

## Hydro-Politics Of The Horn Of Africa: With Particular Narrative On Trans-Boundary Water Conflict

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### Abstract:

It is apparent that, ever since the late nineteenth century European colonial authorities, mainly of Great Britain, and the Egyptians have been obsessed by the waters of the Nile. It reached its pinnacle, gradually but steadily, during the twentieth century—when various “treaties and agreements” were signed for the best advantage of the colonialists and the downstream states. Such accords utterly ignored or marginalized the upstream states, including Ethiopia. Hence, it set off verbal wars or internet fighting among the riparian states—often between the Egyptian and the Ethiopian government officials, when the latter recently unleashed its natural rights for the exploitation of the Nile waters. Dealing with this point, in the process of organizing and finalizing this article, the Ethiopian government claims for huge and continuous construction of HEP projects on the tributaries of the Blue Nile River worried the Egyptian government that eventually might produce acrimonious relations between the two nations, in particular.

**Keywords:** Horn of Africa, hydro-politics, Pan-African Grand Project, water Conflict, Nile Questions, upper and downstream riparian states

### 1. INTRODUCTION

Trans-boundary shared water courses always have a potential for conflict. The Nile is such a trans-boundary river whose water resources have generated tension and disputes over their utilization <sup>[1]</sup>. Historically, water utilization in the Nile basin has been unilateral, and there are no comprehensive inter-riparian legal or institutional modalities that can facilitate cooperative development and joint planning activities between upstream and downstream riparian areas. Nile basin water resources, indisputably rooted in the historical background of the Nile river basin, where Egypt has been the predominant user of the basin-wide water resources of the River Nile.

Egypt in particular has always laid claim to what it calls its ‘historical rights’ to the Nile basin waters. It further argues that, the said rights are embodied in the various Treaties concluded by United Kingdom and other states ostensibly governing the use of Nile waters. Historically, the river provided the Egyptians with almost all their freshwater and has long been regarded as the cultural symbol of Egypt dating back to the times of the pharaohs. Since the Nile riparian countries became independent there has been disquiet and suspicion over equitable utilization of the Nile waters.

The upper Nile states, particularly where the river originates from, have also been using the waters albeit on a small scale. On

the one hand there are lower riparian states who claim a Lion's Share of the Nile water resources while on the other hand, the upper riparians, where the Nile originates, only utilize a fraction of the waters. To justify their position, the lower riparian states rely on Treaties that were concluded between them and the other riparian countries during the colonial period. On the other hand the upper riparian states question the validity of the Treaties and their applicability today. So, there have been simmering tensions manifested by open pronouncements by political and other leaders of almost all the upper Nile riparian states, to the effect that at present, the sharing of the Nile waters is not equitable<sup>[2]</sup>.

Lower riparian states, Egypt and Sudan, believe that the status quo should be maintained. Instead of perpetuating such a situation, a diffusion of the tensions and disputes is possible. It is indeed possible to initiate co-operation in the sharing of the Nile waters, which act, in itself would go along way in fostering co-operation in other areas, specifically trade. Among the notable factors that shaped the legal regimes over the Nile, was the presence in the basin of British interests during the colonial era and the water security policy pursued by Egypt. During the first half of the Twentieth Century, the patterns in the utilization and management of the water of the Nile River were dictated by the interests of the United Kingdom. This created a peculiarity in its relations with Egypt, as manifested in the arrangements made by them concerning the Nile.

The UK had a deep-rooted interest in controlling the water of the Nile, which was to provide irrigation for cotton plantations in the area which could provide raw material for its industries in Europe<sup>[3]</sup>. This laid the foundation for water utilization patterns that favored Egypt at the expense of the interest of other riparian states. Using its considerable influential power in the basin, it tried to ensure that there was no reduction of water flow to Egypt caused by the development of works in the upper riparian colonies. This has been informed by the fact that Egypt and Sudan claim sovereignty over the Nile waters based on a series of

Treaties that were signed between Egypt and United Kingdom during the colonial period. The most notorious of these Treaties are the 1929 and 1959 Treaties. More specifically, this article was attempted to:-

- ✚ To describe the narrative of trans-boundary water as potential for conflict;

- ✚ To investigate the Challenges and opportunities of peace building initiatives in Nile basin.

