renaissance". About Sudan, it is one of the protagonists of the GERD dispute because of its geographical relevant position (indeed the Blue Nile and the White Nile meet in Khartoum to form the main stream that reaches Egypt), and because of its involvement in the treaties signed in the past with Egypt. However, despite it signed the two agreements with Egypt, it could be asserted that Sudan was a "victim" too of the Egyptian monopoly over the river, since it obtained only 18.5 bcm of water from the 1959 Agreement, with respect to the 55.5 that went to Egypt. Sudan claims it needs more water to irrigate millions of hectares of fertile lands between the Blue Nile and the White Nile and to become a major agricultural power.

For what concerns how the countries organized their feelings and interests into negotiating positions, starting from the early moments of the dispute, shortly after Ethiopia's Prime Minister announcement about the building of the GERD, the parties set up an International Panel of Experts (IPoE) to carry out studies on the dam's impacts. However, subsequently the parties did not find an agreement on the meaning of the report, submitted to them in 2013, which heightened the tone of the debate up to the declaration of the Egyptian President Morsi that "all options were on the table" to protect the country's water security, thus even the option of resorting to force. It can be asserted that in this moment the negotiation process was at its first stage, namely the pre-negotiation one, as it was still missing the agreement from all the parties on the need to negotiate. The attitude toward negotiation of Egypt, and thus the country's position, changed with the change of regime, when al-Sisi was elected President of Egypt in May 2014. Few months later, Egypt's Minister of Water Resources announced that Egypt had "a new vision" about the controversy, which meant that Egypt had accepted the reality of the construction of the dam and was willing to negotiate on the terms of its

development. Therefore, once reached the agreement from all the parties about the existence of a dispute and about the need to negotiate, the countries had to agree on the agenda of the negotiations, as well as on the procedures. For what concerned the format, negotiation took almost always the shape of bi-lateral or tri-lateral talks between Ethiopia, Egypt and Sudan, mainly at the water ministerial level or at the presidential one. The parties met in March 2015 in Khartoum, and the main points on the negotiation's agenda concerned the time and the modalities of the filling of the dam as well as the reservoir's total storage capacity. It could be asserted that with the 2015 meeting it started the Around-the-table negotiation's stage. The 2015 meeting resulted in the signing of the 2015 Declaration of Principles, with which the countries committed themselves to cooperate to reach a peaceful settlement of the dispute for the purpose of the regional integration and development (I, II and X Principles) and, most important from the point of view of Egypt, they accepted to recognize the "principle of equitable and reasonable utilization" of the waters in their respective territories (IV Principle), a principle that Egypt had always rejected in name of its "historical rights" on the river. From the part of Ethiopia, the Declaration committed it to cooperate with the other countries for the first filling and operation of the dam. The countries agreed to set up guidelines and rules for the first filling of the dam and for its future annual operation within a timeline of 15 months from the inception of studies carried out by two external consulting firms, as recommended by the IPoE's final report. Therefore, it was established a self-imposed deadline from the part of the negotiators of 15 months to find an agreement on the most important points of the agenda. However, in the following meetings the countries did not manage to agree on the responsibilities of the external consulting firms, that would have notified the beginning of the 15 months. The 2015 Declaration of Principles did not represent a final treaty to end the dispute nor it contained a formula for a potential agreement, but it provided a basis and outlined the agenda for the future negotiation's talks. However, it is possible to assert that it represented the beginning of the stalemate in the negotiation process. Indeed, from that moment on, Ethiopia carried on its prearranged plan of building the dam and refused any proposals made by Egypt and Sudan.

From the analysis of the negotiation, it was possible to assert that the negotiation process stalled at the Around-the-table phase, as the countries never established a honest and meaningful dialogue about their interests and never arrived at discussing a potential formula to solve the dispute, but they remained stuck on a positional bargaining. One of the several causes that contributed to the stalemate in the dispute was the uncompromising Ethiopian position. Indeed, while the Egyptian, and mostly the Sudanese, positions mutated and evolved over time, it could be asserted that the Ethiopian one remained stable, based on the assertion that the dam would have not damaged the downstream countries' interests. Therefore,

