

“Mediated” Negotiation over the Grand Ethiopian Renaissance Dam: Achievement, Challenges and Prospect

By: *Tsegaye Shewangzaw Zergaw* ,

BSc in Public Health, MBA in Global Management and MA in International Relations &
Diplomacy

Monitoring & Evaluation Expert

Addis Ababa Health Bureau

Addis Ababa, Ethiopia

+251 911 615 215, tsegshsmart@gmail.com

Abstract

The Nile river is the origin of African civilization. Egypt was considered for many years as hegemon for the Abbay/Nile River utilization by the international community. Hence, Egypt act as if it is until Ethiopia starts building a dam that will be the largest hydroelectric project in the continent, the Grand Ethiopian Renaissance Dam(GERD). But, the construction of the dam was not smooth. It was full of controversy and war-probing acts which led to the need for negotiation and then to the intervention of third party as ‘mediator’. Thus, this study explored the main achievements gained after the tripartite negotiation started being ‘mediated’, challenges faced for not reaching on agreements still, and the future prospects on the negotiation ahead. The study employed exploratory research design and used content analysis as a method of analysis by using neo-liberal institutionalism as a theoretical approach perspective to analyze the situation on backing up by regime theory analysis. The main findings of the study showed that even if many scholars gave Egypt the status of hydro-hegemon on Nile river, most experts and authorities related to the issue that Egypt was not hegemon at all rather the upper riparians lacked the ability to develop hydro-projects until few years back. The main challenges, according to the study, for not reaching an agreement till now even with third party ‘mediation’ is due to lack of political will, impartial act of ‘mediation’ and using the negotiation as a tool of winning a leverage for domestic political gain. Finally, it is concluded that the so called ‘mediation’ is not mediation but a facilitation and has bring nothing apart from the progress attained with the tripartite negotiation. Therefore, it is recommended that the disputant states to show political willingness, to consider compensation and to show decency in respecting international law.

Keywords: Ethiopia; Abbay/Nile River; Egypt; hydro-politics; hydro-hegemony; cooperation



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1.INTRODUCTION

International river basins cover more than half of the land's surface (UN Water, 2014). With nearly 300 major watercourses shared by two or more states and ever-increasing pressure on the world's dwindling water supplies, some commentators might be justified in predicting "water wars" in the foreseeable future (Vinogradov, et al., 2003). Riparian states' interests in the use and creation of globally shared basins naturally differ. While one state may be interested in harnessing a river's hydropower capacity, another may be concerned about the effects of a dam on the river's flow or sediment load on its own agricultural growth potential. As a result, riparian states often have disputes and conflicts, particularly when states view their neighboring states use of river resources as a threat to their own water security (Schmeier & Vogel, 2018). Recent conflicts over hydropower projects on the Syr Darya and Mekong rivers in Central and Southeast Asia, as well as the world's longest river, the Nile, are examples of this (Schmutz & Sendzimir, 2018).

There have been 37 instances of acute water dispute, since 1948 despite the fact that 295 international water agreements have been concluded and signed over the same time span. And, these days there are international agreements in effect for 20 of Africa's 63 river basins, and in 16 river basins there are institutionalized forums that have the task of coordinating national initiatives. Despite this, limited number of formal coordination forums, trans-boundary water management has made considerable progress (Scheumann & Neubert, 2006).

The Nile River basin is one of the trans-boundary river basins that crosses the borders of many countries (Wondwosen, 2009). The Nile River is the longest river in the world, and the total area of the river basin is more than 3,349,000 Km². Also, the basin is, within its boundaries, a home to around 160 million people along within its ten riparian countries, the Nile shares water for about 300 million people (UNESCO, 2006). The Nile River has supplied, and as claimed "nearly all of Egypt's fresh water" for agriculture, industry, and human consumption since ancient times. The Democratic Republic of the Congo (DRC), Rwanda, Burundi, Tanzania, Kenya, Uganda, Ethiopia, Eritrea, and Sudan provide all of the Nile River's water. However, Egypt's overwhelming economic and military power, in comparison to the upstream countries' lack of capital, limited capacity to build dams and waterworks, and internal strife allows it to wield enormous control over how the Nile's water resources are used. (Klare, 2001).

Egypt, Sudan, and Ethiopia makeup the Eastern Nile Basin. In fact, about 85 percent of the overall Nile River flow originates on Ethiopian territory (Swain, 2011). As a result, the Blue Nile River is Ethiopia's largest and the world's longest trans-boundary river with significant hydropower and irrigation potential. So, Ethiopia contends that developing this resource is critical to its economic and social development, and the country's ability to overcome poverty and famine which have plagued it in the past. In addition, Ethiopia has the best hydropower potential country in the basin, and damming the Blue Nile would significantly rise Sudan's irrigated agriculture potential. In current



reality, Ethiopia has never 'consumed' significant amounts of Nile water in the past, because of its previous political and economic fragility, combined with a lack of external financial support as a result of persistent Egyptian opposition to projects upstream, prevented it from implementing large-scale projects. (Wondwosen & Lind, 2013).