## 2. METHODOLOGY

As the qualitative research method is the most relevant approach used to convey and enable the collection of most important concepts, perceptions and expressions on trans-boundary water conflict, Challenges and opportunities of peace building process in the Horn of Africa by focusing on Nile basin as appropriate strategy of achieving sustainable development and peace in the region, the researchers employed it for the purpose of this study. The researchers used secondary data through descriptive analysis to conduct this study. The secondary data were collected from books written on the study area, reports, documents, Internet, journals and other important written materials. Then, the data were carefully analyzed to fully address the issue under study. In this manner the collected data were qualitatively assessed and presented in a way it can address the specific objectives of the study. The aim is to capture and discuss the ideas required for analyzing the Challenges and opportunities of peace building initiatives in Nile basin process in the Horn of Africa in order to draw valid conclusion.

## 3. RESULTS AND DISCUSSION

### The Silent period For the Nile Question

Ethio-Egyptian relations lost much of their significance for about three centuries. Beginning from sixteenth century both Ethiopia and Egypt faced enormous challenges. During the early sixteenth century the central administration of Christian Ethiopia was torn by Ahmed Gragn's invasion. Since then, Ethiopia experienced reunification by Oromo

expansion. Oromo settled in extensive areas of heartland of Ethiopia and in the eighteenth century many of them converted to Islam. The Christian emperors, loving about or retiring to their newly built seventeenth-century capital of Gondar, proved unable to impose any central authority. The church was torn by rival monastic movements and renewed theological disputes<sup>[4]</sup>.

The Ethiopian Orthodox fell under the influence of Catholicism and its Coptic ties were nearly severed. During the era of princes (1769-1855), Ethiopia drifted deeper into political disarray so that there was no due concern on Egyptian *abun*. The Ethiopian elites were too busy with fratricidal wars

for that they forgot the Nile to use as a card in international relations.

Similarly, by the beginning of sixteenth century Egypt fell under Ottoman rule. Thus, Ottomans were less concerned with the Nile issue. The Nile River remained the motor of local economy and popular culture, but in terms of political strategy, Egypt was reduced to a province of the greater Ottoman Empire. As of the early Sixteenth century Cairo was no longer capital of Egypt with political authority. And Egypt had no its own foreign policy until the last quarter of the eighteenth century. Provincial administrators were directly sent from Istanbul or its local Turkish-oriented elite of Mamluk origin. They had hardly the time, interest, or abilities to invest in Egypt's infrastructure, let alone the effort needed to invest on Nile. In the early nineteenth century, however, Egypt regained its unique political identity as a Nile country. Under a new dynasty of independent rulers, a new Nile-centered economy and society were reborn. Egyptian strategic interests in the area up the Nile were accordingly resurrected. Renewed Egyptian interest in Ethiopia reached its peak in 1870's.

Ethiopia was also undergoing fundamental changes during the second half of the nineteenth century. It struggled to reestablish imperial authority and revive its Christian identity. The more Ethiopians worked to modernize their state, the more Egypt became centrally relevant to E

thiopia.

### **The 1891 Anglo-Italian Protocol**

Signed on 15 April 1891, between Britain, representing Egypt and the Sudan, and Italy, on behalf of Eritrea. The Protocol was not on the water of the Nile *per se*. The water of the Nile was referred to, under article III of the Protocol, as an incidental issue, since the Protocol was primarily meant for delimitation of the colonial boundary of Britain and Italy in the Sudan and Eritrea. Article III of the Protocol prohibited Italy from undertaking construction work at the headwaters of the Nile, which might sensibly modify it. The Protocol did not include, or make reference to, the upper riparian states, where the substantial share of the water comes from. Thus, it remains a bilateral agreement and does not extend its scope of application to the other riparian states. What makes it senseless and irrelevant is the fact that the Nile River did not flow in the territory colonized by Italy, which was the basis for its claim to its water. At the time of the treaty conclusion, Italy had not established itself in Ethiopia. As a result, it did not have the right to engage in negotiation over the headwater found in the upper riparian area, in particular Ethiopia. Nonetheless, from the obligation imposed on Italy, it is implicit that the intention of the British government was to safeguard the interest of its colonial subject, Egypt. Thus, the Protocol manifests part of a grandiose/imposing British strategy to fully control the water of the Nile<sup>[5]</sup>.

