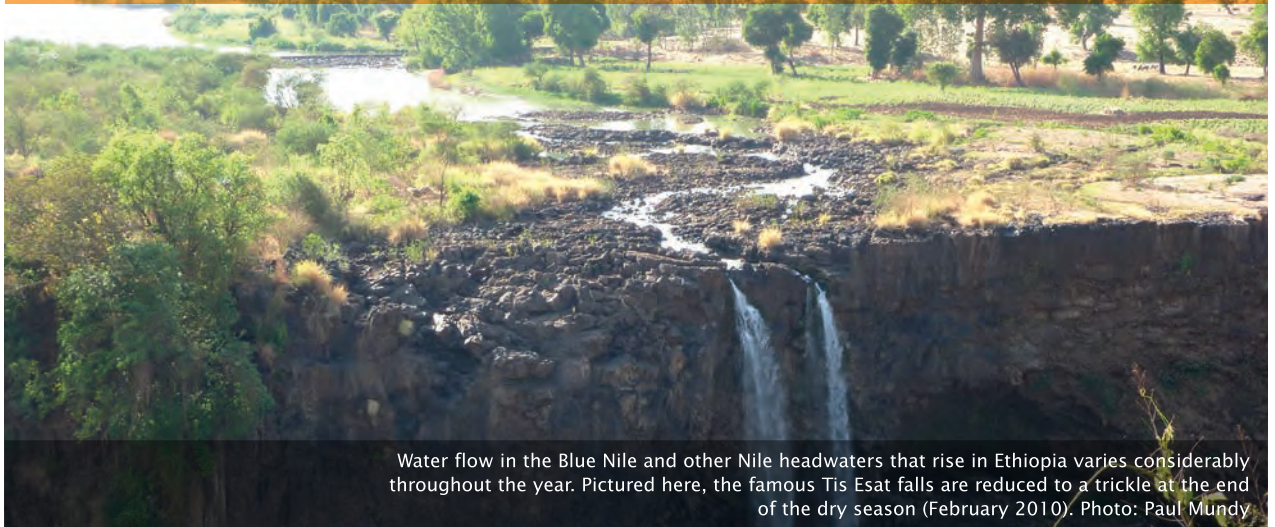


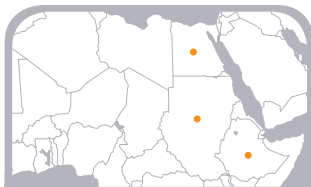
research evidence for policy



Water flow in the Blue Nile and other Nile headwaters that rise in Ethiopia varies considerably throughout the year. Pictured here, the famous Tis Esat falls are reduced to a trickle at the end of the dry season (February 2010). Photo: Paul Mundy

Transboundary waters and conflict transformation in northeastern Africa

north
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Case studies featured here were conducted in Egypt, Ethiopia, and Sudan

Policy message

- The previous agreement to divide the Nile's waters between Sudan and Egypt does not take into account the needs of upstream countries. It should be replaced by a new agreement that can promote mutual and amicable collaboration between upstream and downstream nations.
- The Nile Basin countries should sign the Cooperative Framework Agreement and create a legal and institutional framework to resolve remaining controversial issues.
- Strengthening the current programmes under the Nile Basin Initiative will promote long-term peace, security, and prosperity in the region.

- Rising populations and the need for economic development in the Nile Basin
- have raised the demand for water for irrigation, hydropower, potable water
- supply, and sanitation. The increased demand for water is further accentuated
- by climate change and rising aridity. The Nile Basin states share a common
- interest in the sustainable use, management, and protection of the finite water
- that flows down the river. They are seeking ways to reach an agreement on
- how to manage the shared waters. This issue of *evidence for policy* identifies
- the key issues that have so far contributed to lack of such an agreement.

Ten countries, one river

- The Nile, the world's longest river,
- flows through ten countries. The
- southern headwater, the White Nile,
- rises in Rwanda, Burundi, and the
- Democratic Republic of Congo, and
- flows through Lake Victoria, which is
- shared by Tanzania, Kenya, and Ugan-
- da. From there it flows northwards
- into Sudan. The main eastern headwa-
- ters (the Abbay/Blue Nile, Baro/
- Akobo/Sobat, and Tekezé/Atbara),
- rise in Ethiopia, and flow to Egypt via
- Sudan. A segment of the Tekezé river
- flows along a stretch of the Ethiopia–
- Eritrea border. Of the upstream coun-
- tries, Ethiopia accounts for 86% of the
- Nile waters, while Burundi, the Demo-
- cratic Republic of Congo, Kenya,
- Rwanda, Tanzania, and Uganda to-
- gether contribute the remaining 14%.