Ethiopian willpower to construct a major dam for hydropower purposes, the Grand Ethiopian Renaissance Dam (GERD), has become a turning point in current conflict-of-interest within the riparian countries. (Goitom, 2014). While Ethiopia's and other upstream countries' current water development plans only call for a small portion of the Nile's water, hence, downstream countries Egypt and Sudan are concerned about the prospect of increased water use in the near future. (Pearce, 2015). According to a 1959 agreement, Egypt and Sudan have shared a common position with other riparian regarding the use and management of Nile waters for several decades. (Climate Diplomacy, n.d.). This bilateral treaty between Egypt and Sudan in 1959 demonstrates both countries' willingness to work together to counter claims for water allocation by other riparian states. (Reuters, 2010). As a result, the Nile water agreement signed by Sudan and Egypt in 1959 did not put an end to the dispute over Nile water rights, and tensions remain high. Ethiopia's plan to build the GERD in 2011 poses a significant political challenge towards the 1959 Agreement. It marks the end of Egypt's de facto "veto power" over major upstream dams, and it clearly demonstrates Ethiopia's political will to develop its water infrastructure even in the absence of a comprehensive basin agreement. (Goitom, 2014).

The GERD's construction fundamentally altered the power balance on the Nile River. The old water contracts no longer provide Egypt with any protection against restrictions on its own water supply. And, recurring threats from Cairo to use military force to halt the dam construction project are unlikely, not least because of the distance between the two countries. Efforts to exert pressure on Ethiopia through the mobilization of allied states have also been futile so far. (Lossow, et al., 2020).

Following the announcement of the dam's construction and in response to rising tensions, the Ethiopian government invited Egypt and Sudan to form an International Panel of Experts (IPoE) to gain a better understanding of the GERD benefits, costs, and impacts. A tripartite National Committee (TNC) comprised of national experts from these three countries was formed between August and October of 2014. While, signing the Comprehensive Framework Agreement (CFA) in March 2015, Al-Sisi and former Ethiopian Prime Minister Hailemariam Desalegn acknowledge the agreement as "a new chapter in relations between Egypt and Ethiopia based on openness and mutual understanding and cooperation" (Climate Diplomacy, n.d.). However, a deal is still a long way off. After these developments the TNC has been unable to reach an agreement on technical reports on the dam's potential impacts yet since 2015 (Maguid, 2017).

Following talks between the three countries' water resources Ministers in Khartoum, Sudan's capital, Egypt announced that talks on the GERD had come to a halt and called for international mediation. Cairo did not specify who should mediate, but the presidency urged the U.S to play "a proactive role" in the matter. (Abdelaziz & Mourad,

2019). However, Ethiopia claimed that through its water Ministry, the U.S mediation efforts over its Nile River dam project had disappointed it, implying that a deal would not be reached soon (Africanews, 2020). And, the trilateral talks broke down after Ethiopia “rejected a binding agreement” with Egypt and Sudan on the filling and operation of the GERD which was mediated by the U.S and the World Bank (Kandeel, 2020). Thus, Heads-of-States from Egypt, Sudan, and Ethiopia attended an African Union (AU) mini-summit to discuss on the GERD. Egypt's President Abdel Fattah Al-Sisi, Sudan's Abdalla Hamdok, and Ethiopian Abiy Ahmed agreed to a process led by the A.U to resolve outstanding issues (Samir, 2020).

Questions about how the reservoir of the GERD will be filled and for how long are gaining traction. In light of this, the US launched a new mediation effort at the end of 2019 (Lossow & Roll, 2020). However, in September, the Trump administration announced that Ethiopia's aid budget would be cut by \$130 million, intervening in favor of Egypt and this heightening tensions. While, the problem is complicated and needs careful mediation, the Trump administration has taken a different path by cutting aid to Ethiopia. In practice, the sudden change has exacerbated the conflict, hardening Ethiopia's resolve, strengthening Egypt's nationalism, and weakening the U.S legitimacy as an international and impartial mediator. Fortunately, the path forward didn't rely on the United States. Negotiations started to be led by the African Union, a more honest and informed broker (Paduano, 2020). The first meeting took place in late June, and a follow-up video teleconference chaired by South African President Ramaphosa was held on 21 July 2020 with the view of reviewing progress made with the trilateral negotiations. But, as Owojori (2020) any negotiations among the countries is yet facing a number of tricky points of contention (OWOJORI, 2020).

Despite the threat of withdrawal, suspension or walkout by Egypt and Sudan, they were urged by the then South African President to continue talks (AFP, 2020). Some global medias even mentioned that talks over the operation of the GERD are deadlocked (Reuters, 2021).

