

Appraisal of Transboundary Water Dispute Resolution and Institution- building in the Nile Basin

**Tesfaye Tafesse
Addis Ababa University
College of Development Studies
P.O. Box 1176
Addis Ababa
ETHIOPIA**

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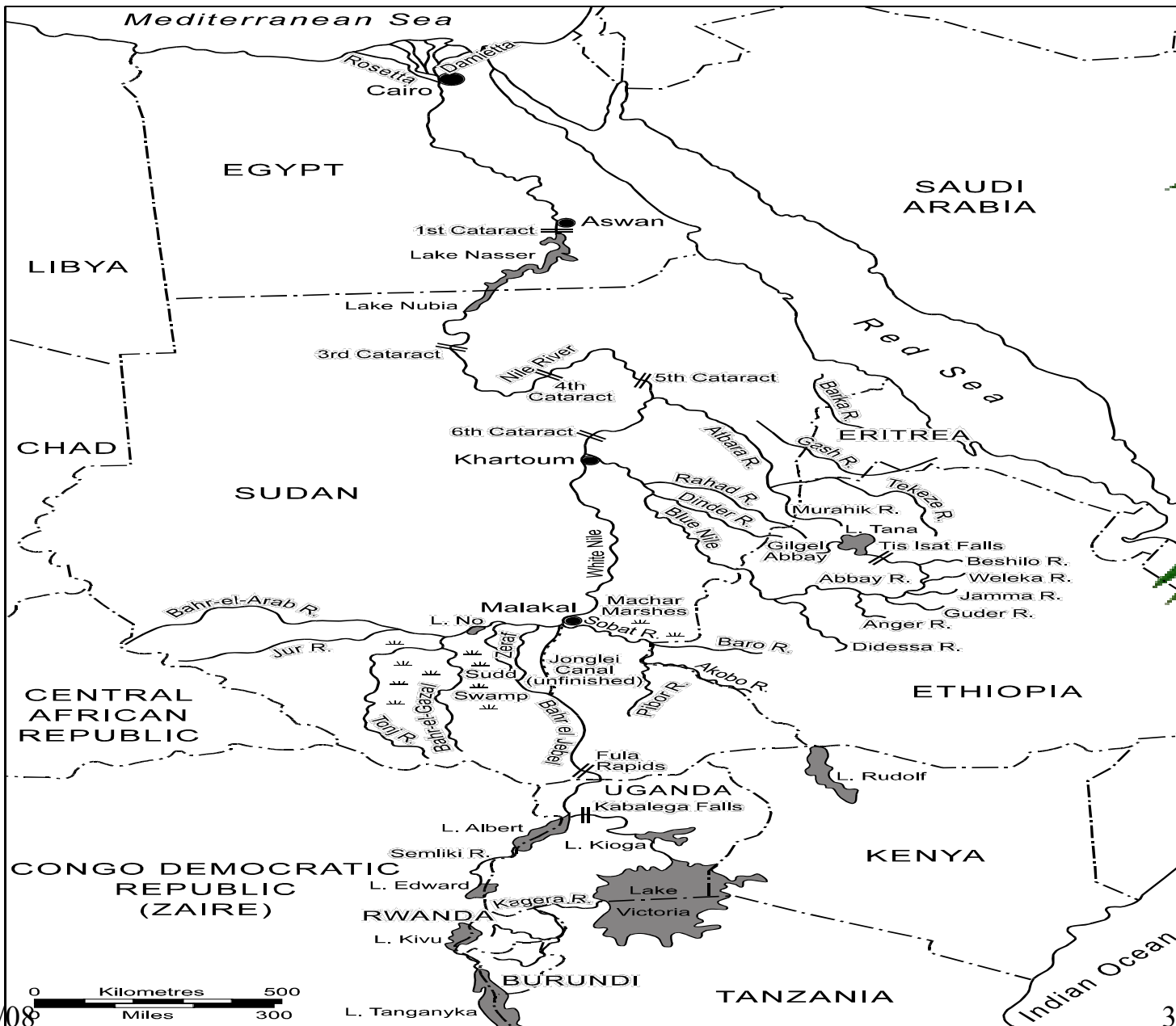


1. Overview

Briefly about the Nile Basin

- * The Nile is a trans-boundary river flowing through various climatic zones in ten African countries (from Burundi in the south to Egypt in the north and Sudan in the west to Ethiopia in the east)
- * The Nile River is fed by two main river systems: **the White Nile**, with its sources in the Equatorial Lakes Plateau region and the **Blue Nile** from the Ethiopian highlands
- * The total catchment area of the White and Blue Niles covers an area of 3.1 million sq. km or 10% of Africa's landmass
- * The estimated length of the Nile River is over 6,800 km, making it **the longest river in the world** flowing from south to north encompassing 35 degrees of latitude or parallel





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Figure 1. The Nile Drainage Basin

Overview (cont'd)

