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The long Jewel: assessing political solutions to the Nile river conflict by maneuvering around colonial

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ABSTRACT

POLITICAL SCIENCE

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THE LONG JEWEL: ASSESSING POLITICAL SOLUTIONS TO THE NILE RIVER CONFLICT BY MANEUVERING AROUND COLONIAL RESOURCE AGREEMENTS

Committee Chair: F.S.J. Ledgister, Ph. D.

Dissertation dated May 2012

This case study examines how the ten riparian countries of the Nile can politically reconcile colonial era agreements that split the lion's share of the world's longest river between Egypt and Sudan. The intent is that the countries be able to advance their developmental needs in an efficient and sustainable way that encourages environmental justice, Pan-Africanism and regional cooperation to improve relations between Arab Africans and Sub-Saharan Africans. The study is based on the premise that due to rising populations, climate change, and current global economic challenges, along with the signing of a new Cooperative Framework Agreement by the upper riparian states in 2010, the status quo of Egypt and Sudan having veto power over all projects along the Nile, and the lack of engagement of the two countries in negotiations, can lead to crises in water

and food security and possibly even armed conflict that could destabilize the region. Expert interviews, document studies and contextual analyses of case studies were used to gather and analyze information as to how to engage Egypt in the post-Mubarak era and incorporate both modern and traditional governing systems to reach a politically viable solution to resource distribution and management. The researcher found that all the riparian countries agree that the current paradigm of Nile water utilization and management is not sustainable and that they all agree that states are sovereign and should be allowed access to the Nile's resources within their territories. However, there is dispute over two countries having veto rights as well as a guarantee of the volumes of water assigned to them. The researcher also found that current international laws on transboundary rivers are not definitive enough to avert a crisis in this region. The conclusions drawn suggest that all countries in the basin have to be active participants in reaching a solution; the solution has to be African in conception, implementation and execution, and it should involve innovative diplomacy, bringing to the table the positions of central and decentralized governing institutions, the indigenous people and non-state actors who will advance the interests of the region in a cooperative and comprehensive manner where all countries win.

THE LONG JEWEL: ASSESSING POLITICAL SOLUTIONS TO THE NILE RIVER CONFLICT BY MANEUVERING AROUND COLONIAL RESOURCE AGREEMENTS

A DISSERTATION

SUBMITTED TO THE FACULTY OF CLARK ATLANTA UNIVERSITY

IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR

THE DEGREE OF DOCTOR OF PHILOSOPHY

BY

KWASI K. OBENG

DEPARTMENT OF POLITICAL SCIENCE

ATLANTA, GEORGIA

JULY, 2012

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CHAPTER I

INTRODUCTION AND STATEMENT OF THE PROBLEM

The saying goes, "Egypt is the Nile, and the Nile is Egypt." The world's longest river, flowing north, 6,700 kilometers through ten countries in northeastern Africa is the subject of intense political interactions. It is made up of a mainstream and three major tributaries, the mainstream is the White Nile and the largest tributary, the Blue Nile. The White Nile rises in the Great Lakes region of Central Africa, with the most distant source in Southern Rwanda and flows north through Tanzania, Lake Victoria, Uganda and South Sudan. The Blue Nile starts at Lake Tana in Ethiopia and flows into Sudan from the southeast. The other two tributaries, the Sabot and Atbara originate in Ethiopia as well. The Blue Nile and White Nile merge near Khartoum in Sudan and flow northwards, mostly through desert into Egypt. Most of Egypt's cities and population lie along the Nile valley, north of Aswan and most of its cultural and historical sites lie along the banks of the river. The Nile ends in a large delta that empties into the Mediterranean Sea.[1]

Egypt claims that it has a natural historical right to the Nile River, and the principle of its acquired rights, bestowed by Great Britain during the period of semi-colonial dominance in the late nineteenth and early twentieth century has been the point of contention among the other riparian states. The Nile basin states are

[1] AQUASTAT." Review of World Water Resources by Country. Water Resources Report 23 Food and Agriculture Organization of the United Nations (FAO), Rome. (2003).

Burundi, The Democratic Republic of Congo (DRC), Egypt, Ethiopia, Eritrea, Kenya, Rwanda, Sudan, South Sudan, Tanzania and Uganda.[2] According to the World Bank reports, the Nile River basin is home to an estimated 160 million people, while almost 300 million people live in the ten countries that share the Nile's waters. The population around the Nile basin is expected to double to 600 million by 2035, increasing the demand for water generated by growth in agriculture and industry.

Table 1. Population Indicators of the Nile Basin states.

Country	Basin Population Density (hab/sq.km)	Basin Population 1990 (millions)	Country Population 1990 (millions)	Country Population 1998 (millions)	% Countries Population within the Nile Basin
Burundi	250	3.204	5.503	6.457	58
DRC	88	1.838	43.901	49.139	4
Egypt	163	47.599	56.312	65.978	85
Eritrea	36	0.918	3.082	3.577	30
Ethiopia	53	19.454	55.053	59.649	35
Kenya	178	9.129	28.261	29.008	32
Rwanda	278	5.731	7.952	6.604	72
Sudan	11	20.893	28.098	28.292	74
Tanzania	40	4.878	29.685	32.102	16
Uganda	67	15.999	21.297	20.554	75
Total		129.643	279.144	310.360	46

Table 1[3]

Egypt has expressed that any perceived reduction of its Nile water supply is tampering with its national security and thus could trigger a potential conflict.[4] At

[2] Hultin, J. "The Nile: Source of Life, Source of Conflict," in *Hydropolitics: Conflicts over Water as a Development Constraint,* L. Ohlsson, ed. Zed books, London. (1995).

[3] Karyabwite, Diana Rizzolio, "Water Sharing in the Nile River Valley"Geneva:UNEP/DEWA/GRID, January-June 2000, p. 33.

[4] Tekle,Tesfa-Alem, "Ethiopians Urge US to Play Major Role in Nile Water controversy", Sudan Tribune, August 10. 2010.

issue are two agreements signed during the colonial era. The first is the 1929 Nile Water Basin Agreement signed between the British and Egypt that gave Egypt veto power over the control of the waters running through the nine upstream countries. The second was the 1959 Agreement for the Full Utilization of the Nile between Egypt and Sudan which gave extensive rights over the use of the river to both countries, 55.5 billion cubic meters and 18.5 cubic meters respectively. The amounts total to the entire average annual flow after an average annual loss of 10 billion cubic meters to evaporation and other factors.

The first agreement was signed while most of the riparian countries were still colonies of Great Britain.[5] The second agreement was between two independent states without regard for the upper riparian states. In 1922 Egypt gained independence but remained a protectorate of Great Britain. It was headed by a popularly elected Prime Minister in 1952 and became a republic in 1953. Sudan, an Anglo-Egyptian territory did not gain independence until 1956. Uganda, a British colony did not gain independence until 1962; Kenya and Tanganyika, what is now Tanzania, a British colony and mandated/trust colony respectively, did not gain full independence until 1963.

Belgium had colonized what is now the Democratic Republic of Congo which did not gain independence until 1960; and governed Burundi and Rwanda, then Ruanda-Urundi as a mandated/trust territory which gained independence in 1962. Djibouti, which was under the French administration, did not gain independence until 1977. Eritrea, a basin state, was part of the Ethiopian territory until 1993. Though Ethiopia

[5] Hultin, J. "The Nile: Source of Life, Source of Conflict," in *Hydropolitics: Conflicts over Water as a Development Constraint,* L. Ohlsson, ed. Zed books, London. (1995).

was under no colonial rule in 1929, Emperor Menelik II signed an agreement in 1902 with Great Britain which in effect gave up the rights to the Nile to the British Empire. Article three of the agreement states "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 work across the Blue Nile, Lake Tana, or the Sobat, which would arrest the flow of their waters except in agreement with His Britannic Majesty's Government and the Government of Sudan."[6] This agreement has become one of the most contested agreements over the use of the Nile waters.

In recent years, the upstream states, particularly Ethiopia, Uganda, Kenya, Tanzania, Congo, Burundi and Rwanda are asserting rights over the river's waters and according to Robert Rotberg, president of the World Peace Foundation, international intervention is needed to forestall hostilities between the countries.[7] In his op-ed in the *Boston Globe*, he acknowledges that Britain conquered Uganda and Kenya in the 19th century, partly to protect the precious Nile waters from being diverted away from their critical and strategic possession of Egypt, the Suez Canal and the Red Sea route to India.[8] In 1999, the Nile Basin Initiative was launched in an attempt to develop the river in a cooperative manner, share socioeconomic benefits and promote regional peace and security. The initiative was signed by all the riparian

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[6] United Nations Environment Programme. "Hydropolitical Vulnerability and Resilience Along International Waters-Africa". (2005).

[7] Rotberg, Robert I. "The Threat of a Water War: Egypt and Sudan Draw Battle Lines with Upstream Nations Over Access to the Nile". *Boston Globe*, July 2, 2010.

[8] Ibid.

countries except Eritrea which is a part of the basin but contributes minimally to the river. The initiative was endorsed by the World Bank and other external partners.

In May 2010, a new agreement, The Nile "Cooperative Framework Agreement" (CFA) was signed in Entebbe, Uganda. It seeks to permit more utilization of water from the Nile by the upstream riparian countries. The signatories were Ethiopia, Uganda, Rwanda, Tanzania and Kenya with the DRC expected to follow suit. Burundi signed the new agreement on February 28, 2011, clearing the way for the new agreement to be ratified.[9] The move was strongly opposed by Egypt and Sudan due to the language of the agreement which did not guarantee them the historical rights to the volumes of water they have enjoyed for decades and the veto power over any projects that they deem will jeopardize their water security. They have refused to sign this new agreement and the upstream countries in a statement said that they were "tired of first getting permission from Egypt before using River Nile water for any development project like irrigation"[10] as required by the 1929 agreement. The Framework Agreement, once effective is designed to replace the Nile Basin Initiative with a permanent Nile Basin Commission which will set clear procedures for water sharing, allowing for equal access to the Nile's waters and negating the colonial era agreements after a decade of negotiations on the issue. The Commission is expected to be based in Addis Ababa, Ethiopia and have representation from all the Nile Basin countries.

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[9] Voice of America. "Burundi Signs Deal on Sharing Nile" March 1, 2011. http://www.voanews.com/english/news/africa/Burundi-Signs-Deal-on-Sharing-Nile-117148498.html (accessed on March 7, 2011).

[10] Tekle,Tesfa-Alem, "Ethiopians Urge US to Play Major Role in Nile Water controversy", Sudan Tribune, August 10. 2010.

In 1979, Egyptian President Anwar Sadat stated "The only matter that could take Egypt to war again is water."[11] Also, in 1988, then Egyptian Foreign Minister Boutros Boutros-Ghali, who later became the United Nations' Secretary General, predicted that the next war in the Middle East would be fought over the waters of the Nile.[12] After the Framework Agreement was signed in 2010, Egyptian Foreign Minister Ahmed Abdul Gheit warned that Egypt's water rights are a "red line" and a threat to the country's national security and threatened legal action.[13] Ethiopia's position is absolute sovereignty in matters of the river running through the country and seeking equity. Its interests are in hydropower, irrigation and investment. As about 300 million people depend on the Nile's waters[14] and with the rising populations, upstream countries feel that their socio-economic development has been constrained by Egypt's colonial-era hold on the river. Ethiopia has suffered from droughts and has been unable to support agricultural schemes or harness the river for power or industry and as such, has suffered from hydroelectric shortages in the past few years.[15] Ethiopia could potentially divert water from the Blue Nile for its own use or along with the other riparian countries seek reparations from Egypt for the water usage. Egypt feels very threatened by Ethiopia's potentially robust water

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[11] Dawoud, Khaled, "Taming the Nile's Serpents", Al Ahram UNESCO Courier, October 2001. http://www.unesco.org/courier/2001_10/uk/doss01.htm (accessed 6 July, 2010).

[12] Vesilind, Priit J. "Middle East Water-Critical Resource" *National Geographic,* Vol 183(5) (May 1993)..

[13] Ashine Argaw. " Egypt Furious Over New Nile Water Deal, Threatens Legal, "Other" Action". All Africa.com, http://allafrica.com/stories/201005310637.html (Accessed 6 July 2010).

[14] Rotberg, Robert I. "The Threat of a Water War: Egypt and Sudan Draw battle Lines with Upstream Nations Over Access to the Nile". Boston Globe, July 2, 2010.

[15] Ibid.

designs as it plans to build four dams on the Nile with one expected to be the largest in Africa. This is causing Egypt to build close ties with Ethiopia's arch enemy, Eritrea.[16] A war was initiated in 1998 between Ethiopia and Eritrea over some mountainous territory. There was a ceasefire in 2000 and in 2006; a peace agreement was handed down by the World Court which has not been observed by either side.[17] If Egypt initiates a war with Ethiopia, there is a strong possibility that Eritrea will join forces with Egypt. Egyptian generals also claim that Israel is helping the upstream riparian states by encouraging their need for more water and financing the construction of four hydroelectric projects in Ethiopia.[18]

Eritrea has openly supported Egypt's position on the Nile issue, in opposition to Ethiopia. It has chosen to play the role of observer rather than actively participate in the Nile Basin Initiative. According to a statement from the Eritrean Ministry of Information, President Isaias Afwerki has reached an agreement with Egypt on several bilateral matters and President Isaias Afwerki himself released a statement stating that the upstream riparian states are making the "wrong agreements and regulations" on the use of the Nile River.[19] Uganda is seeking equity in the Nile water use and is interested in hydropower and irrigation projects.

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[16] Rotberg, Robert I. "The Threat of a Water War: Egypt and Sudan Draw battle Lines with Upstream Nations Over Access to the Nile". Boston Globe, July 2, 2010.

[17] Ibid.

[18] Ibid.

[19]Tekle, Tesfa Alem, "Eritrea's President says new Nile Treaty "Wrong Agreement" *Sudan Tribune,* May 19, 2010.

Members of the Ugandan parliament have demanded compensation from Egypt, which they claim has been able to industrialize by using the Nile's resources to generate electricity and irrigate crops. Ugandan Member of Parliament Amon Muzoora in 2002 proposed a motion for Uganda to renounce the pre-independence Nile water agreements and made claims for annual compensation of some 1.2 million U.S. dollars.[20] According to Muzoora, Egypt had allies in the parliament so the issue was tabled and he left the parliament before the matter was concluded.[21] President Museveni opted to continue with negotiations and establish the new Framework Agreement.[22] Uganda missed an opportunity to challenge the colonial agreements in 1991 when the government signed another agreement committing to honor the colonial agreements on the Nile as a condition to receiving funding for the Bujagali hydroelectric project financed by the World Bank.[23]

Burundi's interests are in hydropower and investment. Investments involve leasing the land and the waters to private industries like textiles, tourism etc. Kenya is also interested in irrigation and investment; Rwanda in hydropower, agriculture and investment and Tanzania in some irrigation, water transfer and investment. Sudan's position is based on its acquired rights and existing agreements including the 1959 quota agreement with Egypt. It is yet to fully use the quota assigned to it. The independence of South Sudan where the White Nile flows could jeopardize the Nile

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[20] Tenywa, Gerald. "Uganda: Nile Water Politics-Uganda in Dilemma" Allafrica.com (accessed 19 May, 2009).

[21] Ibid.

[22] Ibid.

[23] Ibid.

management and will probably necessitate a renegotiation of the Nile Basin treaty of 1959. For this reason, Egypt initially, had actively advocated for Sudan's unity however, catching up with the realities on the ground and anticipating a possible split, it had recently softened its intransigent stance and started to build ties with the government of South Sudan.[24]

Compounding the issue is water scarcity which according to David Seckler is now the greatest threat to human health, the environment and the global food supply.[25] Water scarcity is what is initiating the aggressive stance of upstream countries in seeking equity rights to the Nile. According to Gabriel Wolde, the impact of climate change is nowhere more apparent than in the Nile River Basin.[26] The riparian countries are highly susceptible to climate change due to underdevelopment, political instability and rapid population growth that have led to accelerated erosion, deforestation and desertification.[27] These environmental changes in turn have impacted food security as well as surface and groundwater resources.

Water has become a key element to creating regional stability and so to gain the greatest returns on national and regional investments and maintain security, a basin wide political agreement is needed that addresses sustainability and equitable

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[24] Hemmer, Jort."Southern Sudan: The New Kid on the Block?- Assessing the Neighbourhood on the Threshold of Southern Sudan's self Determination Referandum" CRU Policy Brief, #14 Maart 2010.http://www.clingendael.nl/publications/2010/20100300_cru_policy_brief_13_jort_hemmer.pdf (Accessed July 10 2010).

[25] Seckler, David.. "Growing Population Faces Shrinking Water Supply". *Environmental News Service* (1999) http://ens.lycos.com/ens/jul99/1999L-07-20-01.html. (Accessed July 11, 2010).

[26] Wolde Gabriel, Giday. "Water Scarcity: Challenges to Regional Stability in the Nile River Basin and Beyond", Paper Presented at the Geological Society of America Annual Meeting, Portland, Oregon. Paper no. 72-3, on 18 October 2009.

[27] Ibid

utilization of the Nile's waters. The agreement should also allow for the advancement of scientific and technological capacities and an understanding of the interdependence of climate, agriculture, land use dynamics, energy, water and the environment.[28] Sudan, Ethiopia and Eritrea are among the most vulnerable to the climatic variations and sustainable management of the basin's resources which is further complicated by the wide social and economic disparities.[29] According to the United Nations Environment Programme (UNEP), Africa has only a third per capita of the water that was available in 1960 and estimates are that up to the year 2027; almost a third of the world's population will suffer chronic water shortages particularly in arid and semi-arid regions like areas around the Nile.[30] It should also be noted that 80% of the total water consumption is being attributed to the agricultural activities in developing countries.[31] The Nile flows through countries with little to no effective rainfall, particularly Egypt and Sudan and parts of Ethiopia. All the water is generated in an area that covers 20 percent of the basin with the remainder being arid or semi-arid regions where a lot of water is lost to evaporation or seepage.

Most of the region is impacted by the north-east trade winds between October and May, causing prevailing aridity. North of Khartoum, in Sudan, the rainy

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[28] Wolde Gabriel, Giday. "Water Scarcity: Challenges to Regional Stability in the Nile River Basin and Beyond", Paper Presented at the Geological Society of America Annual Meeting, Portland, Oregon. Paper no. 72-3, on 18 October 2009.

[29] Ibid.

[30] United Nations Environment Programme. "Hydropolitical Vulnerability and Resilience Along International Waters-Africa". (2005).

[31] Ibid.

seasons are shorter and the amounts of rainfall decrease to less than 127mm of rain annually, an amount insufficient for permanent settlement.[32] Egypt's vulnerability is also explained in the amount of rainfall it receives in the Nile River Basin. Table 2 indicates that Egypt receives the lowest amount of rainfall compared to the rest of the riparian states.