### **The 1902 Agreement between Britain and Ethiopia**

Signed on 15 May 1902, between Britain, representing the Sudan, and Ethiopia, to determine the boundary between Ethiopia and the Sudan. Like the 1891 Protocol, this agreement was also meant primarily as a means to provide boundary delimitation. However, it contained a provision relating to the water of the Nile. Ethiopia agreed, under Article III of the agreement, not to construct or permit construction on the Blue Nile and its tributaries, of any works that would arrest their flow, without the prior agree

ment of the government of Britain. There was an agreement on the meaning of the word "arrest" in the Amharic (Ethiopian Language) and the English versions. In the Amharic version, the obligation imposed on Ethiopia did not preclude the use of the water. What was prohibited was any scheme which would totally arrest the flow of water. There was no evidence indicating that Ethiopia had acknowledged the meaning of the word "arrest" as to not utilize the water. The agreement was the most controversial one in the history of Nile agreements, as both parties claimed that their own understanding of it was correct. Like the 1891 Agreement, it repeated the same thing, in the sense that it prevented the Ethiopian government from engaging in development activities on the water of the Nile, in order to preserve the interests of the lower riparian states.

### **The 1906 Tripartite Treaty**

This was concluded in London on 13 December 1906, between Britain, France, and Italy and dealt with the use of the Nile water in Ethiopia's sub-basin. They reached an agreement to safeguard the interest of Great Britain in Ethiopia's sub-basin by regulating, without prejudice to Italy's interest, the water of the Nile, and also agreed to protect the interest of Ethiopia. It is difficult to imagine how they could claim to protect Ethiopia's interest, without inviting

Ethiopia to take part in the agreement process, or without consulting Ethiopia. Consequently, the Ethiopian government immediately voiced its vehement rejection of the agreement and indicated that no country had the right to stop it using its water.

### **The 1925 Anglo-Italian Agreement**

This was signed between Britain and Italy on 20 December 1925 in Rome and dealt with issues of the Nile water. Italy agreed to recognize the prior rights of Egypt and the Sudan on the headwater of the Nile and guaranteed not to construct on the headwater and its tributaries any works that might sensibly modify their flow into the main river. Right after its conclusion, Ethiopia voiced its objection against the treaty. Following Ethiopia's rejection of it, the British government disclosed that it

renounced its position and admitted that the agreement was bilateral and was not meant to bind Ethiopia.

### **The 1929 Anglo-Egyptian Agreement**

This was signed on 7 May 1929, between Egypt and Great Britain, representing the Sudan. The United Kingdom was acting for the Sudan as its colonizer. This agreement was done by exchange of notes between Mohamed M. Pasha, the president of Egyptian Council of Ministers and Lord Lloyd the British High Commissioner in Cairo <sup>[6]</sup>. The Agreement mainly aimed at securing the Nile water for Egypt by limiting the rights of the Sudan and rejecting those of the other riparian states. The Agreement recognized Sudan's right to use the water of the Nile in as far as Egypt's natural and historic rights were protected, and conferred upon Egypt the right to monitor the flows of the water in the upper riparian states, the right to undertake any projects on the Nile without the consent of the other riparian countries, and the right to veto construction works that would affect its interest adversely. The agreement recognized, somehow, the right of the Sudan to utilize the water but its exercise is contingent on whether or not its uses preserved Egypt's historic and natural rights.