Downstream agreements on Nile water use

In 1929, the governments of Egypt and the United Kingdom (the joint colonial powers in Sudan) signed an agreement on the use of the Nile waters. Among others, it accorded Egypt "natural and historical rights" to the Nile waters. This arrangement was modified in 1959 in an agreement entitled the "Full Utilisation of the Waters of the Nile", between Egypt and Sudan.

The 1959 agreement allocated the full amount of the Nile's flow between the two downstream countries, leaving no water left for the upstream countries. The upstream countries have expressly refused to be bound by the agreement.

Featured case studies

From conflict to cooperation in the Nile Basin

Soil erosion upstream affects sedimentation of reservoirs downstream, and floods and droughts know no boundaries. Water pollution is at present mainly a national challenge. International pollution can be avoided by early preventative actions.

Ethiopia and the Nile: Dilemmas of national and regional hydropolitics

A cooperative approach to transboundary water management of the Nile based on a legal-institutional framework can be the best option for mutual security, environmental protection, and economic benefits.

Double-edged hydropolitics on the Nile: Linkages between domestic water policymaking and transboundary conflict and cooperation

A cooperative, integrated planning process that takes into account the needs of all water users of the Nile is likely to generate high overall benefits that could be shared among the riparian stakeholders.

The role of property rights with respect to irrigation water at the local scale

Productive efficiency and water-use efficiency among small-scale producers can be increased by improving the structure of irrigation water rights, i.e., without increasing the volume of water.

Workshops to explore options

The NCCR North-South held three interactive problem-solving workshops involving academics, experts from the ministries of water resources and foreign affairs, and members of non-governmental agencies from Egypt, Ethiopia, and Sudan. These workshops allowed participants to discuss options for future cooperation in the Nile Basin in relative independence from the usually tough national positions. In a training workshop, 31 young graduate students from eastern Nile countries discussed water issues and got to know one another as partners using a shared water resource. Each student was asked to play the role of a national other than his/her own. This role-play enabled interactive learning among students from upstream and downstream countries. It was a positive departure to participate in research and communication on matters relating to Nile issues away from the mere expression of country positions.

Nile Basin Initiative

- The Nile Basin countries are bound together by geography and the need to share the common Nile resource.
- Cooperation on water management is a desirable alternative to unilateral measures to abstract the water. Riparian countries will have to design a strategy for conserving the available water and reducing mismanagement.

- The Nile states realise the need to harmonise the interests of upstream and downstream nations. In 1999, the Council of Ministers of Water Affairs of the Nile Basin States established the Nile Basin Initiative as an interim mechanism to facilitate development cooperation. At the time the Nile Basin Initiative was established, the riparian states agreed on a shared vision “to achieve sustainable socio-economic development through the equitable utilisation of, and benefit from, the common Nile Basin water resources”.

- The Shared Vision Programme and Subsidiary Action Programme are the Nile Basin Initiative’s two main components. The Shared Vision Programme aims at building trust among the riparian countries through developing common policies and frameworks for future cooperation. The Subsidiary Action Programme complements this by implementing joint investment projects between two or more riparian countries.

- As part of the Initiative, the Nile riparian states began negotiations to establish a Cooperative Framework Agreement in 1999 on the use of the Nile waters in the spirit of the United Nations Convention on the Law of Non-Navigational Uses of International Watercourses (the convention has been accepted by a large majority of countries in the world since 1997 and is in the process of ratification). Such an agreement would enable the upstream and downstream countries to trans-

form their relations from the present state of lingering tension to one of mutual cooperation, peaceful relationship, and sustainable development.

The Cooperative Framework Agreement was adopted by the Nile Council of Ministers in May 2009. Seven upstream nations, namely Burundi, the Democratic Republic of Congo, Ethiopia, Kenya, Rwanda, Tanzania, and Uganda, were in favour, and the document has been tabled for signature from 14 May 2010 to 13 May 2011. But the two downstream nations, Egypt and Sudan, insist on “present and future water use security” which implies the status quo on the basis of previous Nile agreements.