Table 2. Countries and Average Annual Rainfall

Country	Average Rainfall in the Basin Minimum (mm/year)	Average Rainfall in the Basin Maximum (mm/year)
Burundi	895	1570
DRC	875	1915
Egypt	0	120
Eritrea	540	665
Ethiopia	205	2010
Kenya	505	1790
Rwanda	840	1935
Sudan	0	1610
Tanzania	625	1630
Uganda	395	2060

Table 2[33]

The upper riparian countries are also suffering greatly from desertification, land degradation and droughts. Five of the ten riparian countries are among the world's ten poorest with seven out of the ten experiencing conflict since 1990.[34] Infrastructure in the region is also very limited with only ten percent of hydroelectric power potential developed; fifteen percent of the population is served with electricity and forty percent of irrigable land is actually irrigated. The combination of barren

[32] United Nations Environment Programme. "Hydropolitical Vulnerability and Resilience Along International Waters-Africa". (2005).

[33] Karyabwite, Diana Rizzolio, "Water Sharing in the Nile River Valley" Geneva: UNEP/DEWA/GRID, January-June 2000, p. 33.

[34] United Nations Environment Programme. "Hydropolitical Vulnerability and Resilience Along International Waters-Africa". (2005).

environments, poor climate, population increases and historical conflicts within and among the riparian states could create a ticking time bomb without tactful diplomacy to manage the sparse resource of water in the region. A political solution is needed to address the lack of trust among the states; abrogating colonial agreements and balancing the current uses of water by Egypt and Sudan with the needs of the upstream states like Kenya, Ethiopia, Tanzania, Uganda, Burundi and the Congo.

HISTORICAL CONTEXT

On April 15, 1891 a protocol was signed between Great Britain and Italy for the demarcation of their respective spheres of influence in eastern Africa. Article III of the Anglo-Italian protocol stated that the Italian government would agree not to construct on the Atbara River, in view of irrigation, any project which might sensibly modify its flow into the Nile River.[35] On March 18, 1902 there was an exchange of notes between Great Britain and Ethiopia leading up to a treaty between the two countries on May, 15 of the same year. In this treaty, not only did emperor Menelik II agree not to construct any projects on the Blue Nile, Lake Tana or the Sobat without the consent of the British Empire but it also established the border between Ethiopia and modern day Sudan.[36] According to Ethiopia, the treaty was never ratified.[37] On May, 9 1906, an agreement was signed between Great Britain and the Congo which was controlled by Leopold II, King of the Belgians. In the agreement, the government of the Congo agreed not to

[35] United Nations Environment Programme. "Hydropolitical Vulnerability and Resilience Along International Waters-Africa". (2005).

[36] Ibid.

[37] Ibid.

embark on any projects on or near the Semliki or Insango Rivers which will reduce water entering Lake Albert that feeds the Nile thus restricting the people of the Congo from accessing their share of the Nile.[38] December 13, 1906 a tripartite agreement was signed between Britain, France and Italy in which they agreed to safeguard the interests of Great Britain and Egypt in the Nile Basin more especially as it regards the flow of the river and its tributaries without prejudice to Italian interests. The treaty in effect denied Ethiopia its sovereign right to the river. Ethiopia rejected the treaty but lacked the military or political power to reverse the agreement and regain its rights.[39] On December 20, 1925 there was an exchange of notes between Great Britain and Italy regarding a barrage at Lake Tana and a railway across Abyssinia from Eritrea to Italian Somaliland. In the exchange, Italy agreed to respect the hydraulic rights of Egypt and Sudan not to initiate any construction on the Blue Nile or White Nile (the Sobat) and their tributaries that would modify the flow of the main river. Ethiopia again challenged this agreement and notified both parties of its objections to the Italians and the British:

> "To the Italian government: The fact that you have come to an agreement, and the fact that you have thought it necessary to give us a joint notification of that agreement, make it clear that your intention is to exert pressure, and this in our view, at once raises a previous question. This question which calls for preliminary examination must therefore be laid before the League of Nations."[40]

> "To the British government: The British Government has already entered into negotiations with the Ethiopian Government in regard to its proposal, and we had imagined that, whether that proposal was carried into effect or not, the

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[38] United Nations Environment Programme. "Hydropolitical Vulnerability and Resilience Along International Waters-Africa". (2005).

[39] Mekonnen, K. "The Defects and Effects of Past Treaties and Agreements on the Nile River Waters: Whose Faults Were they?" (1999) http://www.ethiopians.com/abay/engin.html (accessed on October 10, 2010).

[40] Ibid.

> negotiations would have been concluded with us; we would never have suspected that the British Government would come to an agreement with another Government regarding our Lake."[41]

Both the British and Italian governments in responding to the League of Nations denied challenging Ethiopia's sovereignty over Lake Tana and the issue went no further than that.[42]

On May 7, 1929 after Egypt's February 1922 Declaration of Independence, Egypt signed an agreement with Great Britain, which represented Uganda, Kenya, Tanganyika (now Tanzania) and the Sudan regarding the use of the river Nile. Not only did this agreement prevent any construction on the Nile or its tributaries that would reduce the flow of the river into Egypt, it also gave Egypt the authority to inspect and investigate the whole length of the Nile and the remote sources of its tributaries in other territories[43]. The agreement allotted Egypt 48 billion cubic meters of Nile flow per year and gave the Sudan 4 billion cubic meters.[44] The flow of the Nile from January 20 to July 15, during the dry season would be reserved for Egypt; Egypt was given the right to undertake any projects on the Nile without consent from the upper riparian countries and the right to veto the construction of any projects that would adversely affect her interests[45]. Great

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[41] Mekonnen, K. "The Defects and Effects of Past Treaties and Agreements on the Nile River Waters: Whose Faults Were they?" (1999) http://www.ethiopians.com/abay/engin.html (accessed on October 10, 2010).

[42] Ibid.

[43] Egypt State Information Service "Egypt and Nile Basin Countries" http://www.sis.gov.eg/En/Story.aspx?sid=191 (accessed August 5, 2011).

[44] Mekonnen, K. "The Defects and Effects of Past Treaties and Agreements on the Nile River Waters: Whose Faults Were they?" (1999) http://www.ethiopians.com/abay/engin.html (accessed on October 10, 2010).

[45] Ibid.

Britain then signed an agreement with Belgium on November 22, 1934 regarding water rights on the boundary between Tanganyika (now Tanzania) and Ruanda-Urundi (now Rwanda and Burundi). In 1946, there was an agreement between the United Kingdom and Egypt regarding the utilization of profits from the 1940 British government cotton buying commission and the 1941 joint Anglo-Egyptian cotton buying commission to finance schemes for village water supplies. In 1949 two agreements were signed between the United Kingdom and Egypt again, regarding the construction of the Owen Falls Dam in Uganda. It was followed by another agreement in 1950 regarding cooperation in meteorological and hydrological surveys in certain areas in the Nile basin. In these last three agreements, the United Kingdom was representing the government of Uganda. There was another agreement regarding the Owen Falls dam in 1952.

After gaining independence in 1956, Sudan renounced the 1929 Waters agreement prompting renegotiations that resulted in the 1959 agreement. This agreement was the first political-based Nile waters coalition in the region.[46] In 1959, the controversy on the quantity of annual flow was settled and agreed to be 84 billion cubic meters, measured at Aswan High Dam, in Egypt.[47] The agreement allowed the annual flow of the Nile to be shared between Egypt and Sudan at 55.5 billion cubic meters and 18.5 billion cubic meters respectively. The annual water loss due to evaporation was agreed to be 10 billion cubic meters, a quantity that would be deducted from the Nile

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[46] Egypt State Information Service "Egypt and Nile Basin Countries" http://www.sis.gov.eg/En/Story.aspx?sid=191 (accessed August 5, 2011).

[47] Mekonnen, K. "The Defects and Effects of Past Treaties and Agreements on the Nile River Waters: Whose Faults Were they?" (1999) http://www.ethiopians.com/abay/engin.html (accessed on October 10, 2010).

yield before the share was assigned to the two states.[48] Sudan agreed to construct projects that would increase the Nile flow by reducing evaporation in the Sudd swamps of the White Nile in South Sudan.[49] They agreed to equally divide the costs and benefits and jointly handle any claims if they were to come about from the other riparian states. They further agreed that if claims from other riparian states prevailed, it would be equally deducted from the Nile volume allocations of Egypt and Sudan measured at Aswan.[50] The 1959 agreement gave Egypt the green light to construct the Aswan High Dam that can store the entire annual Nile River flow of a year and gave Sudan the right to construct the Rosaries Dam on the Blue Nile and develop other irrigation and hydroelectric projects until it fully utilizes its share if the Nile water volume.[51]

Finally, the agreement allowed for the establishment of a permanent joint technical commission to secure the technical cooperation between them.[52] In 1967, following an initial study by the World Meteorological Organization and the Food and Agriculture Organization, five of the riparian countries, Egypt, Kenya, Sudan, Tanzania, and Uganda requested the co-operation of the United Nations Development Programme in a hydrometeorological survey to study the water balance of lakes Victoria, Albert.[53]

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[48] Mekonnen, K. "The Defects and Effects of Past Treaties and Agreements on the Nile River Waters: Whose Faults Were they?" (1999) http://www.ethiopians.com/abay/engin.html (accessed on October 10, 2010).

[49] Ibid.

[50] Ibid.

[51] Ibid.

[52] Ibid.

[53] Metawie, Abdel Fattah "Lessons Learnt from Cooperation in the Nile Basin" Rosenberg International Forum on Water policy, Paper presented at the Fourth Biennial Rosenberg International Forum on Water Policy in Ankara, Turkey in September 2004.

This regional cooperative project called the HYDROMET project was later expanded to include Rwanda, Burundi and the Democratic Republic of Congo.[54] By the end of 1971, the government of Ethiopia had joinded the project as an observer.[55] In 1977 and 1981, agreements were made between Burundi, Rwanda, Tanzania and Uganda regarding the establishment of an organizationfor the management and development of the Kagera river basin which contributes to the Nile.[56] In 1983, Egypt attempted to form an unofficial Nile cooperative group called UNDOGO. It included majority of the Nile basin countries to the West and Central Africa. Uganda, in 1991 signed an agreement with Egypt in which Uganda expressed full commitment to the 1953 agreement signed on its behalf by its colonizer Great Britain.[57] This meant that the 1929 Waters agreement would be recognized and any projects on Lake Victoria will be reviewed by both parties to ensure that it does not infringe on Egypt's water needs.[58] Allegedly this agreement was a condition for World Bank funding of the Bujagali hydroelectric dam.[59]

In 1992, ministers responsible for water affairs in the Nile basin met in Kampala, Uganda and agreed on cooperation on water resource matters. The Technical

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[54] Metawie, Abdel Fattah "Lessons Learnt from Cooperation in the Nile Basin" Rosenberg International Forum on Water policy, Paper presented at the Fourth Biennial Rosenberg International Forum on Water Policy in Ankara, Turkey in September 2004.

[55] Ibid.

[56] United Nations Environment Programme. "Hydropolitical Vulnerability and Resilience Along International Waters-Africa". (2005).

[57] Egypt State Information Service "Egypt and Nile Basin Countries" http://www.sis.gov.eg/En/Story.aspx?sid=191 (accessed August 5, 2011).

[58] Ibid.

[59] Tenywa, Gerald. "Uganda: Nile Water Politics-Uganda in Dilemma" Allafrica.com (accessed 19 May, 2009).

Cooperation for the Promotion of the Development and Environmental Protection of the Nile Basin (TECHONILE) was signed by Ministers from Egypt, Rwanda Sudan, Tanzania, Uganda and Zaire (Now the Democratic Republic of Congo).[60] Burundi, Eritrea, Kenya and Ethiopia participated as observers. Under this framework, the Nile River Basin Action Plan was prepared which included 22 technical assistance and capacity building projects at the cost of $100 million.[61] In 1993, a framework for general cooperation was established between Egypt and Ethiopia and in 1994, there was a cooperative agreement for Lake Victoria signed between Kenya, Tanzania and Uganda. In 1999, the TECHONILE project evolved into the Nile Basin Initiative with the main objectives of developing the water resources of the basin in a sustainable and equitable way that will ensure prosperity, security and peace in the region; ensuring efficient water management and optimal use of the resources and ensuring cooperation and joint action among the riparian states to the benefit of the entire region.[62] Other objectives include ensuring the execution of planned programs and eradicating poverty through the promotion of economic integration.[63]

In May, 2010 five of the riparian states signed a new Cooperative Framework Agreement out of the frustration of having to seek permission from Egypt to embark on projects on the Nile in their territories. Ethiopia, Kenya, Uganda, Rwanda and Tanzania

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[60] Metawie, Abdel Fattah "Lessons Learnt from Cooperation in the Nile Basin" Rosenberg International Forum on Water policy, Paper presented at the Fourth Biennial Rosenberg International Forum on Water Policy in Ankara, Turkey in September 2004.

[61] Ibid.

[62] Ibid.

[63] Ibid.

signed the agreement and Burundi followed suit in February 2011 amid strong oppsotition from Egypt and Sudan.[64]

Egypt has argued that over the years it has worked dilligently to protect the Nile and increase its yields not just to its benefit but to those of the other riparian states as well.[65] In 1925 it helped Sudan construct a Blue Nile reservoir; in 1932 Egypt paid for the expenses of establishing a power-generating station in Khartoum; in 1953 it helped Uganda build a reservoir on the Owen Falls and in 1978 it helped with building a canal in the As-Sudd region which was halted by the civil war in Sudan.[66] In 2004, Egypt committed $2 million to building 40 water wells in Kenya; helped create a water research center in Tanzania and offered technical assistance to improve water management in the Democratic Republic of Congo.[67]

RESEARCH QUESTIONS, ASSUMPTIONS AND HYPOTHESES

The major assumption of this study is that the status quo of 55.5 billion cubic meters for Egypt and 18.5 billion cubic meters for Sudan is not sustainable especially with Ethiopia being the source of about 80 percent of the water flow. The key question is how

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[64] Nile Basin Initiative "Burundi Signs Nile Cooperative Framework Agreement" http://www.nilebasin.org/newsite/index.php?option=com_content&view=article&id=70%3Aburundi-signs-the-nile-cooperative-framework-agreement-pdf&catid=40%3Alatest-news&Itemid=84&lang=en (Accessed March, 1 2011).

[65] Egypt State Information Service "Egypt and Nile Basin Countries" http://www.sis.gov.eg/En/Story.aspx?sid=191 (accessed August 5, 2011).

[66] Ibid.

[67] Ibid.

to reach a politically amicable agreement that will effectively replace the colonial era agreements and promote regional stability while allowing the riparian states to "save face"; particularly Egypt and Sudan, in light of climate changes, increasing needs for energy and the rate of development needed to sustain the rising populations in the region.

Other questions include whether there is need for foreign intervention by more developed countries or entities like the United States of America or the European Union? Is this an issue to be addressed by international organizations like the United Nations through the Security Council, the African Union and the Intergovernmental Authority on Development (IGAD) or some other form of regional institution, perhaps the League of Arab States? How will the new state of South Sudan factor into the dispute? What are the implications for Arab and sub-Saharan engagement? How can Egypt which is a regional hegemon engage the other African countries in reaching a sustainable solution to Nile water resource management in the wake of Mubarak's removal? How does this relate to other river sharing issues like those with the Mekong, Danube and Niger? Could this issue increase regional cooperation and Pan-Africanism with political deftness? There are precedents in international law to deal with the use of waters of international rivers however the context of the colonial era agreements makes this issue more complicated and contentious.

The main hypothesis is that to reach a sustainable solution for the efficient management and equity of Nile waters, a political mediation, factoring in the exertion of powers within and outside Africa would have to take place involving all the riparian states. There has to be a framework to release Egypt's stranglehold on the Nile's waters amid increasing regional demands due to climate changes, severe

drought and industrial and agrarian pressures. The solution could be facilitated by foreign partners though it should be African in inception, design and implementation.

A secondary hypothesis is that though a political solution is needed to resolve the crisis of Nile water equity and management, the likelihood of the crisis escalating to armed conflict may be minimal because Egypt is relatively far advanced in military strength, compared to the upstream countries, with the partial exception of Ethiopia, and it is unlikely that these countries would risk the cost of war to the benefits of cooperation. Egypt though advanced economically and technologically would not risk taking on the upstream riparian countries even if assisted by Eritrea and Sudan. The odds mathematically would be against the Arab country especially if their claims of Israel providing technical assistance to the upstream countries are true. Thirdly, the solution would have to include regional sharing of energy and the development of alternative sources like wind as climatic trends will decrease water availability over the years regardless of the ambitious projects being planned.

There is a strong possibility that the impromptu removal of President Mubarak of Egypt in February, 2011 will usher in a more cooperative and accommodating Egyptian government as pressures increase for domestic reforms and the need for international rhetoric decreases. The geopolitical change could also empower the upper riparian states who may perceive Mubarak's removal as a kink in the Egyptian armor as demonstrated by the recent signing of the Cooperative Framework Agreement by Burundi, paving the way for the new agreement on the Nile to be ratified.

DEFINITION OF TERMS OR CONCEPTS

Sustainability

According to Hornstein, *sustainability* captures the idea of aligning the supply of ecological systems of natural resources like water, soil or air, necessary for production, with human consumption.[68] The United Nations Conference on Environment and Development, in its Declaration of Principles, suggests that in order to achieve sustainable development and a higher quality of life for all people, states would have to reduce and eliminate unsustainable patterns of production and consumption.[69] Hornstein argues that though few people will deny the value of efforts, both private and public to conserve finite resources and prevent unsustainable resource use, most of the efforts are economic in orientation, assuming that the resources at issue have to be used in the first place and creates a situation where there is an unrelenting focus on the finding and maximizing of a sustained yield of the resources without factoring in how local populations use the resources which may be at odds with the yield that should be maximized.[70] This means that prescriptions are made without factoring in the historical uses of the resources by the populations and finding alternatives but instead finding ways to make maximum use of the yields which could inadvertently cause the populations to draw more of the resources in an attempt to further increase production. Hornstein

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[68] Hornstein, Donald T."Environmental Sustainability and Environmental Justice at the International Level: Traces if Tension and Traces of Synergy" Duke Environmental Law and Policy Forum Vol. 9:289 2008.

[69] United Nations Conference on Environment and Development, *Declaration of Principles*, Principle 8 (1992).