### **The 1959**

### **Agreement for the Full Utilization of the Water of the Nile**

This was concluded between the independent Sudan and Egypt on 8 November 1959. It was based on the revision of the 1929 Agreement. The Sudan called for the revision of the 1929 agreement in a manner that would divide the water in a rational way. As the name itself implies, it allotted the entire water of the Nile to the two states only. Its purpose was, therefore, to gain full control of the water and this constitutes the culmination in efforts to give preference to both states. This is because it highlighted the construction of the Aswan High Dam as the major element for controlling the Nile water for the benefit of Egypt and the Sudan. Thus; it is the legacy of the colonial era and affirmed the British approach to the water of the Nile. The two states acted as if the Nile starts in the Sudan and ends in

Egypt and left, contrary to commonsense, no room for the other riparian states. This manifests an entrenched quest to have full control of the water.

### **The 1993 Framework for General Cooperation between Egypt and Ethiopia**

This was signed on 1 July 1993, in Cairo, between Egypt and Ethiopia. It was the first bilateral framework for cooperation signed between Egypt and Ethiopia regarding the Nile issues, after the colonial period. It stipulated that future negotiations between Ethiopia and Egypt, with respect to the utilization of the water of the Nile, would be based on the rules and principles of international law. The Framework was only indicative of the base of future negotiations and failed to provide detailed rules. The 'no harm' rule principle was mentioned in it and for this reason, some Ethiopians criticized it as favoring Egypt and compromising Ethiopia's sovereignty over the Nile. Even if the 'no harm' principle was part of the agreement, this did not mean that it was the only principle on which water division would be based, since the rules and principles of international law are referred to as the guideline for negotiations in the document itself.

Apart from the 'no harm' principle, other relevant principles in international law could then be employed. Hence, the assertion that the framework favors Egypt, for it makes reference to the no harm rule, is exaggerated. Even the basis of what it contains in general is not so strong. It merely represents the first attempt by the two states to come together, and does not have a binding effect. It is no more than the heralding of a new era of improved relations between the two states with regard to the water of the Nile. Firstly there were treaties concluded between the United Kingdom and the powers that controlled the upper reaches of the Nile at the beginning of 1900. Secondly there were informal arrangements consisting of proposals and principles recommended by the various commissions constituted to draw up development plans for the exploitation of the Nile waters. Thirdly there is the 1929 Agreement between Egypt and

Sudan governing the utilization of the Nile waters. On 15th April 1891, Italy and the United Kingdom signed a protocol for the demarcation of their respective spheres of influence in Eastern Africa. Article 3 of this Protocol sought to protect the Egyptian interests in the Nile waters contributed by the Atbara River.

The Article provided "the Government of Italy undertakes not to construct on the Atbara any irrigation or other works which might easily modify its flow into the Nile. On 15th May 1902, Ethiopia and the United Kingdom (UK acting for Egypt and Anglo Egyptian Sudan) signed a treaty regarding the frontiers between, Anglo Egyptian Sudan, Ethiopia and British Eritrea. Article 3 of the treaty provided "His majesty the Emperor Menelik II, King of Kings of Ethiopia engages himself towards the Government of his Britannic Majesty not to construct or allow to be constructed any works across the Blue Nile, lake Tsana or Sobat which would arrest the flow of their waters into the Nile except in agreement with his Britannic Majesty's Government." On 9th May 1906, United Kingdom and the independent state of Congo concluded a treaty to re-define their respective spheres of influence. Article 3 of the treaty provided; "The Government of the independent state of Congo undertakes not to construct, or allow to be constructed, any work on or near Semliki or Isango River which would diminish the volume of water entering Lake Albert, except in agreement with the Sudanese government". The rudiments of the international legal regime resulted from the foregoing agreements. In 1929 Britain and Egypt concluded the so-called 1929 Agreement. This was done by exchange of Notes and it incorporated the report that had been done by the 1925 commission<sup>[7]</sup>.