throughout all the process Ethiopia rejected all the requests from the part of Egypt and Sudan, it made no proposals for a resolution and it kept on restating its willingness to cooperate, but pursuing *de facto* its original goal. Ethiopia never “turned the point of seriousness” typical of every negotiation process, such as the moment in which there is the clear perception that all the States sitting at the negotiation table are truly committed to find a joint negotiated solution. The reasons for the Ethiopian authorities’ attitude must be found in the feelings of resentment and distrust that the country has toward Egypt (feelings shared by many other riparian countries), caused by the modalities in which the relations between the countries were shaped during history and by the several years in which the country was prevented by Egypt from exploiting the river’s waters. However, the Ethiopian attitude was not the only cause of the stalemate. Indeed, to the unwillingness of Ethiopia of truly committing itself to negotiation, it was added the internal political and social instability that harmed the States before and throughout the entire process. Then, the shifting of Sudan from a traditional Egypt-oriented position toward the Ethiopian one was only one of the elements that triggered a chain reaction that eventually dragged many other external States into the dispute, a factor that only compromised the negotiation agenda and heightened the tone of the discussions.

Therefore, the thesis of the dissertation is that the negotiation process might have benefitted from a resort to mediation. Indeed, an impartial and external third party could have helped the parties to abandon their positional bargaining to finally establish a meaningful and honest dialogue about their feelings and interests. The intervention of a mediator might have prevented the stalling of the process, as it would have organized and controlled the agenda, established deadlines and helped the parties to actually respect them. Most important, a mediator adopting in particular a formulative approach would have advanced proposals for a resolution of the dispute, therefore it would have proposed a formula, that was the phase at which the States stalled in the negotiation process. However, the Egyptian demand to resort to mediation was actually rejected by Ethiopia.

In the third chapter of the dissertation they were presented the main technical studies carried out over the years by the International Panel of Experts and by other study groups about the GERD features and the potential impacts on the downstream countries. According to the Salini Impregilo’s data, which is the Italian private company contracted for the construction of the dam, once completed, the GERD will be the largest dam of Africa, with a reservoir capable of holding a volume of 74 billion cubic meters and with an expected installed generation capacity of 6000 MW, which would make of the dam a significant asset for the entire Nile Basin region with respect to access to electricity. The International Panel of Experts’ study report of 2013 assessed that the GERD might have in general also brought benefits to the downstream countries of Egypt and Sudan by stabilizing the river’s floods, but

if it had been drawn down to the minimum operating level for several consecutive years. Indeed, the IPoE carried out in 2011 an Hydrological and Reservoir Simulation Study to measure the impacts from the filling of the reservoir on Egypt and Sudan in three scenarios: a normal case, which corresponded to a sequence of average hydrological years, a sequence of dry years and a sequence of wet ones. The findings showed that water supply in Egypt would have not been affected during the first filling of the reservoir given wet or average years, even if power generation might have decreased due to a general lower water level in Lake Nasser. Whereas, in case the first filling of the dam had occurred during dry years, the Aswan Dam would have reached the minimum operating level during at least 4 consecutive years, which would have caused a huge loss of water and of power generation for Egypt. However, the IPoE concluded the report by strongly recommending to carry out more investigations to definitively assess the impacts of the dam. Among the various other technical reports presented in the dissertation, it is notable one conducted by experts through the decision-making platform RiverWare. The goal of this study report was to identify and evaluate potential cooperative filling and management options for the Grand Ethiopian Renaissance Dam in coordination with the downstream countries of Egypt and Sudan. About Egypt, the study showed that the country would lose a huge amount of hydropower generation and generally the ability to fulfill its internal water demand if the High Aswan Dam (HAD) pool elevation falls below the intake elevation of 147 m. However, it was able to assess that, through a combination of a HAD drought management policy and of a GERD-HAD safeguard policy, the level of the High Aswan Dam would be allowed to maintain the same elevation without falling under 150 m. In particular, the drought management policy would consist in the use of the GERD storage at a level to ensure that the minimum power pool elevation of the High Aswan Dam in Egypt is protected, and in case it falls below an additional release is made from the GERD to try to maintain the same elevation, as the large generation capacity of the GERD would allow Ethiopia to provide the High Aswan Dam safeguard releases with only small reductions in the hydropower production. Whereas, for what concerns Sudan, the study was able to assess that by using the Sudanese reservoirs at their maximum capacity when the filling of the GERD begins, and re-operating them to make releases only to meet downstream demands and allow necessary spills during flooding, the risk of shortages to the Sudanese water demand would be eliminated and the country might also benefit from the greater availability of the flows. However, without cooperation between the two countries, the study estimates that the Sudanese losses of energy would amount to 28%, at least in the initial years. This study is worth of consideration as it effectively was able to demonstrate that with proper planning and coordination between the three countries it could be possible to manage and even to eliminate the risks of the GERD for Egypt and

Sudan, thus it should be taken into proper consideration during the negotiation process as a valuable technical assessment for a concrete implementation of cooperative forms of management of the Grand Ethiopian Renaissance Dam in coordination with the downstream countries of Egypt and Sudan.