[70] Hornstein, Donald T."Environmental Sustainability and Environmental Justice at the International Level: Traces if Tension and Traces of Synergy" Duke Environmental Law and Policy Forum Vol. 9:289 2008.

further argues that an economical approach to sustainability is at odds with ethical notions of moral consideration that underlie environmental justice claims and as such makes this theoretical approach insufficient for policy making.[71] The Nile is an example of how gains in optimizing sustainable yield comes at the expense of the losses in non-market values like the ecosystem and wildlife and affect the way of life of the populations in the area such as the Dinka, Nuer and Shilluk people in South Sudan. Hornstein makes a strong case that for true sustainability of Nile waters, there has to be a balance between the economic gain in maximizing resource yield and applying environmental justice principles which factor in adjusting human consumption behaviors and exploring alternatives for the resource particularly with respect to the development of energy.[72]

Conflict

With respect to this study, *conflict* is defined by a state of disharmony between two or more parties, resulting from a clash of ideologies, values, perceptions, ambitions, goals or agendas that could escalate into an armed struggle. There are several dimensions to conflicts such as the issue at stake like resources and self determination; the actors, be they state or non-state actors; the type of conflict, be it latent, manifest, violent or non-violent conflicts; the cases of conflict, acquiring or defending material and non material values and the arena in which the conflict takes place, local, international etc. With respect to the Nile River issue, there are divergent beliefs regarding who is entitled to the

[72] Hornstein, Donald T."Environmental Sustainability and Environmental Justice at the International Level: Traces if Tension and Traces of Synergy" Duke Environmental Law and Policy Forum Vol. 9:289 2008.

water and whether Egypt and Sudan who have claimed legal rights to the water can continue to hold valid agreements which were signed while the upper riparian countries had not gained their sovereignty. Secondly, the countries have different ideas on development and different interests with respect to investments, hydropower, irrigation and agriculture. Perceptions also differ as to who is entitled to the resources with Egypt considering it as a national security issue. Finally, there are cultural and ethnic differences like those between Eritrea and Ethiopia and North and South Sudan and dynamics between Arab and sub-Saharan states. In principle, the countries agree that how the water is managed and shared needs to change thus forming the Nile Basin Initiative, however, there has been no agreement in over a decade on how it should be done.

Resource conflicts are wars over non-renewable resources such as mineral oils whereas wars over renewable resources are referred to as environmental conflicts.[73] Environmental conflicts are socio-economic and political conflicts caused by environmental degradation or the scarcity of a natural resource. It can also be defined as incompatible interactions between two or more human actors, i.e. individuals, groups, tribes or countries, over the use of an environmental system. In such cases, environmental conflict management is applied whereby interventions attempt to solve the problems perceived by the actors, transforming relationships and advancing economic sustainability. This means using politics and diplomacy to revamp the relationships among the states to develop trust and a more cooperative approach to managing the Nile's resources as well as developing and sharing alternate energy resources so as to

[73] Mason, Simon A. "From Conflict to Cooperation in the Nile Basin" *Center for Security Studies, Swiss Federal Institute of Technology,* Zurich. (2004).

reduce the stress on the limited water in the region. Again this will include Egypt wearing its African hat and actively participating in energy sustainability strategies that will benefit the entire continent as a member of the African Union. The trust will be developed by publicly rejecting the colonial agreements and fostering healthy relationships as post-colonial sovereign states seeking to increase development as populations rise and there is a greater need for water for irrigation, power and other industries. It could be a giant step to redefining Pan-Africanism in the 21st century.

Environmental Justice

Environmental justice is described as movements or principles which deal with inequitable burdens and benefits of racial minorities, residents of economically disadvantaged areas or resident of developing countries.[74] Relative to the Nile River basin, it will address the disparity in the use of water resources favoring the Arab state of Egypt and ecologically burdening sub-Saharan ethnic groups like the Dinka, Nuer and Shilluk people, mostly in South Sudan.[75] The case will be made in this paper that in both the 1929 and 1959 agreements regarding authority and use of the Nile, indigenous people from all the riparian states were not consulted in the process of decision making and sustainability resulting in a lack of environmental justice that ensures the equity of distribution of the resources to all inhabitants in the region as illustrated in the huge advantage to Egypt which for a long time refused to engage the other states as they

[74] Hornstein, Donald T."Environmental Sustainability and Environmental Justice at the International Level: Traces if Tension and Traces of Synergy" Duke Environmental Law and Policy Forum Vol. 9:289 2008

[75] Mason, Simon A. "From Conflict to Cooperation in the Nile Basin" *Center for Security Studies, Swiss Federal Institute of Technology,* Zurich. (2004).

sought more water for development. There have been several conversations on the continent about the northern Arabic states disengaging from the sub-Saharan states as well as exhibiting a superiority complex which could factor into environmental justice as the other riparian states view Egypt as having a sense of entitlement to the Nile resources.

Nile River Basin

The Nile river basin covers about a tenth of the area of the continent. The basin is the area of land from which all surface run off flows. The silt deposited along the banks of the Nile has been left by floods over centuries. This has resulted in a rich soil that supports agriculture along the banks of the river.[76] The basin has evolved into seven major regions. These are the Lake Plateau of East Africa, Al-Jabal, White Nile, Blue Nile, Atbara, United or main Nile which is at the north of Khartoum in Sudan and in Egypt and finally, the Nile Delta. The Nile has several sources. The Lake Plateau region of East Africa has several headstreams that contribute to the White Nile. In Burundi, the Kagera River is considered the furthest headstream which rises in the highlands near the northern edge of Lake Tanganyika and then flows into Lake Victoria.[77] The Nile River then rises from Lake Victoria (26,800 sq. miles, world's second largest freshwater lake) and flows northward near Jinja, Uganda. The Victoria Nile continues its flow into Lake Kyoga, where it passes through its swamp vegetation. From there, it changes its flow and continues towards the west where it descends into the East African Rift System going

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[76] Mason, Simon A. "From Conflict to Cooperation in the Nile Basin" *Center for Security Studies, Swiss Federal Institute of Technology,* Zurich. (2004).

[77] Ibid.

over the Murchison (Kabalega) Falls and flows into Lake Albert, which is deep and narrow. It becomes the Albert Nile and continues northward through a wider section of the river which is navigable.

At Nimule, the Nile enters the Sudan and becomes the Al-Jabal River (Mountain Nile). This portion of the Nile is not navigable due to the series of rapids that are formed while the river descends through narrow gorges. Once it reaches Juba it flows over a large and level clay plain. The mainstream flows through the center of the plain and during the rainy season flooding will occur. This allows aquatic vegetation to grow in abundance. Eventually, as the water flows through this area, large amounts of vegetation are dislodged and carried downstream where they fill the channels and prevent navigation. The basin in this area also receives drainage from other rivers and streams. Some of the contributors lose tremendous amounts of water from evaporation and only a small amount of water is added to the Nile.[78]

The White Nile begins near Malakal, where the Sobat River in Baro, Ethiopia enters the Nile's mainstream. It continues for about 500 miles with very little water being added from other sources along the way. This section of the Nile is wide and the water flows slowly along its course. Narrow swamps occur frequently along the edges. These conditions contribute to the massive amounts of water lost through evaporation and seepage.[79]

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[78] Mason, Simon A. "From Conflict to Cooperation in the Nile Basin" *Center for Security Studies, Swiss Federal Institute of Technology,* Zurich. (2004).

[79] Ibid.

The water of the Blue Nile drains from the Ethiopian Plateau, where it descends from 6,000 feet above sea level. It continues in a north-northwesterly direction through The Sudan till it reaches the White Nile at Khartoum. The White Nile has a relatively constant flow whereas the Blue Nile in contrast is affected by the tremendous runoff resulting from the late July to October rains on the Ethiopian Plateau. The annual floods in Egypt are a direct result of this increase in the river's water volume.

The Atbara River flows into the Nile 200 miles north of Khartoum. The Atbara is fed by the Angereb and Tekezo. These tributaries bring tremendous amounts of water from the Ethiopian highlands between July and October and contribute to the flooding downstream.

The United or Main Nile is north of Khartoum and has two distinct parts. One part is 830 miles long and flows through a desert region. Irrigation takes place along this stretch. The second part involves Lake Nasser which is 2,600 sq. miles and the world's second largest man-made lake[80]. Here the water is held back by Egypt's Aswan Dam. It is about 500 miles from the dam to Cairo. As the river runs its course through this area it averages 10 to 14 miles in width, with scarps that rise to heights of 1,500 feet above the river's level. About 200 miles from Cairo the river meets the eastern edge of the valley's floor. This has resulted in more cultivated land along the left bank of the Nile.[81]

Another stretch of the Nile flows northward below Khartoum. A series of cataracts occur leading towards Lake Nasser. For the 800 miles that the river flows

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[80] Mason, Simon A. "From Conflict to Cooperation in the Nile Basin" *Center for Security Studies, Swiss Federal Institute of Technology,* Zurich. (2004).

[81] Ibid.

through this portion it changes from gentle sections to a series of rapids. It is the crystalline rocks that have caused five of the famous cataracts in the river making portions of it unnavigable.[82]

Finally, the Nile Delta is composed of the silt carried by the river from the Ethiopian Plateau. This silt is 50 to 75 feet deep and has created Africa's most fertile soil. A 100 mile plain was formed and extends north and south along the Nile Delta. As the land reaches the Mediterranean Sea in the north, lakes and salt marshes occur.[83]

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[82] Mason, Simon A. "From Conflict to Cooperation in the Nile Basin" *Center for Security Studies, Swiss Federal Institute of Technology,* Zurich. (2004).

[83] Ibid.

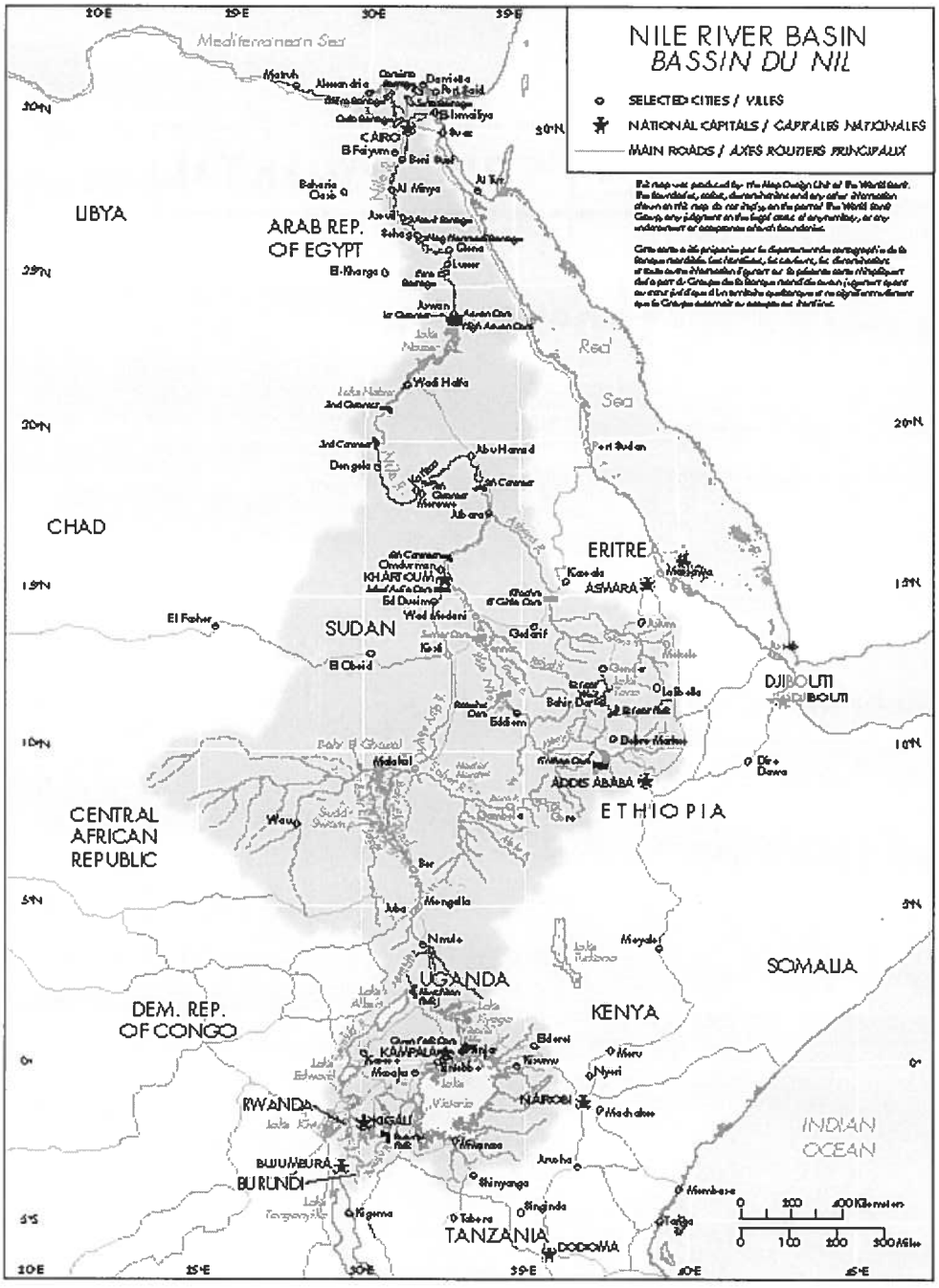

Figure 1[84]

[84] The World Bank. " Map of the Nile river Basin". (2001) Http://www.brookings.edu/reports/2010/08_nile_river_basin_kimenyi.aspx (accessed on 30 October, 2010)

Diplomacy

Diplomacy is often taken as a synonym for the execution of all foreign policy short of war. There are different types of diplomatic theorists according to Stuart Murray. These are traditional diplomatic theorists, nascent diplomatic theorists and innovative diplomatic theorists. Traditional theorists believe in the centrality and omnipotence of the state.[85] Traditionalists contend that the state and consequently the diplomatic institution, which is comprised of rules which govern the interactions of representatives of governments who conduct relations with other governments, are the most important political units in the modern diplomatic environment. Traditional diplomatic theory is defined as a nationally endorsed system of diplomatic representation which is made up of overseas missions under the auspices of a central government department which is typically designated as the Ministry of Foreign Affairs.[86] The diplomats who make up these missions are individuals fully vested by a sovereign state with the power to represent, speak on behalf of, and negotiate for their state in another state. Although diplomacy is an informal institution, many of its rules and protocols have been codified in the 1961 Vienna Convention on Diplomatic Rights.[87]

The basis of traditional diplomacy is a strong relation to the Westphalian state principles of authority, sovereignty, territoriality, power and legitimacy and as such

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[85] Murray, S. "Towards an enhanced understanding of diplomacy as the business of peace". In Gertz (Ed.), *War fronts: Interdisciplinary perspectives on war, virtual war and human security* (pp. 117-138). Oxford: Inter-Displinary Press. (2009).

[86] Ibid.

[87] Hoffman, John. Reconstructing Diplomacy. *British Journal of Politics and International Relations*, 5 (4), (2003). p. 541.

consolidates their argument that states are the primary principles in the modern diplomatic environment.[88] They view diplomacy as an exclusive state function.

Nascent diplomatic theorists became prominent in the early twentieth century. They challenge the assumption that diplomacy should be interpreted in a rigid, precise or authoritative fashion, focusing exclusively on the role of the state.[89] They argue that to understand the modern environment of diplomacy, the focus on the state would have to be diminished. Central to nascent diplomatic theory is the emergence of non-state actors practicing unofficial diplomacy. They therefore advocate veering from a statist approach. Whereas traditionalists focus on one actor, that is the state, nascent diplomacy theorists focus not just on the state but a diverse range of diplomatic actors including multinational corporations or nongovernmental organizations like World Vision International.[90]

Traditional diplomacy promotes the state as the unitary actor in international relations and is therefore realist and state-centric while nascent diplomacy can be classified as an ideal, moral approach that promotes an international society, which does not endorse the state as the only significant actor engaged in international diplomacy. Nascent diplomacy has the premise that the diplomatic expertise for dealing successfully with conflict and peacemaking does not reside solely within government personnel or procedures.[91] It views states as blocking change to a more pacific international relations

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[88] Murray, S. "Towards an enhanced understanding of diplomacy as the business of peace". In N. Gertz (Ed.), *War fronts: Interdisciplinary perspectives on war, virtual war and human security* Oxford: Inter-Displinary Press. (2009). pp. 117-138.

[89] Ibid.

[90] Ibid.

[91] Diamond, L and MacDonald, J. W. *Multi-Track Diplomacy: A Systems Approach to Peace*. Bloomfield: Kumarian Press Books for a World That Works, (1996) p. 2.

system by not being sufficiently inclusive.[92] The lack of inclusivity is not just related to actors but to issues of the environment, human rights and aid development particularly in an era of globalization.[93] The theory views intergovernmental organizations as distinct actors in diplomacy, rather than as traditionalists view it, organizations built by states for states which relegate these organizations to a single level of analysis.[94] These theorists argue that intergovernmental organizations have developed their own organizational, cultural and diplomatic identity which allows them to integrate their sub-units, communicate effectively both internally and externally and the capacity to generate self knowledge while focusing on a lower political agenda[95] thus making nongovernmental organizations central to this orientation.

Innovative diplomatic theory emerged not out of a change in the diplomatic environment but as a result of different theoretical perceptions in the field. Its central tenet is realigning and acknowledging the relationship between state and non-state actors. Innovative theorists believe that there is a polarization in the diplomatic field into statist and non-statist theorists and as such, a continuous and objective appraisal and reappraisal of the state/non-state relationship is an essential tenet of the theory. These theorists argue that the ambivalent views of exclusive traditionalists and orthodox nascent theorists are damaging for diplomatic theory as they encourage competition of opinion at the expense

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[92]Murray, S. "Towards an enhanced understanding of diplomacy as the business of peace". In N. Gertz (Ed.), *War fronts: Interdisciplinary perspectives on war, virtual war and human security* Oxford: Inter-Displinary Press. (2009). (pp. 117-138).

[93]Kennan, George F. "Diplomacy Without the Diplomats." *Foreign Affairs,*76 (5), (1997). p. 198.

[94] Taylor, P. and Groom, A. J. R. *International Institutions at Work.* London: Pinter Publishers, (1988). p.4.

[95] Ibid.

of accuracy.[96] They believe diplomacy should be reflective of both hard and soft politics thus building a bridge between the traditionalists and the nascent theorists.

Pan-Africanism

Pan-Africanism is a socio-political world view which seeks to unify native Africans and those of African heritage elsewhere in the world. Its ideology includes the liberation of Africa from imperialism and colonialism and developing the common sentiment of a unified African community. It was the inspiration for the formation of the Organization of African Unity which evolved into the African Union. The aims of the African Union include promoting solidarity among African states; defend sovereignty and territorial integrity; promote peace, security and stability; accelerate political and socio-economic integration; establish the necessary conditions which enable the continent to play its rightful role in the global economy and in international negotiations; promote sustainable development at the economic, social and cultural levels as well as the integration of African economies; promote cooperation in all fields of human activity to raise the living standards of African peoples; advance the development of the continent by promoting research in all fields, in particular in science and technology and coordinate and harmonize the policies between the existing and future Regional Economic Communities for the gradual attainment of the objectives of the Union.[97] All these objectives are relevant in mandating the Union as the vehicle of Pan-Africanism to

[96] Taylor, P. and Groom, A. J. R. *International Institutions at Work.* London: Pinter Publishers, (1988). p.4.