The upstream countries, having invested lot of time and goodwill in amicably negotiating the cooperative framework agreement, seem satisfied with the achievements of the negotiations over the previous ten years, and they express the need to strengthen collaborative development programmes between riparian countries. By 28 February 2011, six upstream states (Burundi, Ethiopia, Kenya, Rwanda, Tanzania, and Uganda) had signed the Agreement.

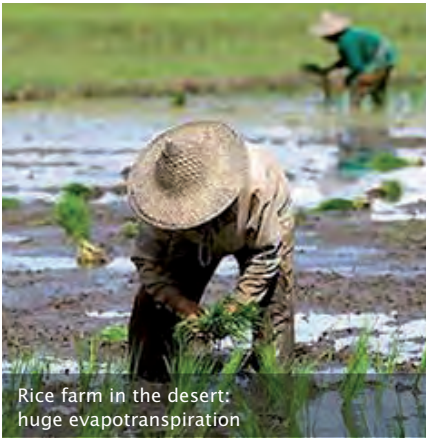
Breaking the deadlock

How is it possible to overcome the disagreements between the upstream and downstream countries? The NCCR North-South conducted a number of studies in Egypt, Ethiopia, and Sudan to find out the nature of the upstream–downstream contentions and to find ways of resolving them. The researchers found that the main issue of contention is the downstream states’ insistence on maintaining the status quo on water use. The lack of legal and institutional mechanisms to govern water management, use, and protection would lead to unilateral and conflicting approaches to water use, entailing the risk of tensions between upstream and downstream nations.

Studies indicate that there are economic and institutional constraints in upstream countries that prevent tensions on the Nile from escalating. Because of this, they have not been able to exert pressure on downstream states to embark on a more cooperative track. Consequently, the downstream countries were able to cling to



Tis Esat Falls, Ethiopia:
high potential for hydropower generation



the status quo of “Full Utilisation of the Waters of the Nile”.

The research also revealed that the status quo of water use and control cannot be maintained for too long. As in other transboundary water basins, and in accordance with the principles of “equitable and reasonable use” and “no significant harm”, the Nile Basin countries are expected to strive to establish mutually acceptable water use and development arrangements, procedures, and institutional mechanisms.

Both the NCCR North-South research and studies carried out under the auspices of the Nile Basin Initiative show that cooperation would benefit upstream and downstream countries immensely. Such benefits could include economic development, environmental protection, peacebuilding, mutual security, and establishment and promotion of a common legal and institutional framework.



The 550 km-long Lake Nasser behind the Aswan High Dam in Egypt is prone to high evaporation

Definitions

Transboundary waters: Rivers that flow across state boundaries or which flow along the common borders of states; or the lakes that are between two or more sovereign states along their converging frontiers.

Nine Basin Initiative: The interim organisation of the Nile riparian countries, established for the purpose of (1) enhancing cooperative development activities through a Subsidiary Action Programme and (2) facilitating the negotiation for the Cooperative Framework Agreement among the Nile riparian nations.

Cooperative Framework Agreement: The inter-riparian agreement negotiated among nine Nile riparian states adopted in May 2009, and which envisions the establishment of a Nile Basin Commission upon its ratification by six riparian states.



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Policy implications of NCCR North-South research

Arguments to maintain the status quo based on unfair and unacceptable historical legacies will have to give way to mutual and amicable collaboration between upstream and downstream nations.

Signing the Cooperative Framework Agreement and resolving the controversial issues will determine the future cooperation in the Nile Basin in general, and cooperation between upstream and downstream countries in particular. The provisions of the agreement explicitly establish water security for all riparian countries.

The continued engagement with the Shared Vision and Subsidiary Action Programmes will greatly help to achieve long-term peace, security, and prosperity in the Nile Basin. Leaders, negotiators, development agencies, and other stakeholders should positively value the cooperative development of the Nile waters supported by mutually accepted legal and institutional mechanisms.

Further reading

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The National Centre of Competence in Research (NCCR) North-South is a worldwide research network including seven partner institutions in Switzerland and some 160 universities, research institutions, and development organisations in Africa, Asia, Latin America, and Europe. Approximately 350 researchers worldwide contribute to the activities of the NCCR North-South.

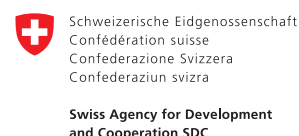
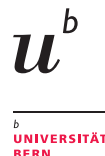
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