Recently, it is reported that the latest A.U-led talks have been suspended after Sudan, whose officials are courting with Cairo, refusal to attend (Ethiopian Monitor, 2021). And, authorities and experts are saying that there is no substantive progress seen within the past four years on the negotiation over GERD (Eyssen, 2020).

The main issue of contention explained by different media outlets as water release during dry years to come (Sterl, 2021); dam safety and regular water flow (The Arab Weekly, 2021); and filling period of the GERD and its effect on downstream countries' dams, especially Egypt's (Addisu, 2020). Despite all the areas of disagreement among these countries, there is no clear and detailed explanation on the things that they agreed on, the remaining work-ups, and the exact progress on the negotiation. Authorities of the countries are seen with words exchanges and accusing each other without specifying what particular challenges have to be solved.

Thus, this study will try to examine and analyze the aforementioned issues so that it will fill the gap by contributing to current literature of hydro-politics and hydro-hegemony, if any, and cooperation by providing both firsthand opinions of experts, concerned

authorities and stakeholders, and comprehensive information from wide exploration of literatures on negotiation with the help of international mediation over the Nile River Basin water utilization, the GERD operation, and challenges to their cooperative efforts including the prospects. Therefore, this study tried to explore and analyze the challenges and prospects of international mediation on the negotiations over GERD.

2.MATERIALS AND METHODS

2.1.Description of the Study Area

For the research tried to analyze challenges and prospects of mediated negotiation between the three riparian countries, the study included notions, stances by different countries towards the GERD negotiation but the study area is bounded to Ethiopia for the remaining countries could not be reached with every means due to the distance from home country and unwillingness of their embassies to respond to the study questions.

3.RESEARCH METHODOLOGY

The thesis has mainly used inductive qualitative methods in order to provide a detailed and thorough analysis of the raised research questions. Qualitative research will be able to elicit more detailed information about a phenomenon. They are the most appropriate ones for the purpose of this study. The researcher used exploratory research design for the researcher does not aim to provide final and conclusive answers to research questions rather aims to explore specific aspects or perspectives of the research area. Inductive research approach was also used where data was collected from the experience, and knowledge of key informants to explore a phenomenon, identify themes and patterns and create a conceptual framework which is used to generalize and draw a conclusion.

For this study the key informants were selected purposively on the basis of their specialist knowledge and position that enable them to have detailed and expert level knowledge of the current issue regarding the GERD and mediation on the negotiation with Nile Basin countries.

3.1.Methods of Data Analysis

The researcher employed qualitative data analysis. Qualitative data refers to non-numeric information such as interview transcripts, notes, video and audio recordings, images and text documents.

Specifically, the researcher tried to analyze the data by using content analysis. This method is used to analyze content from various sources, such as interviews of respondents, observations from the field, online contents or surveys.

4.MEDIATED' NEGOTIATION OVER GERD: ACHIEVEMENTS, CHALLENGES AND PROSPECT

4.1.Negotiation over GERD: The Process

In the Nile Basin, Egypt has long been the dominant hegemon. Egypt has established effective hydro-hegemony in the Nile Basin through a variety of mechanisms, including a series of colonial treaties. This has made it impossible for upstream countries, like Ethiopia to use the Nile's waters (Tekuya, 2018). Furthermore, Egypt has used its Middle East strategic position to block international funds intended to assist Ethiopia in developing the Nile. (Thurow, 2003) (Swain, 2002). Accordingly, Ethiopia had been unable to develop irrigation projects for a long time due to a lack of funds. This resulted in "one of Africa's cruelest ironies: the land that feeds the Nile is unable to feed itself (ibid)." Thus, Ethiopia eventually decided to change the game by building the GERD. Security in Northeast Africa has once again been threatened by disagreements over the filling and operation of the GERD. Ethiopia claims that the dam will have no significant negative consequences for Egypt and Sudan, the two countries downstream. Indeed, Ethiopia claims that the GERD provides enormous benefits to Egypt and Sudan, including a more consistent water supply, better siltation prevention, reduced evaporation, and lower electricity costs (Tawfik, 2016). And, each Nile state's demand for water has increased as a result of population growth and improved living standards, and the river has, thus, become an important part of interstate politics(Wolf, 1998).

Egypt, argue that any upstream dam on the Nile River poses an existential threat (Salman, 2016). As a result of this Cairo's political stand initially it turned down the project outright. However, Egypt later requested that Ethiopia conduct an independent trans-boundary impact study before proceeding with the GERD construction (Tawfik, 2016, p. 22). Then, when Ethiopia refused to halt the GERD construction, Egypt demanded that the dam be reduced in size (Zeray, 2020). As a result of these differences, among Egypt, Sudan, and Ethiopia then signed the DoP on the GERD in 2015 after years of arduous negotiations. Egypt's recognition of the Nile River's importance to Ethiopian development is reflected in the DoP, which provides a framework for further negotiations on the dam's filling and annual operation.