[97]Blake, Cecil. "An African Nationalist Ideology Framed in Diaspora and the Development Quagmire: Any Hope for a Renaissance?" *Journal of Black Studies,* Vol. 35, no. 5 (May 2005) pp. 573-596.

facilitate a sustainable solution to the Nile river crisis. The authors Wa Muiu and Martin argue that any solution to the African predicament would have to be African and Pan-African in perspective, emphasizing the cultural unity in Africa as well as political and economical unity.[98] A successful Pan African solution to the Nile river crisis could go a long way to strengthening relations on the continent between Arab nations and sub-Saharan nations as Arabs have historically been accused of being disengaged and having a superiority complex as it relates to the rest of the countries on the continent or Black Africans and exacerbated by the Darfur genocides.[99] Some on the continent have suggested that this lack of engagement by Egypt is what has frustrated upstream countries as the issue has been on the table for over a decade without a solution and resulted in the Cooperative Framework Agreement being signed in May 2010.

Regionalism

Regionalism is a political ideology and practice that focuses on the interests of a region and may be contrasted to nationalism. A regional approach is an efficient way of establishing powerful institutions necessary to sustain Africa by utilizing the wealth and resources of the hegemonic countries like Nigeria, South Africa and Egypt in helping the poor weaker countries such as the Seychelles, Djibouti and Gambia. This includes taking

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[98] Mueni Wa Muiu and Guy Martin, *Fundi Wa Afrika: Toward an Authentic African Renaissance,* Black Renaissance, 4, 1, Spring 2002: 83-96.

[99] Chinweizu "South Sudan and the problem of Arab Racism in Black Africa- An Introduction" A presentation to the Nigeria-South Sudan Friendship Association (NISSFA), in Lagos, 26MAR 2008. http://www.bnvillage.co.uk/news-politics-village/98509-south-sudan-problem-arab-racism-black-africa-part-i.html (accessed on 29 October, 2010).

the lead in developing energy sharing strategies to benefit the region as a whole[100]. Louise Fawcett and Joseph Nye[101] describe regions as geographically proximate and interdependent states however; other scholars have determined that the geographical criteria are too narrow and limiting in an increasingly interdependent and globalized world.[102] Scholars also describe regional institutions as being a subset of international institutions; they cannot be measured purely in terms of formal organization with actors other than states playing important roles in such institutions.[103]

The United Nations Charter encourages regional organizations to take appropriate actions to maintain international peace and security.[104] Regional and sub-regional organizations might be able to augment United Nations and other actors' efforts to assist states with resolving resource conflicts. In contrast to international entities, regional and sub-regional organizations generally consist of states in close proximity to each other with similar political, social, economic, cultural, and historic experiences.[105] Therefore, forums within some regional and sub-regional organizations could be a more appropriate venue in which to discuss national and regional security and developmental benefits,

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[100] Mueni Wa Muiu and Guy Martin, "*Fundi Wa Afrika: Toward an Authentic African Renaissance,*" Black Renaissance, 4, 1, Spring 2002: 83-96.

[101] Nye, Joseph "Introduction". *International Regionalism: Readings edited by Joseph Nye and Thea Behbahani*. Little, Brown and Company – Boston. (1968).

[102] Fawcett, Louise "Regionalism in Historical Perspective". *Regionalism in World Politics: Regional Organization and International Order edited by Louise L'Estrange Fawcett, Hurrell Fawcett, Andrew Hurrell*. Oxford University Press. (1996).

[103] Ibid.

[104] Bergenas, Johan "The Role of Regional and Sub-Regional Organizations in implementing UN Security Council Resolution 1540: A Preliminary Assessment of the African Continent." For the UNIDIR-MIIS Cooperative Project on Regional Organizations and 1540. http://www.unidir.org/pdf/activites/pdf2-act342.pdf (Accessed on 29 October, 2010).

[105] Ibid.

particularly as Egypt sees the Nile issue as a national security matter. Exchanges of best practices and experiences might also be more productive among a group consisting of states with similar strengths and weaknesses. There is also reason to believe that peer pressure applied from states within regional and sub-regional organizations will be more effective than efforts from other states or international actors.[106] Some states might find it politically expedient to accept viable and sustainable aid from regional and sub-regional organizations in contrast to bilateral assistance from outside states that might have other agendas tied to their assistance.[107] Some countries might also resist assistance from outside states and international organizations out of concern for protecting state sovereignty and to shield themselves against outside actors seeking to gain political influence over their internal affairs.[108]

The president of Sudan refusing to allow United Nations troops to replace the African Union force in his war-torn country is one recent illustration of the issue.[109] Aside from the African Union which could be an integral institution in reaching an amicable agreement, a sub regional institution that could be an active participant in developing a sustainable energy sharing and water management plan includes, the Intergovernmental Authority for Development (IGAD), which includes countries like Djibouti, Kenya, Ethiopia, Sudan and Uganda.

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[106] Bergenas, Johan "The Role of Regional and Sub-Regional Organizations in implementing UN Security Council Resolution 1540: A Preliminary Assessment of the African Continent." For the UNIDIR-MIIS Cooperative Project on Regional Organizations and 1540. http://www.unidir.org/pdf/activites/pdf2-act342.pdf (Accessed on 29 October, 2010).

[107] Ibid.

[108] Ibid.

[109] Ibid.

Conflict Resolution

Conflict resolution as discussed in this study is a needs-based, cooperation based, interest-based process which was developed as a discipline following World War II.[110] It diverged from power based conflict theory which dominated political science and international relations and converged with psychology and sociology, factoring in group dynamics, motivation and relationships and perceptions between institutional structures. Normative political theory saw conflict as a competitive struggle to be won by one party or parties over another however with needs based conflict resolution theories; emphasis is on developing a cooperative approach, focusing on fundamental human needs to encourage win-win situations. The basic principles of this approach are non-violence, cooperation and a belief in the essential goodness of humankind.[111]

THEORETICAL FRAMEWORK

One possible approach to analyzing the Nile river dispute is Power theory with respect to realism. This is because as Dr. Orwa suggests, realism sees the state as the main actor in the international system and this has not worked to find a resolution in the Nile basin.[112] Conflict arises as few nation-states want to surrender their sovereignty to international institutions like the Nile Basin Initiative and such an institution is bound to

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[110] Peck, Connie. "Sustainable peace: The Role of the UN and Regional Organizations in Preventing Conflict". Carnegie Commission on Preventing Deadly Conflict Series. Carnegie Corporation of New York. NY. (1998).

[111] Burton, John and Sandole Dennis, "Generic Theory: The Basis of Conflict Resolution", Negotiation Journal, 2(4), October 1986.

[112] Ojo, O. Orwa D. and Utete C. *African international Relations* Longman, Essex UK. 1987.

fail since it lacks the power to sustain itself. It is for this reason that there is a need for a political solution among the states to resolve the matter. Furthermore, the responsibility of states has been to promote the interests of their own people against the opposition of other groups in the international system even within the continent.[113] The behavior of the riparian states can be best seen as a struggle for power particularly between Egypt and Ethiopia for influence over the region. Power being the dominant factor is also seen as a psychological relationship as Egypt and Sudan can exercise veto power over any projects proposed by the other riparian states thus having the power to control the behaviors of the other actors in the Nile basin as well as prevent their economic development.[114] The lack of compromise exists due to Egypt and Sudan refusing to relinquish that power which would not be in their vital interest. Power theory puts emphasis on the struggle for survival. Ali Mazrui describes African international relations as a struggle against dependency, a situation imposed by the continent's historical experience over the past few centuries which in this context includes the colonial era agreements signed by the British government against the interests of its colonies upstream[115]. The riparian states are concerned with the preservation of their sovereignty and independence by way of development of the Nile River within their territory which they see as being threatened from both within and outside the continent.

Power politics have always existed in the Nile Valley and in the Horn of Africa to balance the influences of Egypt and Ethiopia in the region. Sudan used to view Egypt as

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[113] Ojo, O. Orwa D. and Utete C. *African international Relations* Longman, Essex UK. 1987.

[114] Ibid.

[115] Mazrui, A A *African International Relations: the Diplomacy of Dependency and Change,* Heinemann, London 1977.

a threat to its security and always feared Egyptian domination however it later felt threatened by Libya and formed a military and economic alliance with Egypt as manifested in the 1959 agreement.[116] Egyptian military support was seen as balancing out Libyan military superiority.[117] In the Horn of Africa, Somalia's challenge to Kenya and Ethiopian sovereignty produced a military alliance between Kenya and Ethiopia which continues today regardless of ideological differences.[118] In both cases, an arms race was generated as the states strived to maintain a balance of power.[119] Orwa concludes that African international relations are best approached from the perspective of power theory in any descriptive analysis within the continent however it has been inefficient in addressing conflicts and competition in the Nile region at a huge cost to the indigenous people and the development potential of the region.[120]

For this reason, John Burton's needs based approach to conflict resolution, focusing on the needs of the people rather than chronological/historical rights is necessary to find a sustainable solution to the problem. The theory pulls from Marian Borg's adaptation of World Systems Theory to conflict management. Needs-based theory is the most appropriate lens for eliminating the barriers to the equitable sharing of the Nile waters because it suggests that nation states which focus primarily on independence and sovereignty within the continent as well as the struggle against

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[116]Ojo, O. Orwa D. and Utete C. *African international Relations* Longman, Essex UK. 1987.

[117] Ibid.

[118] Ibid.

[119] Ibid.

[120] Ibid.

dependency from outside the continent have failed to meet the needs of their citizens. Needs-based theory will highlight the necessity for the states to focus on mutual benefits and in the development of the region as a whole through the promotion of economic Pan-Africanism.

John Burton synthesized the main theoretical assumptions of needs based conflict resolution which operates on the premise that fundamental human needs have to be met as a precondition for a resolution to conflict.[121] These needs include security, justice, rationality, control. Maslow describes needs as physiological, safety, love and belonging, esteem and self actualization, respectively.[122] Robert Fisher introduces the term principled-negotiation which aims to resolve conflict by deferring judgment to a moral principle. This approach advocates the need for interest based negotiations rather than negotiations based on positions. Fisher posits that interests include issues like security, economic wellbeing, a sense of belonging, control over one's destiny and recognition, whereas positions define how one would achieve those interests.[123] With respect to the Nile crisis, effective negotiations can be undertaken by understanding Egypt's concerns with respect to their water security and their national identity as well as the needs of the upstream riparian countries in taping the resources to advance agriculture, industrialization and the development of clean energy. Fisher advocates empathy and

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[121] Burton, John and Sandole Dennis, "Generic Theory: The Basis of Conflict Resolution", Negotiation Journal, 2(4), October 1986.

[122] Maslow, Abraham . *Motivation and Personality*. New York: Harper. (1954). pp. 236.

[123] Burton, John and Sandole Dennis, "Generic Theory: The Basis of Conflict Resolution", Negotiation Journal, 2(4), October 1986.

suggests that human needs are the most powerful interests and that parties should discern the underlying interests which may result in amicable solutions.[124]

The human needs that need to be met, according to Burton are distributive justice, which in this context means ensuring that there is perceived fairness in the ability of sovereign states to access waters within their territories in a way that does not harm the potential of other countries to use the Nile to meet their development needs. A second need is safety and security, ensuring that states in deciding on a Nile water agreement, meet the standard of facilitating the economic viability of its people. Safety and security means that states will need to develop an agreement that will strengthen watershed management systems, encompassing the monitoring of pollutants from industries and fluctuating water levels.

Burton also mentions the need for belongingness, self-esteem, personal fulfillment and participation[125]. These are accomplished by encouraging the civic engagement of the general public, particularly those indigenous people who live and work around the Nile River and ensuring that all states in the basin are engaged in the process. This civic engagement of the general public has to be in policy formation within the states and in the development of their foreign policy. Encouraging participation falls under Best Practices in the realm of public administration and is inherent to traditional governance practices on the African continent much like some rural democracies in selecting or deposing chiefs and kings.

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[124] Fisher, Roger and Ury, William, "Getting to Yes: Negotiating an agreement without Giving In" 2nd edition, London. Business Books Limited (1981) 1991.

[125] Burton, John and Sandole Dennis, "Generic Theory: The Basis of Conflict Resolution", Negotiation Journal, 2(4), October 1986.

Pan-Africanism and regionalism, incorporated into Burton's needs-based theory, will meet the need for identity, freedom and cultural security. These needs will be met as Africans in the region will gain confidence in being in control of their destinies as they generate African solutions to their problems through educational, cultural and technological exchanges within the region to the benefit of all people not just agents in the governments or foreign investors. A comprehensive new agreement with broad consensus and full engagement of all parties, both state and non-state, will go a long way to serving this purpose.

An alternative to the interest-based/needs-based strategy includes conflict manipulation which is a public relations approach to diplomacy. In conflict manipulation, there is an appearance of a conflict resolution process; however dialogue is only engaged to buy time and increase bargaining power. This is a short term approach and once the manipulated party discovers the deceit, they may retaliate or re-ignite the dispute.[126] This manipulation is what the upstream states have accused Egypt of participating in. This again, is due to a decade of no solutions to an equitable water sharing paradigm causing five of the states to advance the latest agreement in Entebbe, Uganda.

Though Marxism is considered a social movement, it is another approach to coercive handling of conflict. Marxists and Neo-Marxist theorists see power as the control over economic resources and property and seek to eliminate such power by way of a worldwide class struggle[127]. Upper riparian countries could perceive Egypt as

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[126] Watson, Geoffrey, "The Oslo Accords: International Law and the Israeli-Palestinian Peace Agreements". Oxford University Press, USA, November 9, 2000.

[127]Gilpin, Robert. "The Political Economy of International Relations" Princeton University Press; 1 edition (June 1, 1987)

attempting to control economic resources, specifically the Nile, by hindering their access to the water for development and investment. Coupled with the perceived superiority complex of Arab states by sub-Saharan states as they tend to be more engaged in Middle Eastern affairs and interests than in the advancement of the African continent as reflected in missed opportunities to take leadership roles on the continent particularly in times of conflict; African states could perceive the Nile issue as an international class conflict. The sentiments have a historical component as sub-Saharan Africans were made to serve as slaves to Arabs particularly in the 18th and 19th centuries until slavery was abolished in 1970.[128] With respect to conflict resolution, Marxism aims to create a common relationship to the means of production across ethnic, cultural, religious and national boundaries, taking into consideration that human needs can only developed if the different parties become masters of production of their individual states and then as a region.[129]

The rights-based approach to conflict resolution relies on a standard or normative principle that is recognized by all parties.[130] Often the legal system is used as a source of those norms, usually in the International Court of Justice (World Court, The Hague). Egypt is attempting to use legal rights acquired during the colonial era as its leverage in negotiations, particularly since the signing of the recent Cooperative Framework Agreement where both Egypt and the Sudan threatened legal action in response to the

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[128] Trudy Ring, Robert M. Salkin, K. A. Berney, Paul E. Schellinger *International dictionary of historic places, Volume 4: Middle East and Africa*, Taylor and Francis, (1996), p. 116

[129] Rubenstein, Richard E." Basic Human Needs Theory: Beyond natural Law", in John Burton (ed.), *Conflict: Human Needs Theory,* 1990, P. 350.

[130] Ury, William L., Jeanne M. Brett and Stephen B. Goldberg. "Getting Disputes Resolved: Designing Systems to Cut the Cost of Conflict." San Francisco: Jossey-Bass, November 1988.

agreement. Rights based conflict resolution involves both formal processes like adjudications in court and informal processes like arbitrations.[131]

Conflict resolution despite its preference for needs-based solutions and a cooperative approach, acknowledges the place of power-based and rights-based methods. The preference for the resolution of conflicts, and specifically that of the Nile River crisis, is for a resolution based on cooperation and mutual interests. Specific conflict handling mechanisms include coercion, avoidance, arbitration, adjudication, negotiation, mediation and reconciliation. The most adversarial and least cooperative mechanism is coercion and the least adversarial and most cooperative is reconciliation. It is hoped that through reconciliation, the states of the Nile basin will resolve the question of the colonial era agreements, and sustainable water use and management practices that will benefit the region as a whole to create a win-win situation in the spirit of Pan-Africanism.

Marian Borg makes a central argument that the status of nations within the world system at a particular time is correlated with the primary strategy they use for conflict management and that the strategy used may actually affect a country's subsequent rank.[132] Borg makes the assumption that a specific conflict management strategy is enacted either by the ruling officials of a particular nation or members of an unofficial group in the name of its country and non-state actors like multinational corporations, as representatives of their home nation.[133] The subsets of the conflict resolution strategies

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[131] Ury, William L., Jeanne M. Brett and Stephen B. Goldberg. "Getting Disputes Resolved: Designing Systems to Cut the Cost of Conflict." San Francisco: Jossey-Bass, November 1988.

[132] Borg, Marian J. "Conflict Management in the Modern World-System" *Sociological Forum,* Vol 7 No. 2 (June 1992). pp. 261-282

[133] Ibid.

that are outlined in this theory are Self-help, avoidance and negotiation. Borg posits that countries at polar opposites of rank or status will settle conflicts by discipline and rebellion which are penal and authoritarian in procedure but countries which share the same status, particularly in the core will settle disputes by negotiation. Countries outside the core which share the same status are more likely to reach a settlement using a non-partisan third party as a mediator.[134] In the spirit of developing African solutions to African problems and Pan-Africanism, African countries should aspire to develop political maturity and negotiate with each other as core states do in Borg's assessment and that the power struggle among states should be de-emphasized to encourage regional solidarity and independence while maintaining sovereignty.

LIMITATIONS OF STUDY

Limited resources mean that the study had to rely on the media in gaining local perceptions and discourse on the Nile River crisis. Limited access to government officials and diplomats, some of whom were reluctant to comment on a simmering and sensitive topic for fear of being misrepresented is another limitation of this study. This limitation made it critical that conflict sensitive language and developing a rapport was an integral part of the interviewing process. A third limitation was a lack of access to information on the indigenous groups that live along the banks of the river and knowing their cultural practices and values as it pertains to the use of the Nile water. This

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[134] Borg, Marian J. "Conflict Management in the Modern World-System" *Sociological Forum,* Vol 7 No. 2 (June 1992). pp. 261-282

information would give a more comprehensive approach to water management and reaching a consensus of how to better sustain the resource which is getting scarce yet increasingly in demand from rising populations. There is a limitation in the assumption that lessons learned from the contextual analysis of the case studies can be generalized to that of the Nile River, even though the cases reviewed do not have the colonial era agreements to contend with which creates a legal constraint to total cooperation. There is also a limitation in the lack of technical knowledge particularly in engineering, watershed management; viable energy alternatives and agricultural practices in the region that could be insightful to this study. Finally, having the resources to travel to countries in the region could have brought more richness to the information gathering process.