The present dissertation attempted in conclusion to elaborate and propose some measures that could be implemented by the countries to solve the GERD dispute, but also to transform it into an opportunity to establish new future forms of cooperation between them so to achieve a shared development of the entire region. The first set of measures put forward entails the recourse to the so-called Track One of Diplomacy, such as the carrying out of actions at the governmental level. In particular, the first proposal concerns the creation of a technical and supranational body on the model of the High Authority of the European Coal and Steel Community (ECSC) in the framework of the Nile Basin Initiative to help the countries solving the GERD dispute, but also to help them managing jointly this resource in the future. Indeed, the Nile Basin Initiative represents an excellent framework for discussion and cooperation among the Nile Basin countries, that should be fostered in the future. However, it is still an intergovernmental partnership, and the GERD dispute stalled because of the inability or unwillingness of the States' authorities to establish a meaningful dialogue among them and to find a joint solution. Therefore, it should be set up a different kind of organization that might provide a better way forward to find a resolution to the dispute in the short term. In particular, the new body should be a technical body with a supranational feature on the model of the High Authority for the ECSC: it should be composed by experts appointed by the governments of Ethiopia, Sudan and Egypt, but that would not represent their national countries as they would work exclusively for the interests of the entire Nile Basin community. The organ should be provided with two kind of instruments, such as the power to adopt non-binding as well as binding resolutions, and it could be inserted into the NBI framework, whose Council of Ministers could harmonize and oversee its works. The first task the supranational body should carry out to solve the GERD dispute should be to analyze and then implement the recommendations that will be provided by the two external firms that were charged by the States with conducting final studies about the dam's impacts on the downstream countries. On the basis of this final report, they could be finally established the modalities of management of the waters between the countries. It should also be taken into proper consideration the above-mentioned study carried out through the RiverWare platform, that was actually able to elaborate and expose realistic and feasible cooperative ways to manage the filling of the GERD in coordination with the downstream countries. Thereafter, the supranational body should ensure the technical recommendations to be actually implemented by the States; its work should continue over time to help the countries managing

jointly the Nile waters. For what concerns the time of the filling of the dam's reservoir, Egypt and Ethiopia should accept the proposal to carry it on within a period of four to seven years, depending on the amount of rainfall and intensity of the Nile's waters flow. Indeed, this proposal constitutes a meeting point between the Egyptian and the Ethiopian needs, as it will allow Ethiopia to carry on its project, but it would provide more time to further investigate and study the dam's technical features, as it was recommended by all the study groups charged with analyzing the dam's project, so to secure the dam's safety, the protection of the environment and of the downstream countries' interests. Moreover, it would give Egypt more time to improve and implement new techniques to reduce the waste of water in its country so to make the best use of its scarce resources and to find new alternatives to supply to its growing internal demand for water.

The other set of measures put forward in the dissertation entails the intervention of Multi-Track Diplomacy, such as of the private sector, private citizens and associations, businessmen, educators, students and public opinion. Indeed, as it was seen over these years, the actions carried out only at the governmental level have not been effective at preventing and then solving the controversies among the several Nile Basin States. Given the long-lasting feelings of distrust among the States, they should be investigated and adopted new trust-building measures to complement the institutional framework for cooperation provided by the Nile Basin Initiative. In particular, cultivating intercommunity exchanges could provide the basis for more permanent future trust and solidarity between them, that could continue beyond the life span of the political regimes of the day. These actions should be carried out at a people-to-people interaction level, which would be a multi-track diplomatic approach complementary to the one carried out at the governmental level. Therefore, opportunities for cultural exchanges in a variety of sectors have to become available, for example by establishing regular exchanges of students, educators and scientific researchers among the States. It should be a task of governments as well as of people to rediscover the longstanding cultural ties between the Nile Basin countries and improve contacts among them; trade should play a fundamental role too to integrate the countries of the region and to make them indispensable to each other. In this way, the States might succeed to transform a dispute over a contended and necessary resource as water into an opportunity for establishing new forms of interactions based on mutual trust and solidarity, so to achieve a joint and shared regional development.