Despite this framework, there is still a disagreement about how the GERD should be filled and operated. Egypt is adamant about preserving its historic water share (Dahan, 2009), and as a result, it has demanded that the GERD reservoirs be filled over a long period of time, roughly twenty years (Elias, 2020), and that it be given a say in the dam's operational management.

Moreover, Ethiopia does not recognize the Egyptian claim of "historic rights" regarding the Nile, and despite the Blue Nile's ability to support a three-year fill period, Ethiopia has offered to fill the reservoir over a period of four to seven years (Lewis, 2019). Also, Ethiopia demands exclusive management of the dam and its operations because the GERD is a national project located entirely within Ethiopian territory. Sudan, on the other hand, supports the GERD despite some safety concerns (Salman, 2017).

The three states have been unable to resolve these issues for more than five years. Consequently, Egypt submitted proposals on the dam's filling and operation in August 2019, and the GERD negotiations were effectively internationalized after the U.S government and the World Bank were invited to participate as observers. Ethiopia

rejected the proposal and canceled its participation in the last meeting in Washington, D.C. (Tekuya, 2021).

The U.S Department of the Treasury has also asked Ethiopia to sign the 'Washington talks' proposed agreement and has warned it not to test or fill the GERD until Egypt and Sudan have reached an agreement (Mnuchin, 2020). Ethiopia expressed its dissatisfaction with the statement and announced that, as agreed the three riparian States in the DoP, it would fill the reservoir concurrently with the dam construction (Embassy of Ethiopia-London, 2020). Egypt, on the other hand, signed the U.S and 'Washington talks' proposal and pledged to defend its Nile River interests "by any means necessary" (Haaretz, 2020). Asfaw rejects the deed of the US raising the role of the US was limited to only observer.

The current tension between Ethiopia and Egypt is primarily related to their longstanding disagreement over the validity of the 1902 Anglo-Ethiopian Treaty, the 1929 Anglo-Egyptian Treaty, and the 1959 Nile Treaty between Egypt and Sudan, collectively, the "colonial Nile Waters Treaties", which has been hidden behind talks over the GERD's filling and operation (Tekuya, 2021, p. 72). In view of this reasons, the GERD negotiations are being hampered by this disagreement, which peaked during the negotiation of the CFA. Egypt, on the other hand, continues to argue that any upstream dam on the Nile River poses an existential threat (Salman, 2017, p. 516).

4.2. Achievements of the GERD Tripartite Negotiations and Its "Mediations"

There are so much open-ended arguments on the GERD's either on the tripartite negotiation, or its "mediation" that includes the U.S and the A.U. On the past, negotiations on the issue of the Nile waters always were stuck on the narratives of Cairo's unwillingness based on its logic of the Nile River water "historical rights." But since 2011, Ethiopia and the two downstream countries, which are Egypt and Sudan got engaged on the GERD negotiation tables. The mainstream public discourse narratives towards the GERD become reverse as Gadissa Belayneh stipulates;

Egypt wants to hook up one big fish from the discussions on the GERD. And that big fish is Ethiopia and the issue is the 1959 "Agreement". Egypt calls it a "historic right" but it is a "historic wrong" for Egypt itself. Egypt wants this "historic wrong" be recognized by Ethiopia. IN other words, Egypt is asking 'Ethiopia to throw away its sovereign and natural right of utilizing the Nile and carry an Egyptian colonial yoke and deprive its people of their basic right of quenching their thirst from their Nile waters (Gadissa, 2017).

Moreover, as the Crisis Group the issue of the Nile water also become the Nile Basin's other riparian countries interest either in short or long terms that;

Authorities in Addis Ababa, Cairo and Khartoum should lay the ground for more substantive discussions of a long-term framework for Nile basin management to avert similar crises in the future. Egypt should re-join the Nile Basin Initiative, the only forum that brings together all riparian countries and the best venue available for discussing mutually beneficial resource sharing. A permanent institutional framework could also help the countries prepare for challenges down the road, including climate change-

induced environmental shocks, notably variable rainfall patterns, which could cause greater water stress (Crisis Group, 2019, p 4).

And for Addis Ababa this, by contrast, offers a grand momentum towards a rational utilization of the Nile waters. By far, and implicitly, this made Ethiopians to hold new status on the Nile River waters that is regionally and on system level Cairo's "natural rights" narratives replaced by a "fair and equitable" water utilization Addis Ababa's counter-arguments. Hence, this brings opportunity not only for Ethiopia, but it does ensure its own merits for the rest Upper stream countries.