OUTLINE OF STUDY

Chapter one provides an introduction to the study, presenting background information on the Nile River crisis, a statement of the problem, a definition of key concepts, assumptions and hypotheses, the historical context of the conflict, a lay out of the methodology, the theoretical framework, limitations of the study and an overall outline. Chapter two gives a literature review that will present a synthesis of previous research on water management, environmental conflict resolution, international environmental justice, diplomacy and issues of cooperation in the Nile River basin so as to lay out what is known and summarize what is unknown and what questions the study hopes to answer and open up doors for further discourse. Chapter three lays out the methodology of the research describing the process of this case study which applies the

data gathering techniques of expert interviewing, the contextual analysis of case studies and document studies. Chapter four focuses on the contextual analysis of case studies of the Mekong River, The Danube River and the Niger River. The chapter compares and contrasts the issues around those rivers with that of the Nile, pulling out lessons that can be learned from what is being done successfully and noticing where and how failures came about.

Chapter five is comprised of interviews with experts from non-profit and non-governmental organizations; diplomats from the riparian states and political affairs officers of the United Nations with expertise in the region. It also includes documents written by the experts on the issues and interviews given by third party organizations regarding the crisis in the Nile basin. Information is also drawn from regional media sources to get some idea of the sentiments of the stakeholders in the region. Chapter six gives a comprehensive synthesis of data collected, a summary of the study and the conclusions that can be drawn from the findings. Alternative theories that could be applied to resolving the issue of sharing the Nile waters are presented where necessary. Chapter six also provides other implications of the study and gives recommendations for further research. It draws a conclusion on the best approaches to provide a sustainable and amicable political solution to sharing and properly managing the waters of the Nile to the benefit of all the riparian countries for agriculture, energy and industry to enhance development in the region. Following chapter six is a bibliography and appendices outlining relevant documents that do not fit within the narrative of the research.

CHAPTER II

LITERATURE REVIEW

Terje Tvedt gives a colonial context of the Nile by listing the historical agreements made by the British in their quest for economic power. On April 15, 1891 an agreement was signed between the British and the Italians in the Anglo-Italian Protocol which stated that the Italian government would not engage in construction on the Atbara River, in view of irrigation, any work that would sensibly modify the flow of water into the Nile.[1] On May, 15, 1902, the Treaty between Great Britain and Ethiopia was signed stating that His Majesty the Emperor Menelik II, King of Kings of Ethiopia agreed to engage with the Government of His Britannic Majesty not to construct or allow to be constructed any work across the Blue Nile, Lake Tana or the Sobat which would arrest the flow of their waters except in agreement with His Britannic Majesty's Government and the Government of Sudan. According to Tvedt the agreement has been the source of a lot of contention over the use of the Nile waters because the aim of the treaty was to establish the border between Ethiopia and Sudan however, the English version as reviewed by Britain and later by Sudan reads that the Emperor would not construct or allow to be constructed works that would obstruct the flow of the Nile waters except in

[1] Tvedt, Terje. "The River Nile in the Age of the British. Political Ecology & the Quest for Economic Power, IB Tauris, American University Press, Cairo. (2004).

agreement with Britain and the Sudan.[2] The Ethiopians disagree with this interpretation of the agreement and claim that it was never ratified.[3]

In 1906, Britain signed an agreement with the Government of the Congo, stating that the Congo would not construct or allow to be constructed any work over or near the Semliki or Isango River which would diminish water entering Lake Albert except in agreement with the Sudanese Government. Belgium signed on behalf of the Congo despite the agreement favoring only the downstream countries and restricting the people of the Congo from accessing the part of the Nile within their territory.[4] Also in 1906 there was a tripartite treaty among Britain, France and Italy to act together to safeguard the interests of Great Britain and Egypt in the Nile Basin as regards the regulation of the Nile's waters and its tributaries without prejudice to Italian interests. This treaty in effect denied Ethiopia the use of the Nile water within its territory. Ethiopia rejected the treaty but did not have the military or political power to regain its use of the Nile.[5]

In 1925, Ethiopia and the League of Nations challenged Britain and Italy on signing agreements on Lake Tana but both the British and Italian governments denied challenging Ethiopia's sovereignty over Lake Tana.[6] All these agreements led up to the 1929 agreement between Egypt and the Anglo-Egyptian Sudan which gave Egypt

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[2] Tvedt, Terje. "The River Nile in the Age of the British. Political Ecology & the Quest for Economic Power, IB Tauris, American University Press, Cairo. (2004).

[3] Tilahun, Wondimneh "Egypt's Imperial Aspirations over Lake Tana and the Blue Nile" Addis Ababa University Press, Addis Ababa, Ethiopia. (1979).

[4] Tvedt, Terje. "The River Nile in the Age of the British. Political Ecology & the Quest for Economic Power, IB Tauris, American University Press, Cairo. (2004).

[5] Ibid.

[6] Ibid.

complete control over the Nile during the dry season when water is most needed for agricultural irrigation.[7] It also severely limited the amount of water allotted Sudan and allowed no water to any of the other riparian states.[8] Finally, there was the 1959 Nile agreement between the Sudan and Egypt for full control and utilization of the Nile's waters.

Simon Mason, in 2004, conducted research on the Eastern Nile which represented an in-depth assessment of all aspects that need to be taken into consideration in order to foster cooperation and transform conflict in an international river basin. Technical, relational as well as psychological aspects of integrated river basin management were synthesized in his study in addition to lessons being drawn from interactive problem-solving workshops that brought stakeholders from Egypt, Sudan, and Ethiopia together. Similar to this study, Mason employed multiple case studies, qualitative interviews and document studies in his research. In contrast to this study, he focused on the environmental, communicative and psychological aspects of conflict management in the Eastern Nile region whereas this study takes a legal, diplomatic, environmental justice and policy oriented approach to conflict management in the entire Nile Basin. From Mason's perspective, the problem of international water conflicts is not one of war, but of unsustainable development resulting from a lack of cooperation.[9] This unsustainable

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[7] Tvedt, Terje. "The River Nile in the Age of the British. Political Ecology & the Quest for Economic Power, IB Tauris, American University Press, Cairo. (2004).

[8] Ibid.

[9] Mason, Simon A. "From Conflict to Cooperation in the Nile Basin" *Center for Security Studies, Swiss Federal Institute of Technology,* Zurich. (2004).

development sets the precedent for poverty, migration and intra-national conflicts.[10] This dissertation focuses on using the lens of political science to examine the lack of cooperation and find a sustainable solution to long lasting cooperation in the region.

In discussing environmentally induced conflicts, Mason highlights two research groups, the Environment and Conflicts Project (ENCOP) and the Toronto group, both of which reached similar conclusions that environmental conflicts are conflicts that manifest as political, social, economic, religious or territorial conflicts induced by environmental degradation or scarcity.[11] International water conflicts particularly occur when the cost and benefit of water used for hydroelectric power or irrigation is asymmetrically distributed; when upstream pollution dramatically affects the downstream regions and when an adequate water supply becomes an issue of national security or even survival.[12] Mason also makes reference to Frederick Frey who argues that the conflict potential of international river basins depends on factors such as the importance of water to the riparian states; the power of riparian states particularly with respect to military power and finally the upstream/downstream positions of the riparian states.[13] A volatile situation exists when the downstream country has a high interest in the water supply and when it has a relatively powerful military, as is the case with Egypt. The upstream countries also

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[10] Mason, Simon A. "From Conflict to Cooperation in the Nile Basin" *Center for Security Studies, Swiss Federal Institute of Technology,* Zurich. (2004).

[11] Ibid.

[12] Ibid.

[13] Frey, Frederick W. "The Political Context of Conflict and Cooperation Over International River Basins." *Water International: Water in the Middle East* 1993. Vol. 18, no. No. 1, pp. 54-58 as cited by Mason, Simon A. 2004. "From Conflict to Cooperation in the Nile Basin" *Center for Security Studies, Swiss Federal Institute of Technology,* Zurich.

have a relatively strong interest in the water resource as is the case with Ethiopia, Kenya, Tanzania and Uganda. In comparing the Jordan, Euphrates and Nile, Frey concludes that the Nile has the greatest long term conflict potential.[14] Mason suggests that even though there has been no major conflict over water, there is a connection between water and political instability.[15] The lack of a clean fresh water supply can lead to instability which could result in an environment conducive to political or military conflict.[16]

Simon Mason, in his work, focuses more on the technical aspects of cooperation in the eastern region of the Nile River basin. He explores issues like the relatively slow horizontal flow of deep ground water in North Africa and the industrial causes of pollution in the area such as the discharge of 0.75 tons of heavy metals into the Nile daily from industries in Cairo alone.[17] There are also municipal causes of pollution with Egypt's sewage system lagging behind the expansion of their water supply system, causing a lot of loss to seepage as expansion projects of the water system take priority over upgrades.[18] Mason examines the agricultural causes of pollution in the region such

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[14] Frey, Frederick W.. "The Political Context of Conflict and Cooperation Over International River Basins." *Water International: Water in the Middle East*, 1993 Vol. 18, no. No. 1, pp. 54-58 as cited by Mason, Simon A. 2004. "From Conflict to Cooperation in the Nile Basin" *Center for Security Studies, Swiss Federal Institute of Technology,* Zurich.

[15] Mason, Simon A. "From Conflict to Cooperation in the Nile Basin" *Center for Security Studies, Swiss Federal Institute of Technology,* Zurich. (2004).

[16] Ibid.

[17] European Commission, *Compilation of Environmental Information on Egypt*, June, Framework Contract for the Mainstreaming of Environment into EC Development and Economic Co-operation, European Commission (EC), Brussels, Namur 1999.

[18] Attia, Fatma Abdel Rahman, *Water and Development in Greater Cairo (Egypt).* Research Institute for Groundwater, The National Water Research Center, Ministry of Public Works and Water Resources, Kanater, Egypt. (1999).

as the increased use of fertilizers and water-borne diseases from fecal coliform to determine how to tailor practices in ways that improve cooperation.

He argues that international cooperation over water resources in the Nile basin is mostly dependent on the country's geographical situation and their economic development.[19] Egypt is in an arid environment and is totally dependent on the water of the Nile for its economy, especially agriculture. Its main interests are in increasing the amount of non-polluted water coming downstream, whereas Ethiopia and Sudan are limited more by economic development.[20] Sudan's major problem is a lack of development. Aside from the water being needed for hydroelectric power and irrigation, there is a need to protect the people living on the banks of the Nile from floods that occur particularly during the rainy season in the Ethiopian highlands. Ethiopia's interests, like Sudan, are in the need to expand development. The country is plagued with poverty, famine and limited access to reliable water resources and it sees international cooperation as a way of harnessing international financial resources.[21] Aside from water for power and irrigation, the country, like the Sudan, is interested in watershed management to minimize soil degradation and erosion.[22] The international community has a vested interest in international cooperation in the region so as to provide a stable environment

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[19] Mason, Simon A. "From Conflict to Cooperation in the Nile Basin" *Center for Security Studies, Swiss Federal Institute of Technology,* Zurich. (2004).

[20] Ibid.

[21] Ibid.

[22] Ibid.

for investment, peace, poverty alleviation and counter terrorism initiatives particularly in Egypt and Sudan.[23]

A valuable contribution of Mason's work is in outlining perceptions of the Egyptians, Sudanese and Ethiopians based on interviews with academics and technocrats. According to his study, Egypt is a little at ease with Ethiopia's plans for water development because they perceive the potential for large scale irrigation as improbable due to the terrain. Table 3 displays the present use and potential irrigated area of the Nile Basin states.

Table 3. Countries and Irrigation Potential

Country	Potential Irrigable Land in the Nile Basin (1000 ha)	Irrigated Land in the Nile Basin/Total in the Country (1000 ha)
Burundi	80	0/74
DRC	10	0/11
Egypt	4420	3078/3300
Eritrea	150	15/22
Ethiopia	2220	23/190
Kenya	180	6/67
Rwanda	150	2/4
Sudan	2750	1935/1950
Tanzania	30	10/155
Uganda	202	9/9

Table 3[24]

Secondly, the limited economic capacity and political instability of Ethiopia makes large projects unlikely.[25] The Egyptians perceive the famine in Ethiopia as a

[23] Mason, Simon A. "From Conflict to Cooperation in the Nile Basin" *Center for Security Studies, Swiss Federal Institute of Technology,* Zurich. (2004).

[24] Ibid.

consequence of socio-economic and political instability rather than limited water availability and question why the country does not try to develop its non-Nile water resources.[26] The Egyptians do not deny Ethiopia's right to develop its water resources as long as it does not impinge on the 55.5 cubic kilometer per year quota allocated by the Agreement of 1959 between Egypt and Sudan.[27] According to an Egyptian expert, Ethiopia and Sudan have ample water resources outside the Nile Basin and adequate rain and development of these resources could be more cost effective and less controversial.[28] Egyptians also feel like it is more sensible for Ethiopians to develop hydroelectric power since it has a higher economic return than irrigated agriculture and then use the funds to import food using the comparative advantages of the different countries.[29] The main concern of Egyptians is the diversion of water outside the Nile Basin areas.

Most Sudanese interviewed by Mason felt like Sudan could benefit from Ethiopia building dams on the Blue Nile to better regulate the flow of the river and reduce the danger of floods and sedimentation in the Sudanese reservoirs.[30] They also believe that they can import energy generated from hydroelectric plants from Ethiopia.[31] Similar to

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[25] Mason, Simon A. "From Conflict to Cooperation in the Nile Basin" *Center for Security Studies, Swiss Federal Institute of Technology,* Zurich. (2004).

[26] Ibid.

[27] Ibid.

[28] Rushdie, Said, 2001. Cold water wars, Al-Ahram Weekly, Cairo, Egypt. http://weekly.ahram.org.eg/2001/531/special.htm as accessed on December 12, 2010.

[29] Mason, Simon A. "From Conflict to Cooperation in the Nile Basin" *Center for Security Studies, Swiss Federal Institute of Technology,* Zurich. (2004).

[30] Ibid.

[31] Ibid.

Egyptian academics, the general opinion in Sudan is that the terrain in Ethiopia is not conducive to large-scale irrigation projects.[32] There are different estimates as to how much water Ethiopia can use. While in office, President Gamal Abdel-Nasser of Egypt asked for financing from the United States of America but because the financing came with conditions set by the World Bank, Nasser declined their offer and turned to the Soviet Union which agreed to finance the Aswan High Dam.[33] As a reaction, in the context of the Cold War, the United States Bureau of Reclamation did a study on Ethiopia, determining that the country could harness about 6 cubic kilometers of Nile water per year.[34] Official Ethiopian figures are that they can access about 11 cubic kilometers a year.[35] It is fair to say that the official figure of irrigable land in Ethiopia, Sudan and other riparian states in the Nile Basin could well be influenced by political considerations.

According to Mason, most academics in Ethiopia do not believe that the topography poses a major problem in development, particularly in irrigated agriculture.[36] Instead, the economic and political situation is seen as the major hurdle, resulting in famine.[37] The Ethiopian government is perceived as not being held accountable and

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[32] Mason, Simon A. "From Conflict to Cooperation in the Nile Basin" *Center for Security Studies, Swiss Federal Institute of Technology,* Zurich. (2004).

[33] Ibid.

[34] Ibid.

[35] Ibid.

[36] Ibid.

[37] Slowe, Peter M. "Geography and political Power: The geography of Nations and States" Routledge, New York. 1990.

favoring the Tigray region rather than the country as a whole.[38] Ethiopians claim that they have requested financial assistance on several occasions from different development banks for the implementation of irrigation or hydroelectric power projects however; these requests have been blocked by the downstream countries, particularly Egypt.[39] Ethiopia is aware of its need to feed its people and create a better standard of living and even though it is the source of about 80 percent of the Nile's water, it is plagued with drought because the rainfall is unreliable and other forms of water use have not been developed. With respect to non-Nile river basins, Ethiopians argue that they have already been developed, such as the Awash valley, and that many of the rivers in Ethiopia, including the Non-Nile ones flow into neighboring countries, making them politically delicate to tamper with as well.[40]

There is a general consensus in Ethiopia that hydroelectric power will have a greater economic return than irrigated agriculture, however, there is concern that the greater proportion of Ethiopians live in rural areas where there is no electricity thus the generation of hydroelectric power would mainly benefit those living in the urban areas.[41] Secondly, Ethiopia's development policy is based largely on agriculture. The strategy developed in 1991/1992 which is still the guiding principle today is Agriculture Development Led Industrialization, focusing first on agricultural development and then

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[38] Slowe, Peter M. "Geography and political Power: The geography of Nations and States" Routledge, New York. 1990.

[39] Mason, Simon A. "From Conflict to Cooperation in the Nile Basin" *Center for Security Studies, Swiss Federal Institute of Technology,* Zurich. (2004).

[40] Ibid.

[41] Ibid.

industrialization.[42] The goal of this principle is self sufficiency. The efficacy of this strategy is still being debated in the country, however, most academics agree that it is important to have food self sufficiency.[43]

The main grudge held by Ethiopia towards Egypt is that they were not included in the 1959 Agreement and that Egypt gets preferential treatment from the West because of its role as a stable factor in the Middle East, a pivotal state in the fight against terrorism and the Israeli-Palestinian conflict whereas Ethiopia has less importance with respect to the interests of the West.

Mason does a great job of describing the influence of religion in conflict and cooperation between Ethiopia and Egypt. In the past, relationships between the two countries were greatly influenced by the relations between the Coptic Church of Egypt and Ethiopia. The Ethiopian Abun, head of the Ethiopian Coptic Church, was appointed by the Egyptian Patriarch up until 1959.[44] Ethiopia benefitted from the symbolic power stemming from this tradition and Egypt benefitted by having influence on the church and state policy in Ethiopia.[45] An example was when the Egyptian Copts used the threat of Ethiopians holding back the Nile Flow in order to gain leverage over Muslims in Egypt.[46] Another example is religious extremism linked to one country supporting the internal

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[42] Mason, Simon A. "From Conflict to Cooperation in the Nile Basin" *Center for Security Studies, Swiss Federal Institute of Technology,* Zurich. (2004).

[43] Ibid.

[44] Ibid.

[45] Ibid.