- * The Nile Basin has been cited among the most food insecure regions in Sub-Saharan Africa
- * Due to **geographical**, **geo-strategic**, and **developmental factors**, an **asymmetry** in the utilization of the water resources of the Nile is evident
- * The proper utilization and management of the basin's resources requires **coordination**, **integration** and **mutual agreement** for the benefit of all the peoples living in and around the basin
- * This requires the creation of a **basin-wide institutional framework** that would have its own legal and technical jurisdiction to implement a **fair and equitable entitlement of the waters resources of the Nile**



Overview (Cont'd)

- * It should also be known that the task of finding a cooperative solution to transborder river usage is **time-consuming and arduous**
- * As cases from many transboundary river basins testify, unless a basin-wide cooperation exists peace would become elusive and suspicion would rage, driving each and every riparian state to conduct an **egocentric water race**
- * The stalemate in the Nile Basin lied squarely on downstream states, most particularly Egypt, that have up until recently blocked all venues that could lead to cooperation by insisting on **maintaining the status quo ante at all costs**
- * Due to the divergent interests of the up- and down stream states, **non-cooperation has remained the Nile *modus operandi* for too long**



Overview (cont'd)

- * Of late, the Nile riparian states seem to have realized the benefits of cooperation and confidence-building measures for the long-term sustainability of their shared water resources
- * That is why they resorted to the formation of the NBI in 1999 (the role of WB)
- * This study aims at appraising the hitherto-existing moves towards Nile Basin cooperation and institution building and suggesting some way forward



2. The Evolution of Nile-based Institutions

- With the basic aim of coordinating the behaviour of Nile entities, attempts have been made at forging basin-wide cooperation through subsequent institutional set-ups spanning the last four decades (since the 60s)
- The institutions include the [Hydro-meteorological Survey of the Equatorial Lakes \(Hydromet\)](#), [Undugu, Technical Cooperation Commission for the Promotion and Development of the Nile \(TECCONILE\)](#) and now the [Nile Basin Initiative \(NBI\)](#)
- Expose of the institutions:



Evolution of Nile-based Institutions (cont'd)

A. Hydromet (*The Hydrometeorological Survey of the Equatorial Lakes*)

- * It the first Nile-based organization that was formed as far back as 1967
- * **Genesis:** could be traced back to the sudden and unpredictable increase in rainfall in the equatorial lakes region, which caused flooding of the shores of the equatorial lakes and the wetlands of southern Sudan.
- * **Objectives:** As the name itself implies, its original aim was to undertake a 'hydro-meteorological survey of the equatorial lakes', including Lakes Victoria, Kioga and Albert

Evolution of Nile-based Institutions (cont'd)

- * **Objectives:** It was to collect and analyse hydro-meteorological data of the Equatorial Lakes for the purposes of deriving the water balance of the Upper Nile Catchment and to possibly make prognosis
- * **Members:** All the Nile riparian states save Ethiopia and the Democratic Republic of Congo (DRC) joined the *Hydromet*.
- * **Results:** as was confirmed by Collins (2000), most of the planned projects that were proposed by the *Hydromet*, save the generation of some hydrological data, remained far from being realized

Evolution of Nile-based Institutions (cont'd)

B. *Undugu* (Swahili for 'brotherhood')

- * The *Hydromet* was succeeded by the formation of *Undugu* in Khartoum in 1983 under the aegis of the Organization of African Unity (OAU)
- * **Objectives:** The objective of the *Undugu* grouping was to forge cooperation in areas of infrastructure, environmental cooperation, culture and trade
- * **Members:** It drew its members from six Nile riparian states, viz. Egypt, Sudan, Uganda, Rwanda, Burundi and DRC and one non-riparian neighbouring state, namely Central African Republic

Evolution of Nile-based Institutions (cont'd)

- * **Results:** As stated by Bram (2000) and Collins (2000), the grouping was disbanded before achieving what it intended. The member states of the *Undugu* had rather spent most of their time in **organizing and attending conferences and ministerial meetings** that bore no fruit in bringing the desired results

C. **TECCONILE** (*Technical Cooperation Commission for the Promotion and Development of the Nile*)

- * **Genesis:** it was formed as an extended version of the previous *Hydromet* through the agreements reached by the Nile Council of Ministers of Water Affairs (Nile-COM) in 1992 in Kampala, Uganda

Evolution of Nile-based Institutions (cont'd)

- * **Objectives:** Like its predecessors, the TECCONILE was first concerned with issues dealing about **the environment and water quality control**. Over time, however, an **equitable entitlement of the Nile waters to the co-basin states was included**
- * **Members:** Six of the ten Nile riparian states, namely DRC, Egypt, Rwanda, Sudan, Tanzania, and Uganda joined it as members while the remaining four co-basin states, viz. Kenya, Burundi, Ethiopia and Eritrea opted to participate as **observers**

Evolution of Nile-based Institutions (cont'd)