Further, Ethiopian negotiation capability also become tangible on the system's negotiation and mediation table. U.S and Europeans' diplomatic pressure through "suspending aid and loan" to the Ethiopian government; and as well, the latest U.S "travel visa ban" on Ethiopian State officials became into light how the Addis Ababa government 'mediations' procedure and its flexible influence make the 'international mediation' to become opportunity-gainer from the 'international mediation.' Subsequently, the President Biden administration's tight diplomatic pressure on Addis Ababa firms Ethiopia's stand towards GERD, in parallel with by way of manifesting Ethiopian sphere of influence via cooperating with international institution logic of neoliberalism institutionalism thought, on the U.S involved negotiations' or mediation's table, Ethiopia gain its negotiation leverage and capability's upper-hand as an opportunity on the base of extra-actor pressure towards the country.

4.3 'Mediated' Negotiation over GERD: The Challenges

The three countries have been engaged in a series of negotiations in an attempt to resolve the conflict for several years. In October 2019, the three countries agreed or were compelled to enlist the assistance of the United States and the World Bank in order to break the impasse (Zeray, 2020). Even if it is true that third-party mediation by the United States and the World Bank (WB) is not Ethiopia's preferred option, Egypt is seen as more important to the United States from a geopolitical standpoint than Ethiopia (Yohannes, 2020). Seleshi Bekele, Ethiopia's Minister of Water, Energy, and Irrigation, expressed this sentiment when he said, "Why do we need new partners? Do you wish to continue the negotiations indefinitely?" As a result, the Egyptian request for a mediator was turned down (Abdelaziz & Mourad, 2019).

As a result, as discussed further below, the first challenge for a successful 'mediated' negotiation is a distorted first impression of the United States as a 'mediator' of the GERD negotiation. However, the United States, along with the World Bank, intervened as an observer, offering to break the deadlock in years of negotiations. In spite of the US Treasury and the President of the WB participating as observers in negotiations', and the three countries agreeing to instruct their legal and technical teams to prepare an agreement, the USA, stepped in to draft an agreement for which the parties were invited to a meeting to sign (Zeray, 2020).

This irritated Ethiopia, which expressed its displeasure in a statement issued by the Council of Ministers on 1 March 2020, in which it stated that any agreement that jeopardizes Ethiopia's sovereign rights and interests would be rejected (ibid). While Ethiopia's position clarified and emphasized the country's difficulty accepting the



United States' point of view, (BBC, 2020). Asfaw explained this situation to the researcher during an interview, "Ethiopia couldn't accept the agreement prepared by the US for it didn't invite or accept the mediator role of US." (Asfaw, 2021) Egypt, for its part, accused Ethiopia of obstructing the process on purpose in violation of the 2015 DoP (Al-Youm, 2020).

Ethiopia accepted the involvement of US and WB to show the commitment of the state to reach on a win-win agreement for both states, unlike the blame by Egypt. In addition, Ethiopia can raise a question of violating of the DoP by Egypt and Sudan, where it is on the document that states should reach an agreement without the intervention of third party prior to exhaustively use all means by technical experts and failed meeting at head of state level.

The Trump administration favored Egyptian President Abdel Fattah al-Sisi, a Trump ally, in its few forays into the GERD dispute. After Ethiopia rejected a draft agreement drafted by US, which it saw as heavily favoring Egypt, the Trump administration partially suspended American assistance to Ethiopia in July. If talks fail, President Donald Trump has publicly warned that Cairo will "blow up that dam" (Luck, 2021). Ethiopia expressed dissatisfaction with the United States' efforts to mediate over its Nile River dam project, implying that a deal will not be reached anytime soon (Africanews, 2021).

In such cases, the United States has attempted to act as a mediator. The situation is complicated and necessitates careful mediation, but the Trump administration has taken a different approach. Washington appears to be pressuring Ethiopia, by cutting aid to Ethiopia, to accept Egypt's demands, which include slowing the dam's filling and agreeing to deferred water-sharing quotas. In practice, the sudden move has exacerbated the conflict, hardening Ethiopia's resolve, strengthening Egypt's nationalism, and undermining the US' credibility as an international mediator. Officials from Africa have said that the US has unnecessarily become a source of instability in an already volatile situation (Paduano, 2020).

Egypt chose to internationalize the conflict, whereas Ethiopia prefers African Union (AU) 'mediation', through which it has been able to enlist the help of South African President Cyril Ramaphosa to mediate (Yohannes, 2020). Asfaw said that not only the U.S, but also AU is a facilitator for the negotiation, even if many are saying the negotiation is mediated by specifying "No state or institution participated in the past and now as a mediator but as a facilitator" (Asfaw, 2021). This is also raised by an expert in the same department of MoFA stating that "mediation is the act of facilitating an already started negotiation to reach an agreement soon, not further than that." (MoFA Diplomat, 2021). Belayneh Temesgen has a different view on this issue. Belay is a Civil Engineer, Hydrologist and Hydro-informatics expert who is also Boundary and Trans-Boundary Rivers Affair Directorate Director at Basins Development Authority in Ministry of Water, Irrigation and Energy. He stated that; It will be difficult to get neutral mediator. The ideal mediator should have equal opportunity loss if it decides to favor one over the other and it must be morally of highest level. Our organization see the international mediation should wait and see how Ethiopia handles the filling and



operations of its own Dam, GERD. Therefore, there is no need of mediation this time (Belayneh, 2021).