As a matter of fact, the Grand Ethiopian Renaissance Dam dispute analyzed in this dissertation is a paradigmatic case of the new challenges featuring the international relations in the contemporary inter-connected world. Indeed, it encompasses a series of heterogeneous matters, such as security issues, as well as historical, political, diplomatic, ethnic,

nationalistic, technologic and environmental ones. Therefore, given the amount of issues attached and also subsequently raised by the dispute, it is inconceivable to respond to it with unilateral measures from the part of the States, but also it is not possible to solve it by simply implementing a technical divisions of the waters among the countries. The risks coming from the GERD dispute would no longer affect only the current and future relations between Egypt, Ethiopia and Sudan, but they would have an impact of international concern. Indeed, as it was exposed in the dissertation, already during the negotiation process they were dragged into the picture countries who were external to the dispute and also to the Nile issue. To mention some, it was the case of Saudi Arabia, dragged in by a controversy between Egypt and Sudan over the Halayeb triangle, or Israel, that in the past had always maintained contacts with Christian Ethiopia, which represented for it a stronghold in the region in an anti-Egyptian perspective. These countries were dragged in by the respective three involved States to gain a leverage in the dispute. Then, they must be taken into account all the unresolved issues and tensions among the several Nile Basin countries to understand how complex the situation has become. It must not be forgotten then the involvement of Italy. Indeed, even though the Salini Impregilo is a private company, it cannot be underestimated the inevitable involvement of the Italian government in case the dispute was not solved through diplomatic means. In particular, Italy has long-lasting diplomatic, cultural and economic relations with both the countries. For what concerns Ethiopia, despite the country was occupied by Fascist Italy, in the very last years the two countries are reopening a close line of contact, mainly linked to economic interests. Indeed, already in 2013 the Italian government of Gianni Letta expressed the renowned interest of Italy toward the Horn of Africa area, and the following cabinets pursued the same line of the former one. Hence, in October 2018 Italian Prime Minister Giuseppe Conte travelled to Ethiopia and Eritrea after the signing in September 2018 of the peace agreement between Ethiopia and Eritrea in Jeddah, Saudi Arabia. Italy has strong and sound relations with Egypt too. Indeed, despite the recent tensions due to the Giulio Regeni case, the contacts between the two countries did not stop. Giulio Regeni was an Italian Cambridge University graduate who was tortured to death in Egypt in 2016, and since the Egyptian police is strongly suspected of involvement in his murder, although the denial from the part of the Egyptian authorities, in November 2018 President of Italian Chamber Roberto Fico announced the suspension of relations between the Italian and the Egyptian Parliaments. However, structural relations between the two countries went on, rather economic exchanges even increased over the years. Therefore, Italy proved not to be willing to renounce to its economic exchanges with Egypt, not even for a dramatic and complex diplomatic case that affects its same country as the Regeni one. However, Italy has also new interests in the Horn of Africa, and the Salini Impregilo was charged of one of the most important infrastructural

project built in the entire African continent. Therefore, considered also the important and long-lasting diplomatic relations that Italy has with both the countries, and also the fact that it is geographically close to the area, it can be affirmed that the country would find itself in a complex and compromising position in case the dispute was not solved through diplomatic means.

Hence, it is now clear that the Grand Ethiopian Renaissance Dam dispute does not entail a dispute between the three countries of Egypt, Ethiopia and Sudan about water sharing rights over the Nile. It is an issue of international concern with multi-dimensional features that does not allow the States to adopt unilateral actions without taking into proper consideration all the potential repercussions on the other States, the region as a whole and, last but not least, the populations and the environment. The GERD dispute takes place in a region that has been historically unfortunate and troubled, and that for this reason must be handled carefully, as nowadays a simple hotbed of tensions might blow up a conflict that would affect the entire region and thus the international community. The GERD negotiation process should be the first step of a path leading the countries of the Nile Basin area to establish permanent future cooperative relations about all the issues, in a perspective of integration that could make the countries indispensable to each other so to prevent any possibility of conflict. It is needed a Multi-Track approach that sees the involvement and the willingness to cooperate of the governments of all the Nile Basin countries, the diplomatic help of the entire international community and international organizations, the contribution of scientists and technicians and, last but not least, the involvement of all the level of the society, through new proficient cultural exchanges at a people-to-people interaction level. The GERD dispute could in this way represent a positive case study and a success in the history of international relations.