[46] Ibid.

opposition in a neighboring country in the Nile Basin. Egypt accused Sudanese Islamic extremists for the attempted assassination of President Hosni Mubarak in Addis Ababa, Ethiopia in 1995.[47] Since the attacks on September 11, 2001 in the United States, countries have gained international support for fighting opposition parties in the name of fighting international terrorism and in that respect; Egypt has gained favor from western nations by beating back extremists and being a moderate with respect to the Israeli-Palestinian issue.[48]

Further insight is given to the fact that Egypt is a neighbor of Israel and that questions of water conflict and cooperation touch on this extra-basin region and the conflict in the Middle East. The concerns are that potential Israeli involvement in water development upstream will be seen as a way of getting leverage against Egypt and also, plans to divert or sell the Nile Water to Israel are seen as being unacceptable to all the Nile riparian countries.[49] The reality is that Egypt has a cold peace with Israel. They have a working relationship on a governmental level but among the people, there still exists a deep apathy. According to an Egyptian academic in Mason's study, despite the working relationship with the Israeli government, the Egyptian people hate Israel, mostly stemming from the 1956, 1967 and 1973 wars so that if Israel was to build dams or pass water related know-how to Ethiopia or other upstream countries, it would be seen as an

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[47] Mason, Simon A. "From Conflict to Cooperation in the Nile Basin" *Center for Security Studies, Swiss Federal Institute of Technology,* Zurich. (2004).

[48] Ibid.

[49] Ibid.

attempt to control Egypt and Sudan.[50] In majority of the discussions about Israel's involvement, the country is seen as a receiver of Nile water. This was alluded to on December 17, 1979 by President Anwar Sadat of Egypt when he talked about the "Peace Canal" that would bring water under the Suez Canal to Sinai and potentially to the Negev, a desert region in southern Israel.[51] The idea was rejected for several reasons including the people of Egypt being absolutely against selling water to their former enemy.[52] The transfer of water would have had to include water for Palestine but the worry was that Israelis might use Palestinians as hostages to prevent Egypt from turning off the taps in a crisis.[53] Secondly, Egypt did not think it had enough water itself and selling the water would go against verses in the Koran that say water is a gift of life.[54]

Finally, diverting any water out of the Nile basin will not be acceptable to the upstream countries which are also struggling to acquire more water. To relieve these worries, former Egyptian President Mubarak stated consistently that transferring water to Israel is not an option.[55] The Sudanese share similar opinions to the Egyptians regarding Israeli involvement.[56]

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[50] Mason, Simon A. "From Conflict to Cooperation in the Nile Basin" *Center for Security Studies, Swiss Federal Institute of Technology,* Zurich. (2004).

[51] Ibid.

[52] Ibid.

[53] Ibid.

[54] Bleier, Ronald "Will Nile Water go to Israel?: North Sinai Pipelines and the Politics of Scarcity" *Middle East Policy,* September 1997, Volume V, Number 3, pp. 113-124

[55] Ibid.

[56] Ibid.

Ethiopians believe that the fears regarding Israeli involvement are unfounded.[57] Ethiopian academics claim that historically, Ethiopian-Israeli relations have shown more signs of tension than cooperation.[58] From their perspective Israel becomes a factor if the United States supports Ethiopian hydroelectric power and irrigation projects under the cover of World Bank poverty alleviation and as a bargaining chip against Egypt to exercise pressure in Egyptian policy towards Israel.[59] Another scenario is if the United States abandons support for Ethiopia because it does not see it as an important factor concerning Egypt and its peace with Israel.[60] Israel was involved in a bidding process in Uganda for a water development project that was won by Egyptian contractors so the perception in other riparian countries is that concern about Israeli interest in the Nile may be motivation for Egypt to offer concessions so as to reduce Israeli influence.[61]

With respect to International Water Law, the International Law Association recognized that as countries develop and world populations increase, potable water will increase in importance and there will be the potential for conflict due to the decrease in supply.[62] They decided to resolve existing disputes and prevent future conflicts by refining principles of international freshwater management. In their meeting in Madrid

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[57] Bleier, Ronald "Will Nile Water go to Israel?: North Sinai Pipelines and the Politics of Scarcity" *Middle East Policy,* September 1997, Volume V, Number 3, pp. 113-124

[58] Mason, Simon A. "From Conflict to Cooperation in the Nile Basin" *Center for Security Studies, Swiss Federal Institute of Technology,* Zurich. (2004).

[59] Ibid.

[60] Ibid.

[61] Ibid.

[62] Bogdanović, Slavko. "International Law of Water Resources: Contribution of the International Law Association (1954-2000)". Kluwer Law International, Norwell, Massachusetts, USA. (2001).

in 1911, the Institute of International Law published a set of basic recommendations called the Madrid Declaration on the International Regulation regarding the Use of International Watercourses for Purposes other than Navigation.[63] These recommendations discouraged unilateral basin alterations and harmful changes to international rivers and advocated the creation of joint water commissions.[64]

In 1966, The International Law Association expanded on the guidelines from the Madrid convention and approved the Helsinki Rules on the Uses of International Rivers.[65] These rules were seen as the authoritative summary of the customary international law on transboundary or internationally shared waters however, in 1970, the United Nations General Assembly refrained from endorsing the Helsinki Rules.[66] Instead, they requested their own legal advisory body, the International Law Commission to draft articles modeled on the Helsinki Rules resulting in the Convention on the Law of the Non-Navigation Uses of International Watercourses.[67]

It was adopted by the United Nations General Assembly on May 27, 1997 with 103 countries in favor of it, 3 against and 27 abstentions.[68] There is a low acceptance of

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[63] Bogdanović, Slavko. "International Law of Water Resources: Contribution of the International Law Association (1954-2000)". Kluwer Law International, Norwell, Massachusetts, USA. (2001).

[64] Ibid.

[65] Ibid.

[66] Ibid.

[67] Ibid.

[68] United Nations. "Convention on the Law of the Non-navigational Uses of International Watercourses" *Official Records of the General Assembly, Fifty-first Session, Supplement No. 49 (A/51/49)*. (1997). Http://untreaty.un.org/ilc/texts/instruments/english/conventions/8_3_1997.pdf As accessed on November 22, 2010.

the convention among the Nile Basin states. Only Kenya and Sudan were in favor of it. Burundi was against it, Egypt, Ethiopia, Rwanda and Tanzania abstained and Uganda, Eritrea and the Democratic Republic of Congo were absent.[69] According to the document, the definition of "an international watercourse" is a system of surface waters and groundwater, constituting by virtue of their physical relationship a unitary whole and normally flowing into a common terminus with parts situated in different states.[70] The document demands the obligation not to cause significant harm, and the principle of equitable and reasonable utilization and participation.[71]

Mason's work is insightful in combining conflict management with science, using a participatory research method and dialogue workshops to initiate conversations among experts on how to best manage the water resources in the eastern region of the Nile River Basin. It incorporates the diversity of human perceptions without favoring one side over another. This was achieved by having two researchers working on one case study but from different angles thus contributing to the understanding of different positions and interests which will encourage cooperation and communication.[72] The idea of the dialogue workshops was to support the development of networking, knowledge diffusion and the exchange of questions and options to bring about a long lasting and sustainable

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[69] United Nations. United Nations General Assembly Press Release, GA/9248, Concerning the Convention on the Law of the Non-navigation Use of International Watercourses. 1997

[70] Ibid.

[71] Ibid.

[72] Mason, Simon A. "From Conflict to Cooperation in the Nile Basin" *Center for Security Studies, Swiss Federal Institute of Technology,* Zurich. 2004.

solution.[73] However, even Mason concedes that the power asymmetry of the parties involved is a limiting factor which could be a cause of the dissatisfaction with the Nile Basin Initiative Agreement, pushing the upstream states to initiate a new cooperative agreement and thus the convention in Entebbe, Uganda.[74] He believes that success is as much a result of the limited success of national water management practices as it is the international tensions.[75] It is for this reason that experts believe that a lasting solution would have to be initiated from a political science perspective with the power brokers, particularly those in government focusing on regionalism.

Politicians have to come to a political agreement before addressing the issue of national practices that will maintain the sustainability of the limited Nile water resources within their individual territories. Mason's study promotes a status quo of upstream countries being committed to minimizing the negative impacts of water development on downstream countries and the downstream countries being committed to maximizing the independent development of the river by the upstream riparian states. This does not seem to go far enough in allowing upstream countries to accelerate development as they would like. The Nile Basin Commission which is the current governing body only monitors water quality and coordinates water storage with less emphasis on a coordinated utilization strategy that will benefit all countries and still allow each state to advance its personal interests with respect to development. In regards to diplomacy and conflict

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[73] Mason, Simon A. "From Conflict to Cooperation in the Nile Basin" *Center for Security Studies, Swiss Federal Institute of Technology,* Zurich. 2004.

[74] Ibid.

[75] Ibid.

resolution strategies, regionalism might allow all countries to benefit from hydroelectric power, irrigation, investment and industrialization by division of labor, skills and resources in symbiotic relationships bringing about a true manifestation of Pan-Africanism.

Article 7 of the Convention on the Law of Non-navigational Uses of International Watercourses, drafted by the United Nations General Assembly, states that watercourse states, in utilizing an international water body within their territory will take all appropriate measures to prevent causing significant harm to other watercourse states. Where significant harm is caused to the water body, affecting other riparian states, the state whose use causes such harm particularly in the absence of an agreement to such use, should take all appropriate measures to eliminate or mitigate the harm and where appropriate, discuss compensation.[76] It also states in Article 5 of the document that watercourse states, in their respective territories shall utilize an international water body in an equitable and reasonable manner and participate in the use, development and protection of the international water body in an equitable and reasonable manner.[77]

To upstream countries, these articles would create concerns that the idea of "no significant harm" could become an obstacle to the development of water resources. Also, the use of the term "equitable" reinforces their view that everyone has equal rights to the use of the water resources and sovereignty of the use of the water within their territories.

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[76] United Nations. "Convention on the Law of the Non-navigational Uses of International Watercourses" *Official Records of the General Assembly, Fifty-first Session, Supplement No. 49 (A/51/49)*. 1997. Http://untreaty.un.org/ilc/texts/instruments/english/conventions/8_3_1997.pdf As accessed on November 22, 2010.

[77] Ibid.

From the Egyptian perspective, "significant harm" may not be strong enough language because the issue of Nile water utilization is seen as a national security matter as too much emphasis is being placed on the equitable use of the resources.[78] Articles 11 and 12 require riparian states to exchange information before embarking on a project or permitting the implementation of projects which may have a significant adverse effect on other riparian states and to notify those states in a timely fashion.[79] It appears logical that the upstream states may disagree with this section of the document as reflected in the new agreement signed in Entebbe, Uganda which calls for a need to change the protocols of the Nile Basin Initiative. Upper riparian states have taken issue with having to notify Egypt on every project that they want to embark on, particularly when Egypt has made it clear that it will reject any proposals that could alter the flow of the river downstream. Egypt feels there is an obligation to give states notification so as to forecast any flooding or drought however it does not see the need to give upstream countries prior notification on its projects because any water that is not used is lost to the sea.[80]

Activities downstream are less likely to affect the upstream countries. Essentially, the upstream states espouse the Harmon Doctrine, holding that as a matter of

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[78] Mason, Simon A. "From Conflict to Cooperation in the Nile Basin" *Center for Security Studies, Swiss Federal Institute of Technology,* Zurich. 2004.

[79] United Nations. "Convention on the Law of the Non-navigational Uses of International Watercourses" *Official Records of the General Assembly, Fifty-first Session, Supplement No. 49 (A/51/49)*. 1997. Http://untreaty.un.org/ilc/texts/instruments/english/conventions/8_3_1997.pdf As accessed on November 22, 2010.

[80] Mason, Simon A. "From Conflict to Cooperation in the Nile Basin" *Center for Security Studies, Swiss Federal Institute of Technology,* Zurich. 2004.

sovereignty, states may use water within their boundaries unconditionally, at the expense of other riparian states.[81]

Donald Hornstein argues that there are other ways to solve environmental problems than Hobbes' *Leviathan* method of leaving the solution to a strong central authority so as to avoid anarchy or chaos by acceding to a social contract.[82] Hornstein suggests that for true environmental sustainability to take place people should not cede authority to a central government for the sake of security but instead should create community-oriented structures that monitor and enforce against antisocial deviations from sustainable resources while involving local citizens in both the procedure of decision-making and the substance of sustainability's joint benefits to bring about environmental justice.[83] He concedes that there are several unanswered questions about how this should manifest however, he compares two scenarios to make his point. The first, which he describes as a centralized rigid command-and-control approach, is illustrated in Kenya's Protection strategy to conserve the African elephant by banning all hunting and killing of elephants with the intent of sustaining their eco-tourism.[84]

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[81] Bogdanović, Slavko. "International Law of Water Resources: Contribution of the International Law Association (1954-2000)". Kluwer Law International, Norwell, Massachusetts, USA. 2001.

[82] Hornstein, Donald T."Environmental Sustainability and Environmental Justice at the International Level: Traces if Tension and Traces of Synergy" Duke Environmental Law and Policy Forum Vol. 9:289 2008

[83] Ostrom, Elinor. "Community and the Endogenous Solution of Commons Problems", 4 J. 1992 Theoretical Politics. 343, 347-350 as referenced in Hornstein, Donald T. "Environmental Sustainability and Environmental Justice at the International Level: Traces if Tension and Traces of Synergy" Duke Environmental Law and Policy Forum Vol. 9:289 2008.

[84] Heimert, Andrew J.. "How the Elephant Lost His Tusks", 104 Yale L.J. 1473, 1473. 1995 as referenced in Hornstein, Donald T. "Environmental Sustainability and Environmental Justice at the International Level:Traces if Tension and Traces of Synergy" Duke Environmental Law and Policy Forum Vol. 9:289 2008.

Initially, the government of Kenya was compensating farmers who lost crops to elephant damage but payments were discontinued in 1989 due to a large number of fraudulent claims.[85] Opposition from farmers with legitimate losses from elephants were reinforced by disclosures of underpaid park rangers accepting bribes from elephant poachers and high level Kenyan officials being involved in corruption.[86] In comparison, Zimbabwe pursued an active management strategy that allowed indigenous people to manage wildlife in their area and to keep some of the profits of their management.[87] They created Communal Areas Management Programme for Indigenous Resources (CAMPFIRE).[88] This strategy involved compensation for crop damage as well as community cash dividends from the proceeds of the wildlife management.[89] Giving populations a stake in the conservation benefits brought ecological and social benefits to the country.[90]

Hornstein suggests that by incorporating local populations like the Dinka, Nuer and Shiluk populations that live around the Nile Basin and making them stakeholders,

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[85] Heimert, Andrew J.. "How the Elephant Lost His Tusks", 104 Yale L.J. 1473, 1473. 1995 as referenced in Hornstein, Donald T. "Environmental Sustainability and Environmental Justice at the International Level:Traces if Tension and Traces of Synergy" Duke Environmental Law and Policy Forum Vol. 9:289 2008.

[86] Ibid.

[87] Ibid.

[88] Ibid.

[89] Ibid.

[90] Ibid.

their practices are better understood and managed in a way to ensure the sustainability of the Nile waters, particularly as it pertains to irrigation and other agricultural uses.[91]

Elliot Skinner argues that in Africa, there will always be conflict unless the leaders are able to manage their multifaceted nation-states and distribute economic resources equitably without a compromise that will ensure ethnic justice.[92] He addresses the political reality of African countries with majority of the citizens being rural, agricultural, decadent and reactionary implying that for there to be a real effort to sustain resources, responsibility must be given not to the people but to the political leaders who should collaborate with traditional leaders that carry the most influence among the people with respect to managing their practices.[93] He argues that these traditional leaders need to be included in government for there to be real development and distributive justice. This notion has led to calls for a comprehensive United States strategy for evaluating democracy in Africa.[94] With respect to the Nile river crisis, it means that though practices of indigenous groups around the Nile have to be considered. No solution will be sustainable in Africa without taking a political approach where the leaders of the governments in consultation with traditional leaders set clear objectives with respect to defining development and how to achieve set goals. Only then can the people be made

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[91] Hornstein, Donald T."Environmental Sustainability and Environmental Justice at the International Level: Traces if Tension and Traces of Synergy" Duke Environmental Law and Policy Forum Vol. 9:289 2008

[92] Skinner, Elliot P. "African political Cultures and the Problems of Government" *African Studies Quarterly*, http://www.africa.ufl.edu/asq/v2/v2i3a3.htm as accessed on 17 November, 2010.

[93] Ibid.

[94] Ibid.

effective stake holders and steered towards efficiency in being great stewards of the Nile and its rich resources. Moreover, it is only with the agreement of said political figures that any regional basin authority can have legitimacy in the monitoring and enforcement of any water management objectives. To conclude the point, a "Leviathan" approach is required as an impetus for the evolution of indigenous people becoming effective managers and partners with governments and other stakeholders to achieve sustainability.

Hamner and Wolf argue that there are four general trends in determining water allocation in transboundary water agreements.[95] First, there is a shift in position from rights-based criteria in favor of needs-based values; in inherent disputes between upstream and downstream riparian states over existing and future uses of water, the needs of the downstream states are more often delineated than those of the upstream states and existing uses when mentioned, are always protected.[96] Another trend is that economic benefits are not explicitly used in allocating water, although economic principles are used to guide definitions of beneficial uses. Finally, the uniqueness of the basin is suggested both implicitly and explicitly in the text of the treaties.[97] These trends are critical in developing a paradigm for negotiations for an equitable solution to sharing the waters of the Nile. In particular, by shifting the focus from chronological rights-based criteria in allocation, which have skewed benefits towards Egypt, to needs-based criteria, which better serve the needs of the entire region, greater cooperation can be fostered.

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[95] Hamner, Jesse H. and Wolf, Aaron T. "Patterns in International Water Resource Treaties: The Transboundary Freshwater Dispute Database" *Colorado Journal of International Environmental law and Policy*. 1997 Yearbook.

[96] Ibid.

[97] Ibid.

There is limited literature on the current relationship between Arab countries in North Africa and the sub-Saharan African states though many on the continent believe that there is a dark secret of racism by the Arabs against Africans south of the Sahara. Such sentiments could very well influence perceptions and positions in negotiations on how to equitably share the Nile's resources. Helmi Sharawy in his piece "Arab Culture and African Culture: Ambiguous Relations" acknowledges that there is a strain in the relations between Arabs in North Africa and sub-Saharan Africans. He suggests that some of the tensions arise from historical and religious contexts as African empires were destroyed through religion and slavery among other factors and that these visions dominate the political culture of Africa today.[98] He also argues that some Arab thinking is perpetuated by the ideology of the Ummah and the mission of Islam. Some interpret this ideology as teaching that Noah's son Shem was the father of Arabs, Greeks and Persians who would become prophets and apostles and that Ham was the father of Black Africans to be enslaved and Japheth the father of Turks, the Gog and Magog from whom Kings would descend, according to Tabari II:11 and Ishaq:243 in the Hadiths, thus implying that dark skin is a curse from God.[99] Sharawy admits that in addition to these teachings, Arabs also submitted to European anthropology which represented African societies as stateless, classless, segmented and tribal. He claims that there is a duality in Arab culture between acceptance and rejection of the African and this is manifested in

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[98] Sharawy, Helmi. *Arab Culture and African Culture: Ambiguous Relations* Published in 'The Dialogue Between the Arab culture and other cultures', the Arab League, Educational, Cultural and Scientific Organisation (ALECSO). Tunis, Tunisia 1999.