In addition, he named the 'mediation', where he didn't call it one, the act of the U.S as 'intervening with skewed position' for US was trying to impose binding agreement on Ethiopia for the sake of the interest of Egypt and US itself (ibid). Dereje, a lawyer and consultant for GERD also elaborated this situation by mentioning that a country will enter into negotiation and sign an agreement only if there is willingness and wouldn't sign an agreement if it harms national interest of the nation. Thus an agreement should not be imposed on any nation (Dereje, 2021).

The second challenges, besides the first attempt of the 'mediator' take an 'off-target shot', is the inability to negotiate on the most important and urgent issues for an agreement. The latest round of talks between Egypt, Ethiopia, and Sudan over a GERD dispute has come to a halt once again. Ethiopia, on the other hand, has declared its intention to fill the dam with or without an agreement after the relevant parties failed to convene a new round of negotiations.

The majority of their differences regarding the project's successful and peaceful operation have been resolved. Drought mitigation protocols and a dispute resolution mechanism, however, remain unresolved. The lack of resolution on these two issues is primarily due to the countries' differing perspectives on the entire issue of water governance in the Nile. Ethiopia points to the lack of a comprehensive legal agreement on water sharing in the Nile basin and rejects Cairo and Khartoum's calls for an internationally binding process on both issues. Instead, it prefers a trilateral mechanism involving only the three states, which Egypt and Sudan, though to a lesser extent, find unacceptable (Khorrami, 2020).

Asfaw appreciated the stance of Ethiopia in that it's following the track agreed by the DoP that the states should negotiate and agree on the filling schedule and operation of the dam with continuing construction of the dam. But, he said, to the contrary Egypt and Sudan insist on agreeing on deal related to future developments on the Nile and dispute resolution mechanisms which can be dealt in the future (Asfaw, 2021). The same but more elaborated response was also gotten from Belayneh said that;

Ethiopia has never recognized any intention of Nile river hydro-hegemony; although Egypt has tried to hold this position through many wicked political as well as policy strategies. Ethiopia has always even before the construction of HAD (High Aswan Dam) declared any miscalculation by anyone (Egypt or Sudan) on the right (potential) of Ethiopia to develop any of the water of the tributaries of the Nile is a big mistake. The Status quo has been invalid and dead from the beginning or its birth. GERD is a manifestation of these all generation of Ethiopians and the rulers (Belayneh, 2021).

Where he expressed the notion of different scholars and even Egypt that Hydro hegemony was maintained by Egypt is a myth. But GERD might change the status quo, if any, on hydro hegemony when completed. The fear of this pre-conceived notion might also be a challenge for Egypt sticks on this notion of 'historical right'. Similar response was gained from Dereje, where he mentioned that the Egyptian's 'historical right' is invalid. According to Dereje, the 1929 treaty means nothing for Ethiopia due to the reason that Ethiopia was independent at that time and considered as third party for the

treaty. The same treaty is invalid for the other riparians after their independence (Dereje, 2021), as seen in the Tanganyika declaration.

Furthermore, during the most recent round of technical talks, Ethiopia is said to have objected to Egyptian demands that the reservoir be filled over a period of 12 to 20 years, which is too far away for an Ethiopia that needs more immediate payback for its large investment and has argued for a filling period of only five to seven years (Johnson, 2020). Egypt and Sudan are seeking a legally binding agreement on the dam's filling in times of drought, which Ethiopia rejects (Yohannes, 2020). A diplomat from MoFA stated that Ethiopia is following all the agreed steps to continue the construction of the dam and fill the reservoir accordingly (MoFA Diplomat, 2021).

Blaming and deterring is also another challenge that leaves the states to go out of track for effective negotiation. Egypt has lobbied the United States, its Arab allies, and the United Nations Security Council to intervene. Foreign Minister Sameh Shoukry warned in June that if the United Nations did not intervene, there would be conflict. Following the breakdown of the talks, Egyptian state-controlled media called for the use of "force" against Ethiopia, advocating surgical strikes on the GERD's power grid (Luck, 2021).