### **Interpretation of the Treaties**

If the Nile Waters Treaties are valid and binding, they legitimize the legal order of the colonial period that gave Egypt preeminence in the control of the Nile and developments in the basin. This would be a severe constraint on the development efforts and opportunities of upper riparian states. But if the Nile Waters treaties are not binding, then the control

and utilization of Nile waters are regulated by the principles of customary international water law. It would also mean that the Nile is in search of a new legal regime in the form of a basin wide agreement. This would provide plenty of room for negotiation and bargaining as amongst the riparian states. It could help develop a utilization regime that is more sustainable and equitable. Putting the agreements into perspective, there are the pre-World War I agreements. These as shown above were between United Kingdom, Eastern African colonies and Italy. It can be properly assumed that the agreement by dint of state succession expired at the end of the Italian and British Colonial Era in the region. As a matter of general principle a new state, ex-hypothesis a non-party, cannot be bound by a treaty, and in addition other parties to a treaty are not bound to accept a new party, as it were, by operation of law. All of the agreements made in regard to the water of the Nile are of limited scope in their application. None of them managed to involve more than three states and are concluded mainly to secure and safeguard the interest of the two lower riparian states.

They are, therefore, bilateral in nature and devoid of legal application to the other riparian states. The fact that the treaties are bilateral means that they cannot legitimately be perceived to regulate all of the Nile waters and all the basin states. They approached the problems in the basin in a splintered manner. Thus, they have become an obstacle for cooperation. This is because, they undermine, owing to their bilateral nature, the emergence of basin-wide shared understanding and the evolution of a communal identity between the riparian states, as basin states and thus did not provide opportunities for basin-wide interaction and trust-building.

The 1959 Agreement managed to institutionalize collaboration between the Sudan and Egypt, with the setting up of the Egypt-Sudan Permanent Joint Technical Commission on the Nile. This cooperative scheme has been, and is, effective only between the two countries. It does not symbolize an all-inclusive scheme embracing all riparian states. The

indestructible bond of the cross-border water resource links the countries of the Nile basin. Hence, international relations between Ethiopia, Egypt and Sudan have clearly been influenced by how these nations have competed over the control of the Nile water resources. However, there are neither clear and tough laws to be enforced on the riparian states nor commonly accepted legal principles and institutional mechanisms in place. Therefore, good inter-riparian relations and maintenance of peace become fragile.

The demand for water by one riparian state is often countered by demands by other riparian states and this has deteriorated relations among the riparian nations.

### **Ethiopia and Sudan**

The major rivers of Sudan: the Sobat, Blue Nile, Atbara and Mereb, originate in Ethiopia and they drain both water and alluvial soil from the Ethiopian highlands. Historically Sudan and Ethiopia had old polities with roving political centers. Meroe, Napata and Funj in Sudan, for instance, were ancient centers of political power prior to the Anglo-Egyptian invasion of the country in the late 19th century. Similarly, Axum, Lalibela and Gondar were shifting centers of the Ethiopian old polity until the late 19th century. The old polities of both countries competed for dominance and greater control of the territories in the region. However, in the second half of the 19th century the emergent revolutionary Islamic Government of the Mahadists in Sudan and the more unified Orthodox Christian Government in Ethiopia came into headlong conflict with each other. The bone of contention in those days was not competition over the water resources. Matters relating to religion were the most important issues in the conflict. The minor cross-border raids and counter raids by local forces kept the Ethio-Sudanese conflict ignited, as the two governments looked at each other not only as political adversaries, but also as

rivals for religious dominance.

In January 1888, the Mahadist-Sudanese state invaded Ethiopia and sacked the Gondar town near the Lake Tana. Between 1898 and 1956, Sudan was under British colonial administration. The historical legacy of colonial Britain's interest in cotton production laid the foundation of large-scale irrigated farming in Sudan. Sudan has so far developed about 2 million ha of irrigated agriculture, even if this is a lot; it is little compared to the nation's irrigable land. Sudan signed the 1959 agreement with Egypt<sup>[8]</sup>.

In the present conflagration/tension of upstream-downstream confrontation Sudan generally behaves like a downstream state, although its relations with Egypt have been not so friendly from time to time. There are times when Sudan, like Egypt, has spoken of transferring water to Saudi Arabia through a pipeline extension under the Red Sea (Starr & Stoll, 1988). With the emergence of the National Islamic Front (NIF) regime since 1989, however, Sudan has started to protest against a transfer of water from its natural basin by Egypt.