[99] Lucas, S.. *Constructive Critics, Hadith Literature, and the Articulation of Sunni Islam*. Brill Academic Publishers. (2004).

several academic publications written by Arabs and in Arab literature over the past 50 years.[100] All this has contributed to the divorce between Arab North Africa and sub-Saharan Africa, though the Sahara has been for more than a 1000 years, the meeting point of the two cultures.[101]

Cynthia Johnston, reporting for Reuters, discussed contemporary racism particularly in Egypt as African migrants; some of them refugees fleeing war and persecution are taunted and harassed. The situation seemed to be getting worse as Egypt's economy was battered and continued to suffer.[102] This put more pressure on the administration to take a non-compromising stance as it pertains to its rights to the Nile which is the major source of its revenue.[103] Mona Eltahawy, an Egyptian commentator living in New York, argued that racism she witnessed against blacks in Cairo, Egypt, had an echo in the Arab world as a whole and that it is for this reason that the suffering in Darfur has gone largely ignored in North African states. She states that it was nothing but racism that resulted in a December 30, 2005 incident where hundreds of riot policemen stormed through a makeshift camp in central Cairo to clear it of 2,500 Sudanese refugees, trampling or beating to death 28 people, among them women and

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[100] Sharawy, Helmi. *Arab Culture and African Culture: Ambiguous Relations* Published in Dialogue Between the Arab culture and other cultures', the Arab League, Educational, Cultural and Scientific Organisation (ALECSO). Tunis, Tunisia. 1999.

[101] Ibid.

[102] Johnston, Cynthia. (2002) "Egypt's African Migrants Dodge Rocks, Fight Racism" Reuters, June 24. As referenced by Moro, Nelson Leben "Inter-Ethnic Relations in Exile: The Politics of Ethnicity Among Sudanese Refugees in Uganda and Egypt". *Journal of Refugee Studies* Vol. 17, No. 4. Oxford University Press, 2004.

[103] Ibid.

children.[104] North African-Arab racism has been described to be at the core of the genocide in Darfur. Totten and Markusen suggest that in 1987, Libya used the northwest Darfur corner as a backdoor to attack Chad and that it had equipped and sent out the so-called Arab legion, an Arab supremacist militia, to pursue Arab expansion in the mineral-rich sub-Saharan regions it bordered and to drive out the African tribes.[105] It is argued that Libya was not orchestrating a simple border raid on a poor country; it was pursuing a new strategy of pan-Arabism, couched in emotionally charged language.[106] Scholars argue that the sharp distinctions between Arabs and Africans in the racially mixed Darfur region had not been drawn until the ideology of pan-Arabism that came out of Libya's actions, made itself felt.[107]

The Janjaweed militiamen are pastoral Arab tribes who have long despised the black African farmers who practice settled agriculture. Along with Sudanese soldiers, they abuse their victims as "Abid" or "Zurka," meaning slave or "dirty black," and tell them that the rape of their women will produce light-skinned babies.[108] These prejudices need to be acknowledged for there to be an effective dialogue and negotiation as the

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[104] Eltahawy, Mona. "The Arab World's Dirty Secret". *The New York Times*. Published November 10, 2008. http://www.nytimes.com/2008/12/10/opinion/10iht-edeltahawy.1.18556273.html?_r=1 accessed on December 1, 2010.

[105] Totten S and Markusen E. 2006. "Genocide in Darfur: Investigating the Atrocities in the Sudan" Routledge. New York, New York.

[106] Potts, Malcolm and Hayden, Thomas. 2008. "Sex and War: How Biology Explains Warfare and
Terrorism and Offers a Path to a Safer World" BenBella Books, Dallas, Texas.

[107] Ibid.

[108] LeBor, Adam.."Complicity with Evil: the United Nations in the Age of Modern Genocide." Yale University Press. (2006).

diplomats discuss reaching new agreements with respect to water sharing and perceived complexes of superiority and entitlement, exhibited by Egypt and other North African countries.

Dr. Motsoko Pheko describes Pan-Africanism as including the intellectual, political and economic cooperation that should lead to the unity of Africa.[109] He goes on to suggest that Pan-Africanism demands that the riches of Africa be used for the benefit, upliftment, development and enjoyment of African people and that it is a system of equitably sharing food, clothing, homes, education, healthcare, wealth, land, work, security of life and happiness.[110] Pan-Africanism is the privilege of the African people to love themselves and to give themselves and their way of life respect and preference.[111] Pan-Africanism as an ideology has contributed to regionalism as it started as a key strategy of economic decolonization.[112] As early as 1945, the fifth Pan-African Congress held in Manchester, England under the leadership of Kwame Nkrumah and George Padmore, recommended the establishment of a West African Economic Union as a means of combating the exploitation of economic resources and ensuring that indigenous people become stakeholders in the industrial development of the region.[113] Pan-Africanism was

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[109] Pheko, Motsoko. "Road to Pan-Africanism" *The Sowetan*. November 15, 1999. http://www.panafricanperspective.com/pheko.htm as accessed on December 11, 2010

[110] Ibid.

[111] Ibid.

[112] Adedeji, Adebayo. "Comparative Strategies of Economic Decolonization in Africa," in *General History of Africa: Africa since 1935,* ed. Ali. A. Mazrui (Oxford: Heinemann Educational, 1993), P. 408

[113] Ibid.

not only a movement of liberation but was intended to be an integrative force as well.[114] This is the foundation on which this study hopes to provide a political solution to the Nile conflict.

Regionalism which was spawned out of the Pan-Africanist movement allows African states to manage the pressures of globalization as it pertains to development while offering states an opportunity to retain their autonomy and sovereignty over their political processes.[115] It not only serves to preserve political stability but has been described by African states and the international community as indispensible for development through socio-economic integration by providing access to a larger market area.[116] This could be particularly important to the states in the Nile River basin, changing the precarious position of countries like Ethiopia, Kenya and Uganda in the world economy as producers of primary commodities and importers of manufactured products.

Regionalism, through economic integration could help the riparian states overcome one of the major obstacles to development as there are relatively few inhabitants living in fairly large territories.[117] The states also have inherited from colonialism, limited administrative apparatus of government which mostly focus on the

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[114] Asante, S.K.B. "Pan-Africanism and Regional Integration" in *General History of Africa: Africa since 1935,* ed. Ali. A. Mazrui Oxford: Heinemann Educational, 1993.

[115] Ibid.

[116] Ibid.

[117] Ibid.

capital cities.[118] Ruth Morganthau describes the typical African state as having a sparse population, small internal market, limited infrastructure and economies vulnerable to fluctuating world prices.[119] This means that pooling resources in the basin, vis-à-vis economic and technological integration and resource sharing will go a long way to overcome the disadvantages of small populations, low per capita incomes, and narrow resource bases to increase economic growth and development and prevent economic balkanization.

The challenges of regionalism will emerge as the states in the region attempt to position themselves as the regional hegemon so as to make their interests the higher priority. According to the neo-realist paradigm of international relations, regionalism is best understood as a series of bargains among the political leaders of the major states in a region.[120] These bargains are the result of converging preferences among states with the focus being on the national interests of the states and other power related variables.[121] The states are usually brought together under the leadership of one dominant state and determining which state that should be in the Nile Basin will be quite problematic.

From a realist perspective, Egypt, with its relative military and economic strength, would be the dominant state in the region, however; Egypt's position on the Nile is also

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[118] Asante, S.K.B. "Pan-Africanism and Regional Integration" in *General History of Africa: Africa since 1935,* ed. Ali. A. Mazrui Oxford: Heinemann Educational, 1993.

[119] Morganthau, Ruth. "The Developing Status of Africa" A*nnals of the American Academy of Political and Social Science* 432 (1977) P. 87

[120] Hurrell, Andrew, "Explaining the Resurgence of Regionalism in World Politics," *Review of International Studies* 21, no. 3. (1995) p. 342-343.

[121] Ibid.

the most polarizing among the riparian states and would be threatening to its neighbors as it advocates for the status quo. Bandwagoning has already emerged in the region as Eritrea and Sudan have aligned themselves with Egypt for political and economic gain.[122] The reason the upper riparian states signed the Cooperative Framework Agreement was because they believed that Egypt as a hegemon was using the Nile Basin Initiative as an amplifier in its interests since it maintained veto power over any project proposals that it did not perceive as serving its interests.[123] There is also the risk that the interests of the less dominant riparian states like the Democratic Republic of Congo, Burundi and Rwanda are sidelined as the interests of the more vocal states like Uganda, Ethiopia, Kenya and Tanzania and Egypt take center stage.

In most states, the Ministry of Foreign Affairs must formally share influence over the making of foreign policy with other ministries and executive agencies.[124] Nevertheless, in many of them, particularly in Africa, the Ministry of Foreign Affairs retains significant influence through geographical expertise, control of the diplomatic service abroad, knowledge and investment in public diplomacy and negotiation, as well as the skills in cultivating domestic alliances and growing acceptance on an issue.[125]

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[122] Hemmer, Jort."Southern Sudan: The New Kid on the Block?- Assessing the Neighbourhood on the Threshold of Southern Sudan's self Determination Referandum" CRU Policy Brief, #14 Maart 2010.http://www.clingendael.nl/publications/2010/20100300_cru_policy_brief_13_jort_hemmer.pdf Accessed July 10 2010 and Tekle, Tesfa Alem, "Eritrea's President says new Nile Treaty "Wrong Agreement" *Sudan Tribune,* May 19, 2010.

[123] Hurrell, Andrew, "Explaining the Resurgence of Regionalism in World Politics," *Review of International Studies* 21, no. 3. (1995) p. 342-343.

[124] Berridge, Geoff. "Diplomacy: Theory and Practice" 2nd ed. Palgrave Publishers, New York, New York. (2002).

[125] Ibid.

These make the ministries uniquely well positioned to coordinate the state's multidimensional international relationships. It is for this reason that interviewing the United Nations diplomatic missions and embassy staff of the riparian states is an integral part of this research study as Foreign Service personnel are a vital organ in the arsenal of their state's Foreign Ministry and public diplomacy agenda.

For a sustainable political solution to exist, it is critical that soft power be emphasized instead of hard power where Egypt will have the advantage. This means that efforts would have to be made to build trust among the riparian states through a spirit of mutual assistance rather than forcing cooperation by coercion exhibited by Egypt after the signing of the Cooperative Framework Agreement in Entebbe, Uganda.[126] In January 2006, China laid out its policy on Africa which gives a template on how to establish trust and cooperation on the continent.[127] Pulling from this document, Matt Armstrong, a lecturer at the University of Southern California suggests that to establish effective diplomacy in Africa trust has to be built through dialogue and establishing a moral high ground relative to other global players.[128] Trust is built by drafting a document similar to China's, based on a shared policy describing how sincerity, friendship and equality are important in establishing a relationship.[129] Armstrong suggests that the document should emphasize belief in mutual benefits of economic and social development, cooperation

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[126] Ashine Argaw. " Egypt Furious Over New Nile Water Deal, Threatens Legal, "Other" Action". AllAfrica.com, http://allafrica.com/stories/201005310637.html Accessed 6 July 2010.

[127] Armstrong, Matt. "Practicing Effective Diplomacy in Africa" MountainRunner Institute, 2006. http://mountainrunner.us/2006/02/practicing_effe.html as accessed December 12, 2010.

[128] Ibid.

[129] Ibid.

focusing on reciprocity and common prosperity.[130] Secondly, there should be an emphasis on assisting to help strengthen the role of African countries in global institutions through coordination and support.[131] The relationships should cause the parties to learn and develop through cultural, civic and educational exchanges with attention being given to eco-tourism to maintain the beauty of the continent. If Egypt is to accept the role of a hegemon in the region and not focus solely on its own self-interests, its technical know-how and economic advantage could foster and encourage regionalism. Since the riparian countries suggest that they do not get much development assistance on the Nile due to Egypt's objections, Egypt is strategically placed to offer assistance with global institutions in an attempt to accelerate development in the entire Nile Basin. Development could include tourism along the entire Nile, improved infrastructure so goods and people can travel up and down the river to facilitate trade, communication and even improve agriculture through crop density, quality and diversity.[132] Other benefits of such cooperation would be disaster reduction in cases of floods in the region, education, consular affairs, relief and humanitarian assistance as the region deals with refugees from Sudan and Somalia. Cooperation can even be extended to training military, police enhancing courts and even developing a better system of monitoring and enforcing water usage as a symbiotic, sustainable agreement is reached.

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[130] Armstrong, Matt. "Practicing Effective Diplomacy in Africa" MountainRunner Institute, 2006. http://mountainrunner.us/2006/02/practicing_effe.html as accessed December 12, 2010.

[131] Ibid.

[132] Ibid.

Egypt has implied that the reason that the riparian countries are now seeking more access to the Nile's resources is because they have mismanaged the resources that they have due to bad governance in the form of corruption and the ineptitude of top heavy civil service bureaucracies and that it is for this reason that the countries have not developed to their full potential.[133] The impression being that increasing their access to the Nile will not drastically improve their condition.

Helen Lauer challenges the belief that economic development in contemporary Africa is impeded by bad governance and posits that there is a misconception that Africans require foreign direction in the socio-economic management of their own societies and resources.[134] With respect to African political culture, she suggests that there is an oversimplification which undermines the prospect for genuine prosperity, economic integrity and fiscal self-governance which exists abroad and within the continent as well.[135] In her opinion, the colonized mind is still a factor with degrading and outdated stereotypes still dominating the policy discussions to which African leaders, political commentators, economists, community activists and civil servants contribute and subscribe to.[136] This could be a major factor in Egypt perpetuating colonial agreements which are perceived as distributive injustice masked in national security policy and international law. Egypt by its own admission, has expressed such degrading

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[133] Mason, Simon A."From Conflict to Cooperation in the Nile Basin" *Center for Security Studies, Swiss Federal Institute of Technology,* Zurich. (2004).

[134] Lauer, Helen. "Depreciating African Political Culture." *Journal of Black Studies,* Vol. 38, No. 2 (Nov, 2007) pp. 288-307

[135] Ibid.

[136] Ibid.

and outdated stereotypes on how sub-Saharan states govern and manage their resources as it aligns with non-governmental organizations like the World Bank in blocking Nile projects upstream.[137] Lauer continues to argue that gross misunderstandings in the global arena about African governments' problems and capacities persist in part due to the dualism between tradition and modernity which underlies the discourse of orthodox development theory[138] reiterating that the complex political orientation in Africa is often taken for granted even by formally educated citizens of post-colonized regions of the continent such that "stale pretences of Victorian colonial imperialism" are not addressed.[139] Diplomatic obligations of African governments succumb to foreign stereotypes, domestic interests and cultural preoccupations of affluent communities from outside the continent.[140] In Africa, external control is reinforced by efforts to attract international partnerships with catering to foreign investors being a top government priority to economic planning. The expectation being that states will advance economically by following the directives and precedents of capitalists and their political agents in western more developed countries.[141] The importance of this article, relative to the Nile, is that in developing an agreement, colonial prejudices will have to be addressed while having an open conversation about regional development with respect to what it

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[137] Mason, Simon A. "From Conflict to Cooperation in the Nile Basin" *Center for Security Studies, Swiss Federal Institute of Technology,* Zurich. (2004).

[138] Lauer, Helen. "Depreciating African Political Culture." *Journal of Black Studies,* Vol. 38, No. 2 (Nov, 2007) pp. 288-307.

[139] Ibid.

[140] Ibid.

[141] Ibid.

should look like and whom it should benefit. It is the hope that the projects drafted for the Nile region will actually benefit the societies in the entire region and not fall victim to the typical failures of structural adjustment programs where funds are acquired for projects that benefit relatively few citizens, fatten the coffers of foreign contractors and banks and leave the African states in more debt. There should also be an assessment of current resource management practices by the states and a reconciliation of the dualism between traditionalism and modernity, incorporating both centralized and decentralized government agents into the discussion.

Ernest Satow suggests that diplomacy is the best way to minimize friction and the use of force between states and mitigating the anarchical nature of the international relations system and that persuasive argument, if applied skillfully and sensitively at the right time, may achieve a better result than persuasion backed by the threat of force.[142] For this reason, it only seems reasonable that diplomacy and the type of diplomacy be an integral factor in developing a political solution to transboundary water issues in the Nile River basin. Diplomacy is considered the avoidance of conflict and the business of peace; the best means for modern civilization to prevent international relations from being governed by force.[143]

Stuart Murray describes the modern diplomatic system as increasingly being supplemented and complemented by non-state actors.[144] A classic illustration is the deal

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[142] Satow, Ernest. "Guide to Diplomatic Practice" Longman, 5th edition. London, UK. (1979).

[143] Murray, S. "Towards an enhanced understanding of diplomacy as the business of peace". In N. Gertz (Ed.), *War fronts: Interdisciplinary perspectives on war, virtual war and human security* (pp. 117-138). Oxford: Inter-Displinary Press. (2009).

[144] Ibid.

signed between the President of the Republic of Georgia and developer Donald Trump to build two towers in his country. This deal allows the President of Georgia to show that his country, a part of the former Soviet Union, is grand enough to attract foreign investment, despite the global recession and a recent war with Russia in 2008 which dried up the foreign direct investment that had been propelling the country.[145] For the developer, it allows him to demonstrate his world class appeal and extend the reach of his Trump brand.[146] The deal serves a third purpose of strengthening ties between Georgia and the United States. Elected in 2004, President Saakashvili has been a staunch American ally and at one point, the country at the nexus of Eastern Europe and Western Asia contributed the third largest force to the mission in Iraq, after the United States and Great Britain.[147] The brokered deal is intended to remove the country from the orbit of Russia and closer to the United States.[148] In this modern diplomatic environment, governments as well as foreign firms are competing more actively for world market shares arising from structural changes that have taken place over years in the global market economy.[149]

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[145] Kramer, Andrew E. "Trump Signs Deal to Develop 2 Towers in Georgia, The Republic" The New York Times, Published March 10, 2011. http://www.nytimes.com/2011/03/11/business/global/11donald.html?src=busln accessed on march 10, 2011.

[146] Ibid.

[147] Ibid.

[148] Ibid.