Furthermore, Egypt has maintained its commitment to the concept of "historic right," despite Ethiopia's extraordinary efforts to accommodate Egypt's demands and ways. The only exception is Egypt's unjustified and completely unacceptable claim of 'historical right' and existing uses, which it is attempting to monopolize. This is demonstrated by the fact that Egypt and Sudan have a water-sharing agreement that denies Ethiopia its right to an equitable share of the water (Vidija, 2020). Asfaw elaborated on this issue stating that Egypt advocate a negative and wrong notion for its people telling them that Ethiopia is going to cut the waters of the Nile and let Egyptians vanish with thirst. He added, Egypt also tried to lobby the world that the dam has security issues and not safe for the downstream countries in terms of safety (Asfaw, 2021).

Asfaw expressed his belief that the three countries alone can negotiate for a better resolution of any dispute and he, personally hoped, and Ethiopia believed that "agreement will be reached soon if there is political commitment for cooperation." He further added that, "if negotiation can't solve the issue, mediation will not be the answer because choosing a mediator also needs an agreement. What the countries needed is thinking other country's benefit as if it is one's own and trying to agree with 'being in other person's shoe' concept" (Asfaw, 2021).

Dereje also mentioned that choosing an African institution for finding African solution for African problem alone would not bring solution rather if it's assisted with commitment to cooperate and work for collective development.

4.4. Prospects for the Negotiation Ahead

Most scholars including the experts interviewed are stipulating that the fate of the current negotiation or mediation is unpredictable. But even though there are hurdles and pitfalls on the process of the negotiation to reach to a final agreement, it is not as completely blocked to find a solution. The ideas gathered from the interviewees proved that there is still plenty of opportunities to harness for effective negotiation ahead.

The late flexibility of Egypt, as evidenced by the speech of El-Sisi that negotiation needs time and the GERD filling won't affect Egypt much, might be a breakthrough to discuss closely to find a better resolution soon. The belief that African solutions to African problems is becoming more internalized in the preferences and choices of the western countries including US, Russia, China and India; and international and regional organizations like UN and EU. This will create a sense of belongingness and proximity in culture, narration and objective that will facilitate the positive intention and action towards cooperative agreement.

The green legacy, an act of increasing the forest coverage of the country, being taken by Ethiopia for the last three consecutive years might be a good cause for having a large amount of rainfall during the rainy season which makes the fear of river flow reduction in the downstream countries void. This will ease one of the negotiation bottleneck.

Furthermore, it is known that the negotiation is yet to be over, rather is still in a deadlock. The claimed agreement prepared by the US included only the two downstream states and Ethiopia, excluding South Sudan. Coupled with the Ethiopian assumption that the 'agreement paper' was biased and didn't consider the right of Ethiopia and not including the newly formed state, South Sudan, the agreements that will be signed ahead shall consider South Sudan and other upper riparian countries.

The current fiasco between the negotiating countries will be dealt if and only if there is political will apart from having a reliable mediator, if needed. But the trend Sudan is following throughout the negotiation will determine the pace. The angling of Sudan and position it holds at a given time in the negotiation process will determine the position of both Ethiopia and Egypt to reach on an agreement as soon as possible, flexing their obstinate stance of their own. But as Dereje mentioned on the interview, negotiation should not be an obstacle for national development of a country specially where there is no commitment to reach to a win-win agreement based on a legal framework (Dereje, 2021).

5.CONCLUSIONS AND RECOMMENDATIONS

5.1 Conclusions

Egypt has long been the dominant hegemon in the Nile Basin, or else it is believed so. Egypt has used its strategic position to defuse international funds that were supposed to help Ethiopia in developing projects over the Nile. Each Nile states, including Ethiopia's, demand for water has increased following exponential population growth and improved living standards. With rising water demand, there is a greater need to jointly utilize the Nile's water to meet the freshwater needs of all basin states. However, Egypt looks obstinate about preserving its historic water share and has demanded that the GERD's reservoir be filled over a long period of time. Ethiopia does not recognize Egypt's claim of "historic rights" regarding the Nile.

After Egypt asked US to intervene in the negotiation, department of the Treasury has asked Ethiopia to sign the proposed agreement and has warned it not to test or fill the GERD until Egypt and Sudan have reached an agreement. Egypt, on the other hand,



signed the US proposal and pledged to defend its Nile River interests "by any means necessary".

The latest round of talks between Egypt, Ethiopia, and Sudan over a GERD dispute has come to a halt once again. Egypt chose to internationalize the conflict, whereas Ethiopia prefers African Union mediation. Officials from Africa have said that the US has unnecessarily become a source of instability in an already volatile situation. Ethiopia points to the lack of a comprehensive legal agreement on water sharing in the Nile basin and rejects Cairo and Khartoum's calls for internationally binding process.

The researcher found that the tripartite negotiation has contributed so many fruits for the upcoming negotiation and dispute resolution. But many scholars and also interviewees agreed that 'mediation' has bring none of what is expected that will facilitate final agreement and thus cooperation. If there is an achievement after mediation, it is only being handled by AU. It is considered as an achievement for the AU has no conflict of interest thus impartial and fair for all the negotiating parties. In addition, AU creates a sense of capability and notion that African problems have African solutions which is appreciated by many experts, analysts and states.