- * **Results:** not all of the planned projects came into fruition for two reasons; firstly, the promised funding from Donors was not secured and secondly, the money that was actually raised was too small to cover the cost of the intended projects
- * It was under these circumstances that the unfinished jobs of the TECCONILE, particularly the pending projects, had been ceded to the successor organization, i.e. the NBI

Evolution of Nile-based Institutions (cont'd)

D. The Nile Basin Initiative (NBI)

- * It was launched as a successor to the TECCONILE in Dar es Salaam, Tanzania, in February 1999.
- * The fact that it contained **the issue of water entitlement** in its agenda at the outset induced the otherwise non-conformist riparian states such as Ethiopia to become its full-fledged members
- * In my opinion, three factors have been responsible for the change of heart and minds by the Egyptians:
 - (a) the pressure from Third Parties, such as the World Bank and UNDP, to cooperate
 - (b) the threats from upstream riparian states, particularly Ethiopia, to harness the Nile waters unilaterally

Evolution of Nile-based Institutions (cont'd)

(c) the appointment of a wise, well-experienced and pragmatic Minister of Water in Egypt, Mr. Abu Zeid, who might have made lots of efforts in changing the attitudes of hard-core elements in Egypt.

Structure of the NBI

(i) The NBI is governed by the highest decision-making organ in the basin, viz. the Nile-COM, which is bestowed to set out policy and guidance on issues related to the Nile water resources

(ii) It also maintains the Nile Secretariat, which was officially launched on September 3, 1999, in its' headquarter in Entebbe, Uganda



Evolution of Nile-based Institutions (cont'd)

- (iii) Similarly, a Nile Technical Advisory Committee (Nile-TAC) had been established to coordinate joint basin-wide activities
- * The World Bank, CIDA, UNDP and other bilateral and multilateral organizations support the activities of the NBI financially and the money is administered through the Nile Basin Trust Fund (NBTF)
- * **Results:** The NBI is based on a vision and basically entails a 'Strategic Action Program' that consists of two complementary programs, i.e., the 'Shared Vision Program' (SVP) and 'Subsidiary Action Programs' (SAP).
- * The SVP includes eight projects, seven of which are thematic projects related to the environment, power trade, agriculture, water resources planning and management, applied training, confidence building and stakeholder development, and socioeconomic development and benefit sharing

Evolution of Nile-based Institutions (cont'd)

- * The NBI has been established as a transitional organization pending the ratification and signing of the Legal and Institutional Framework
- * Owing to the disagreements between upstream and downstream countries over the 'water security' issue, the Legal and Institutional Framework is still **in limbo**
- * This outstanding issue is now transferred to the Nile Heads of States to come up with a solution. Everybody is curious to see what an earthly formula the Heads of States will employ to overcome the deadlock **unless and otherwise Egypt and the Sudan that have adamantly overplayed the issue make a u-turn**



3. Appraisal

A short appraisal of the NBI

- Undoubtedly, the NBI has shown a strong departure from its predecessors, giving a glimmer of hope for the poor folks inhabiting the Basin with expectations to improve their well-being through irrigation agriculture, watershed management and access to power
- The fact that there is a Nile-based Organization (NBI) in Entebbe, Uganda is by itself a virtue and a plus on the balance sheet



Appraisal (cont'd)

- NBI has also created employment opportunities for many basin-based professionals
- The NBI and its affiliates have also funded a number of studies on socio-economics, hydrology, institutions and water technology

On the negative side of the balance sheet, we find the ff:

- The major problem bedeviling the NBI and the SAPs is the immense time it is taking to translate plans and projects on the ground. So far, one could see little or nothing on the ground (result: frustration among people, elites and skeptics)
- The failure to come up with a permanent institution through the ratification and signing of the Legal and Institutional Framework that started way back in 1997



Appraisal (cont'd)

- ★ Such a lacuna begs a number of questions:
 - (a) Is the NBI and its offshoots, ENSAP, NELSAP, time-buying exercises?
 - (b) Why are the Egyptians still adamant when it comes to rescinding their water security policies?
 - (c) Why are they still considering the colonially-induced Treaty of 1929 and the bilateral treaty they made with the Sudan in 1959 as sacrosanct?



4. The Way Forward

The permanent institution can be realized and confidence built if the Egypt prepares itself to do the ff four things:

- (a) revise or annul its age-old positions (e.g. the validity of the 1929 & 1959 Agreements)
- (b) stop the out-of-basin transfers at Toshka and El-Salaam Canals
- (c) rescind its monopoly or hydro-hegemony by compromising some of its national interests in order to bring the hitherto disadvantaged upstream states on board (may require relinquishing some of its water shares for the benefit of the upstream states by looking for alternative water sources)
- (d) indulge in a 'lose-win' solution in the short-term which could bring about a 'win-win' solution in the long-term



The Way Forward (cont'd)

- * It seems logical to wind up this paper by quoting J. Smith (1996) who has succinctly depicted the stark reality shared-river basins such as the Nile are facing:

“where nature conspired to provide common resources, there can be no ultimate independence only mutual dependence”



THANK YOU