#### **4. Concluding Remark on narrating the historical legacy of the Nile hydro-politics**

The Nile water is one water system, but it is not a homogeneous geographical, climatic or ecological unit. This is due to the fact that it originates in the broken highlands of Ethiopia; land of the Blue Nile, and in the vast areas of great lakes and huge swamps of central Africa and southern Sudan, the lands of the White Nile. Hence, the Nile River has various designations by the peoples settled along its banks. The two rivers, the Blue Nile and the White Nile, meet at Khartoum, and bear the name Nile and flow into the Nile valley of Egypt. Although it has many tributaries that enhance its annual discharge, the tributaries of the Nile River lost high amount of annual discharge of their water through evaporation due to the prevalence of hot and extensive marshy environments in the basin and its vicinity.

Due to the presence of such kind of hostile environment, the life of human kind and society in that river basin found to be in a very precarious condition from its inception. In consequence, peoples began to exploit the waters of the Nile for their survival that created water politics among themselves as time went on. Indeed, the general historical picture is that of continuous, meaningful linkage among the cultural entities. Each one, the Egyptians, the Ethiopians and the Sudanese, is in itself a system of cultural diversity, the various inner components of which contributed to and enriched the all regional cultural dynamism. One major theme, for example was the religious Ethio-Egyptian dialogue. In its narrow sense, the Orthodox Church of Ethiopia, from its inception, had been a bishopric of the Coptic Church of Egypt.

Hence, Ethiopia had been using the Blue Nile as an instrument to maintain her religious interest from Egyptians until the contemporary period. On the other hand, Egypt is depended on the Nile River since the time immemorial. Therefore, they wanted the flow of Nile water without any hindrance. In the Nineteenth century the issue of Nile developed into direct confronting issue of Ethiopia and Egypt. Throughout the twentieth century, Egypt together with Great Britain designed ambitious program and also made "treaties/agreements" to have full control over all Nile Basin countries to ensure the Nile as their own property. Briefly put, all the upstream countries had not been parties to those agreements, nor did they legitimize them. This is best testified by the fact that Ethiopia has all the time postured its grievances against the colonially-induced and bilateral deals by the downstream states. Hence, the challenge facing the Nile riparian states is to "find a balance between the upstream countries support for the principle of equitable use and Egypt's and Sudan's support for the principle of no appreciable harm"

The importance of today's dialogue, particularly between Ethiopia and Egypt, can hardly be ignored. This calls for unified

action, among the Nile River riparian states, where cooperation is perhaps the only road to survival provided that the Nile is indeed a single unit. In coping with water scarcity and demographic increase, a shared concept of common all-Nile discourse is vital. This does not contradict but rather compliments the main message of this material. Only by redressing the past, by deciphering its legacies, by deriving inspiration and attaining perspective can human kind better cope with the challenges. Only by recognizing diversity and legitimizing pluralism can regional cooperation and unity of action be achieved.

## 5. REFERENCES

1. Abebe Belachew, "Ethiopia and the Issue of the Nile Waters", Arbaminch Water Technology Institute.
2. Haggai Elrich, *The Cross and the River Ethiopia, Egypt and the Nile*: Lynne Rienner Publishers, 2002.
3. H. Haftendorn, 'Water and international conflict', *Third World Quarterly*, 21(1), 2000, pp 51–68.
4. Hailu Woldegiyorgis, *Le Abbay Wuha Mu git*. Addis Ababa: Addis Ababa University Press, 2001 E.C.
5. J. Barnett, *The Meaning of Environmental Security: Ecological Politics and Policy in the New Security Era*, London: Zed Books, 2001.
6. Legesse Lemma, "ETHIOPIA and EGYPT: Towards an appraisal of Nile water sharing in the context of Helsinki rules".
7. Tesfaye Tafesse, *The Nile Question: Hydropolitics, Legal Wrangling, Modus Vivendi and Perspectives*. Lit Verlag, 2001.
8. Wondimneh Tilahun, *Egypt's Imperial Aspiration over Lake Tana and the Blue Nile*. Addis Ababa University Press, 1979.