Yet, seeing no tangible results even after AU take the leading role in mediating the three states is attributed to a number of reasons. The first being the impartiality of the US as a first 'mediator' which creates sense of suspicion that was being blooming after signing of DoP. Another reason that can be mentioned is strategically and tactical shift of both Sudan and Egypt with every meeting for negotiation. In addition, the disagreement on choice of 'mediator' or as some scholars suggested, facilitators had contributed for failure for reaching an agreement. It is also found that even if many researches and scholars call the involvement of the US and the AU as mediators, there are also a number of experts including the ones that are interviewed call their involvement as facilitation but no more.

In addition, most of the literatures, articles and interviewed experts explained, negotiation has a great deal of importance for successful dispute resolution but mediation has no extra 'qualities' of helping these states to reach an agreement. Rather it is better to conduct the tripartite negotiation with transparency and positive will of cooperation. As Belayneh said "Egypt will realize Ethiopia's fair approach if it will. Cooperation is the only way out." Indeed, cooperation is the only way out. And as Dereje said, "In a competitive world where Africa is marginalized, It's hard to challenge the logic that standing together gives a strength and meaningful role in the world arena" (Dereje, 2021). But, he added, 'Mediators' like AU can only play a limited role, since they have structural limitations in negotiation by the influence, leverage and the power it has, but apart from that it can only play limited role where if a party that are not ready to resolve it is very unlikely to be resolved by a third party even when that third party is very strong with huge leverage on those parties. Therefore, cooperation and working together towards the attainment of prosperous nations in Africa should be the core concern of the states.

5.2 Recommendations

After carefully studying the historical and contemporary issues related to the GERD and the negotiation; and going through pertinent articles, journals and documents, it is clear that there has to be some change in the way the negotiation is being taken. It is known that Ethiopia has the sovereign right to utilize its natural resources including water, to improve the living conditions of its people. The Three Countries, Sudan, Ethiopia and Egypt shall cooperate on the basis of good faith, territorial integrity, sovereign equality and mutual benefit in order to attain rational utilization and appropriate protection of the River. The common objective of the Nile riparian should be to bring prosperity for their people.

Therefore, it is recommended that:

The states that are participating on the negotiation should detach the process from the act of expecting gaining political benefit and focus on finding a win-win solution for the benefit of all countries

The negotiating states have to show decency in respecting the principles of equitable and fairness in utilizing transboundary resources

The downstream countries should try to faithfully understand the reality, if the GERD really causes harm to their country for it is one of the main hurdle for the negotiation

Even if it is a must that Ethiopia should lengthen the period of reservoir filling, the downstream countries should consider compensation as a good faith based cooperation for the income Ethiopia loses in the process

Egypt is advised to correct the narration that led to the notion of giving the Abbay/Nile River for only Egypt and to amend its constitution, if needed, to create space for flexibility in dealing with such type of issues

The Europeans and US should work on other energy production and drought mitigating mechanisms for the negotiating states so that it won't be a reason that is served as an obstacle

The international financial institutions should fund, rather than taking a side and block developmental funds and loan, to upper riparian countries to utilize their alternative resources to reduce the burden of projects on the basin

International institutions and multinational companies should strengthen their institutional capacity and regulation to the extent that can deal with similar and even more complicated issues now and in the future

Finally, the international community should always support the idea of impartiality, fairness in utilization and cooperation so that it will be transparent who to help and which side to be inclined to

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[AQKvB6FRO09E6hZEN9Gxzp_qiXJCT3sTBtX1CqDaUWPPXy4BT1rKIcijf5l4qdMMKZcMthf89C1VYRrgboqmYwKs](https://www.egyptindependent.com/egypt-s-irrigation-minister-visits-uganda-water-projects/?__cf_chl_captcha_tk__=2abad48b6853c0fd27efcf5303b5cc4043593333-1622231012-0-AQKvB6FRO09E6hZEN9Gxzp_qiXJCT3sTBtX1CqDaUWPPXy4BT1rKIcijf5l4qdMMKZcMthf89C1VYRrgboqmYwKs)

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[RYhW44Dyt47P9nDijEIZBGDOTFjuBLtXxeAyI5WOJ8F9TzCq3vvruchougj](https://egyptindependent.com/egypt-warns-that-ethiopia-cannot-start-filling-gerd-under-any-circumstances/?__cf_chl_captcha_tk__=1b065d1db6dc51b62ff68ca923931c26ceca6028-1622311300-0-AbeEbGIG2zmk2-RYhW44Dyt47P9nDijEIZBGDOTFjuBLtXxeAyI5WOJ8F9TzCq3vvruchougj)

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