[149] Strange, Susan. "States, Firms and Diplomacy" *International Affairs (Royal Institute of International Affairs 1944-)*, Vol. 68, no. 1 (Jan., 1992) pp.1-15

Susan Strange argues that these structural changes transcend finance and production to affect global politics at a deep level, significantly affecting North-South relations, creating a world-wide trend to democratic government and the rejection of military or authoritarian rule.[150] The role of non-state actors and specifically firms in modern day diplomacy causes states particularly developing states like those in Africa to compete more for the means to create wealth within their territories than for power over more territory.[151] Wealth is now the means to power and the means for popular and electoral support to keep present ruling groups in their job.[152]

Murray posits that states are still the dominant actors in the modern diplomatic environment however in the face of ever-tightening budgets and shrinking numbers of overseas missions and staff, the reinvention of the traditional diplomatic institution is apparent.[153] Non-state groups have adopted basic diplomatic functions like negotiation skills, visible representation, effective communication, filtered information and political reporting from overseas and symbolism.[154] Murray gives an example of how large multinational corporations are learning the need to develop their own task defined diplomatic structures to serve their particular needs and to develop local expertise. This has allowed for a myriad of patterns of asymmetric and polylateral diplomacy involving

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[150] Strange, Susan. "States, Firms and Diplomacy" *International Affairs (Royal Institute of International Affairs 1944-)*, Vol. 68, no. 1 (Jan., 1992) pp.1-15

[151] Ibid.

[152] Ibid.

[153] Murray, S. "Towards an enhanced understanding of diplomacy as the business of peace". In N. Gertz (Ed.), *War fronts: Interdisciplinary perspectives on war, virtual war and human security* (pp. 117-138). Oxford: Inter-Displinary Press. (2009).

[154] Ibid.

state representatives, representatives from non-governmental organizations (NGOs) and transnational/multinational corporations (TNCs/MNCs).[155] Other non-state actors include celebrities as in the case with actor, George Clooney on bringing awareness to the crisis in Darfur or U2 band front man, Bono who conducts a lot of humanitarian work including the One Campaign which aims to increase government funding and effectiveness of international aid programs like helping developing countries cope with climate change as well as fighting AIDS, malaria and hunger.[156]

The issue of incorporating state and non-state actors in resolving the Nile crisis as described in Murray's description of Innovative Diplomatic Theory is in reconciling the role of states and non-state actors in a diplomatic process where the technical inputs of TNCs and MNCs will be valuable in efficiently tapping the Nile as a resource for regional industrialization. Information from NGOs are an asset because their work exposes them to the patterns of indigenous groups in the Nile Basin so they can provide valuable data on how the water can be managed and development advance based on the lifestyles of the rural and sparse populations that they service. Maneuvering this diplomatic environment must include ensuring that the exchange of information is in the best interest of all states in the region and its citizens and not to increase the profits or political influence of foreign corporations or state agencies. Transnational firms have command of an arsenal of economic weapons that are badly needed by states wishing to

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[155] Murray, S. "Towards an enhanced understanding of diplomacy as the business of peace". In N. Gertz (Ed.), *War fronts: Interdisciplinary perspectives on war, virtual war and human security* (pp. 117-138). Oxford: Inter-Displinary Press. (2009).

[156] Ibid.

win world market shares. Their arsenal includes command of technology, access to global sources of capital and access to major markets in America, Europe and Japan.[157]

An example of the technical information that can be provided will include, as mentioned before, determining how much irrigable land is actually available and determining how to best match the limited resources with the needs of the people and increasing the regional infrastructure to serve that purpose. Strange also argues that in diplomatic interactions involving non-state actors, it is even more important to know your enemies as well as your allies.[158] This means that in bargaining over specific issues between the states and non-state actors each side needs to have a clear understanding of the other's long term objectives and their bargaining strengths and weaknesses.[159] Issues that would have to be considered include what concessions to make on subjectively minor issues, debt-service charges, ambitious development programs and subsidies.

Murray describes the diplomatic institution as being seen through three schools of thought. The Traditional School of thought describes diplomacy as an exclusive state function. To these theorists, diplomacy is the privileged domain of professional diplomats, conducted exclusively by Foreign Service personnel and officials from foreign ministries.[160] They also perceive this discipline as the study of the international realm of

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[157] Strange, Susan. "States, Firms and Diplomacy" *International Affairs (Royal Institute of International Affairs 1944-)*, Vol. 68, no. 1 (Jan., 1992) pp.1-15

[158] Ibid.

[159] Ibid.

[160] Murray, S."Towards an enhanced understanding of diplomacy as the business of peace". In N.Gertz (Ed.), *War fronts: Interdisciplinary perspectives on war, virtual war and human security* (pp. 117-138). Oxford: Inter-Displinary Press. (2009).

sovereign states with the central purpose being to overcome the anarchical realm of international relations and facilitate peaceful relations among sovereign states through familiar and historical channels of diplomacy like embassies.[161] Traditionalists, according to Murray, concentrate on diplomacy's role in classic political-military agenda which include issues like force balances, demarcation of territories; arms control negotiations and alliance cohesion.[162] They focus on diplomatic and political history and write prescriptive guides to diplomacy where they theorize on the practice of diplomacy.[163] Prescriptions include Satow's "Guide to Diplomacy" (1957), Berridge's "Diplomacy: Theory and Practice" (2002) and Rana's "The 21st Century Ambassador" (2004).[164] Traditionalism has been the dominant force in the field of diplomacy for centuries and conveys diplomacy as a specialized skill and a vocation for a select few[165]. The exclusivity and parochialism of this school of thought factors into what Murray describes as a deficiency in the school of thought. He suggests that the leaders of the school are Wicquefort, De Callieres and Satow and argues that their state-centric approach to practicing diplomacy is archaic and that the idea of diplomacy as a dialogue

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[161] Murray, S."Towards an enhanced understanding of diplomacy as the business of peace". In N.Gertz (Ed.), *War fronts: Interdisciplinary perspectives on war, virtual war and human security* (pp. 117-138). Oxford: Inter-Displinary Press. (2009).

[162] Ibid.

[163] Ibid.

[164] Ibid.

[165] Ibid.

between states in an archaic system structure of independent political units has not changed in some 350 years of scholarship.[166]

The Nascent School of diplomacy emerged to challenge the dominant Traditionalist School. They challenge the notion that diplomacy be interpreted in a rigid, precise or authoritative fashion, concentrating on the role of the state.[167] These theorists view the state and its diplomacy as blocking change to a more pacific international relations system and that traditional diplomacy is ill suited to 21st century problems, failing to account for the multi actor complexity of the modern diplomatic environment.[168] This causes them to focus on alternative diplomatic actors by acknowledging the modern diplomatic environment and theorizing on the diplomacy that these unconventional actors practice within this new environment.[169] Their goal is to respond to what is perceived as tardiness by states in embracing an unconventional or lower agenda that has grown in importance since the end of the Cold War.[170] This form of diplomacy is characterized by the fostering of equitable, networked and stable relationships among non-state actors with interdependent low politics goals and diplomatically exchanging resources, expertise and knowledge in pursuit of

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[166] Murray, S."Towards an enhanced understanding of diplomacy as the business of peace". In N.Gertz (Ed.), *War fronts: Interdisciplinary perspectives on war, virtual war and human security* (pp. 117-138). Oxford: Inter-Displinary Press. (2009).

[167] Ibid.

[168] Ibid.

[169] Ibid.

[170] Ibid.

nonconventional goals like resource sharing, human rights and aid development issues[171]. Murray describes the deficiency of this approach as having a dismissive attitude towards the incumbent state and its traditional diplomatic institutions.[172] They do not acknowledge that these institutions still exist even though they are not entirely obsolete in crisis situations and are still omnipotent in traditional diplomacy.[173]

The Innovative School of diplomacy emerged as a result of the polemic relationship between the Traditional and Nascent Schools of thought.[174] This group is critical of the divisionary relationship and exclusive views between the traditional and nascent schools and perceives them as damaging due to the encouragement of competition of opinion at the expense of accuracy.[175] In the opinion of Innovative theorists, the polarization of diplomatic thought forces the scholar to make an either or choice. They believe instead in the objective appraisal and reappraisal of the state/non-state relationship which should be non-adversarial, symbiotic and complementary.[176] Within the Innovative School, both the state and the non-state are given equal weighing and privileging both in diplomatic studies and practice, avoiding old patterns and old

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[171] Murray, S."Towards an enhanced understanding of diplomacy as the business of peace". In N.Gertz (Ed.), *War fronts: Interdisciplinary perspectives on war, virtual war and human security* (pp. 117-138). Oxford: Inter-Displinary Press. (2009).

[172] Ibid.

[173] Ibid.

[174] Ibid.

[175] Ibid.

[176] Ibid.

labels.[177] In this paradigm, it is assumed that states, non-governmental organizations and multinational organizations have equal interests in a stable and peaceful international relations system. They argue that traditional diplomacy must be considered in relation to the transformed environment of actors as well as issues and modes of communication within which diplomats function while recognizing the continuing centrality of conventional diplomats to most of what happens in contemporary diplomacy.[178] Murray's framework is insightful in analyzing the role of non-state actors in diplomacy, relative to development as illustrated by firms like Good Works International, the brain child of Ambassadors Andrew Young and Carlton Masters which facilitates the intrusion of United States multinational corporations into African and Caribbean markets. Taking a broader and innovative view of diplomacy means that the participation of non-state, for-profit actors need to be accurately evaluated and analyzed in formatting and resolving a development program for the Nile basin region which truly serves the interest of the indigenous people with limited exploitation from foreign forces. A sustainable solution will fail if competition for the Nile's resources does not serve the interest of the citizens and the advancement of the states in the region but instead, is motivated by the desire to create a market resource for multinational corporations.

Good Works International, a private corporation, claims to use its experience in international business, finance and politics as well as its substantial contacts and

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[177] Murray, S."Towards an enhanced understanding of diplomacy as the business of peace". In N.Gertz (Ed.), *War fronts: Interdisciplinary perspectives on war, virtual war and human security* (pp. 117-138). Oxford: Inter-Displinary Press. (2009).

[178] Ibid.

relationships particularly in Africa and the Caribbean to link the potential of emerging markets to the promise of commercial ventures.[179] They also claim to foster improved standards of living, education, health and capacity building in Africa and the Caribbean.[180] They boast to be among the first to recognize that the lack of advisory expertise that provides international contacts and insights into the political and financial environments of Africa and the Caribbean, prevented governments and corporations from taking full advantage of the economic opportunities for development and growth.[181] Also, they claim to promote improvements in United States policy towards Africa, including the Africa Growth and Opportunity Act and subsequently working with African governments in harmonizing their national policies to maximize their ability to attract American private investments and gain access to American markets.[182] Though it sounds almost altruistic, the reality is that Good Works International is a business and has been embroiled in some controversies, tantamount to exploitation. In 2007, Good Works, with former United Nations Ambassador Andrew Young at its helm, was accused of using its close ties to former Nigerian President Obasanjo to earn millions of dollars in various business dealings that extend far beyond lobbying.[183] Along with lobbying for Nigeria, Good Works was said to have been paid to represent major companies like Chevron,

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[179] Good Works International "History" http://www.goodworksintl.com/index.cfm?fuseaction=section.home&id=11 as accessed on March 10, 2011

[180] Ibid.

[181] Ibid.

[182] Ibid.

[183] Meier, Barry "For U.S.-Nigeria Go-Between, Ties Yield Profits". *New York Times,* Published April 18, 2007. http://www.nytimes.com/2007/04/18/business/worldbusiness/18goodworks.html, accessed March 10, 2010.

General Electric and Motorola that sought big contracts from the Nigerian government.[184] In addition, the executives at Good Works were said to have stakes in Nigeria's oil industry.[185] Though nothing illegal has been proven in the activities of Good Works International, critics argue that Ambassadors Young and Masters who added P. J. Patterson, former Prime Minister of Jamaica, to their ranks, are using their diplomatic legacies for personal financial gain which should be put in perspective when seeking technological and other forms of expertise from non-state actors in this modern diplomatic environment.

An alternative is soliciting the assistance of a consulting group like Independent Diplomat with aims to resolve or prevent conflict by enabling disadvantaged and marginalized governments and political groups like those of the upper riparian states or clusters of indigenous groups to engage effectively in the diplomatic process in reaching a resolution.[186] The advantage of using such an organization is that it is independent, not connected to any government or international institution and is supported by a mix of donor contributions and client fees and has no political agenda of its own.[187] Their expertise is in political analysis, diplomatic technique, international law and media

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[184] Meier, Barry "For U.S.-Nigeria Go-Between, Ties Yield Profits". *New York Times,* Published April 18, 2007. http://www.nytimes.com/2007/04/18/business/worldbusiness/18goodworks.html, accessed March 10, 2010.

[185] Ibid.

[186] Independent Diplomat "Who We Are" http://www.independentdiplomat.org/documents/overview-general Accessed August, 8 2011.

[187] Ibid.

strategy.[188] Independent Diplomat offers independent and confidential advice and assistance in diplomatic strategy and technique to governments, political groups, international institutions and non-governmental organizations. They provide clear practical and effective counsel to those facing complex international and political challenges in an attempt to reach international objectives.[189] Some of their clients include the Marshall Islands and the 42-member Alliance of Small Island States, trying to negotiate room to amplify their voice and influence in international climate change negotiations and the government of South Sudan as it tries to gain support from the international community and tries to maintain a peace agreement after a 22 year civil war.[190]

Marian Borg uses Social Control Theory developed by Donald Black to develop hypotheses regarding the conflict management strategy most likely to be used by countries of variable status within the frame work of World Systems Theory. Borg's central arguments are that the status of nations within the world system at a particular time is correlated with the primary strategy they use for conflict management and that the strategy used may actually affect a country's subsequent rank.[191] Black's theory proposes the conditions of a relationship between individuals, groups and organizations however Borg transposes it to the arena of international relations with respect to nation

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[188] Independent Diplomat "Who We Are" http://www.independentdiplomat.org/documents/overview-general Accessed August, 8 2011.

[189] Ibid.

[190] Ibid.

[191] Borg, Marian J. "Conflict Management in the Modern World-System" *Sociological Forum,* Vol 7 No. 2 (June 1992). pp. 261-282

states, predicting how disputes are settled between and among states of varying status based on the stratified hierarchy of Wallerstein's World Systems Theory.[192] Borg also determines the degree to which the positions of nations may change due to the primary form of conflict management available to them at a particular point in time.[193]

Wallerstein argues that the position of a nation is a function of the occupational hierarchies indigenous to them, placing them in a "core", "semi-periphery" or "periphery" position.[194] He conceptualizes the world economy as a system in which nations are ordinally stratified; the core constituting the "upper class" countries, the semi-periphery making up the "middle class" and the periphery comprising the "lower class." Wallerstein also argues that stratification at the world level is multi-layered meaning that within the core, semi-periphery and periphery groups there is a subsequent core, semi-periphery and periphery.[195] The continued development of those in the core is contingent upon the continued underdevelopment or exploitation of those in the periphery thus countries in the core experience higher economic expansion than those within the periphery hence continuously increasing their advantage over the periphery and semi-periphery states.[196] Donald Black defines conflict management as the handling of

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[192] Borg, Marian J. "Conflict Management in the Modern World-System" *Sociological Forum,* Vol 7 No. 2 (June 1992). pp. 261-282

[193] Ibid.

[194] Wallerstein Immanuel. "The Modern World-System, Vol. I: Capitalist Agriculture and the Origins of the European World-Economy in the Sixteenth Century". New York: Academic Press. 1974. As cited by Borg, Marian J. "Conflict Management in the Modern World-System" *Sociological Forum,* Vol 7 No. 2 (June 1992). pp. 261-282

[195] Ibid.

[196] Ibid.

grievances and identifies five strategies and the social conditions under which the strategies are likely to occur.[197] These strategies which are self help, avoidance, negotiation, settlement and toleration are used by individuals and groups of higher status against those of lower status and vice versa.[198] In adapting Black's theory to nation states, Borg assumes that a specific conflict management strategy is enacted either by the ruling officials of a particular nation or members of an unofficial group in the name of its country and non-state actors like multinational corporations, as representatives of their home nation.[199] Borg also addresses only a subset of the conflict resolution strategies outlined by Black: Self-help, avoidance and negotiation.

Among the various forms of self-help, Black lists discipline and rebellion as modes used by actors at polar extremes of rank or status.[200] Discipline is considered downward self-help by superiors directed at subordinates while rebellion is self-help from below directed at those with superior status.[201] Both procedures are penal in style and authoritarian in procedure. The relationship between nations in the core and those in the periphery and to a lesser extent in the semi-periphery constitute an example of an

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[197] Black, Donald. "Social Control as a Dependent Variable." In Donald Black (ed.) *Toward a General Theory of Social Control*, Vol 1: Fundamentals: 1-36. Orlando, FL. Academiic Press as cited by Borg, Marian J. "Conflict Management in the Modern World-System" *Sociological Forum,* Vol 7 No. 2 (June 1992). pp. 261-282

[198] Ibid.

[199] Borg, Marian J. "Conflict Management in the Modern World-System" *Sociological Forum,* Vol 7 No. 2 (June 1992). pp. 261-282

[200] Black, Donald. "Social Control as a Dependent Variable." In Donald Black (ed.) *Toward a General Theory of Social Control*, Vol 1: Fundamentals: 1-36. Orlando, FL. Academiic Press as cited by Borg, Marian J. "Conflict Management in the Modern World-System" *Sociological Forum,* Vol 7 No. 2 (June 1992). pp. 261-282

[201] Ibid.

association of polar opposites and as such, instances where discipline and rebellion are likely.[202] At the international level, military interventions by the core nations against nations in the periphery are the clearest example of disciplinary action.[203] The core states intervene and police much of the system and receive no interventions as evident by western states intervening in Libya to enforce a United Nations sanctioned no fly zone. Relative to the states in the Nile River basin, Egypt is in the semi-periphery and as such threatens military action against the peripheral upstream riparian states threatening to tap more into the Nile's waters. Imperialist nations like the United States and Great Britain have always protected their economic interests by supporting the military establishments of their "client states" like Israel and Saudi Arabia.[204] Even though core states do not always engage in direct intervention, their influence is exerted through military establishments in the less developed countries that are willing to protect interests against popular movements in their own countries.[205] Peripheral states rebel against core states in the form of terrorism and hostage taking.[206] Some revolts within the peripheral states do not directly target core countries like the United States but may be directly aimed at eliminating the influence of foreign governments and as such perceived as rebellious

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[202] Black, Donald. "Social Control as a Dependent Variable." In Donald Black (ed.) *Toward a General Theory of Social Control*, Vol 1: Fundamentals: 1-36. Orlando, FL. Academiic Press as cited by Borg, Marian J. "Conflict Management in the Modern World-System" *Sociological Forum,* Vol 7 No. 2 (June 1992). pp. 261-282

[203] Ibid.

[204] Ibid.

[205] Ibid.

[206] Ibid.

activity directed against core nations.[207] Examples would be the recent uprisings in Bahrain, Yemen and to some extent Egypt. With respect to the Nile Basin, a form of rebellion could be the signing of the Cooperative Framework Agreement, much to the disdain of Egypt who wants to maintain veto power and the historical access of the Nile waters.

Avoidance is the handling of a grievance by the curtailment of interaction, according to Black.[208] It ranges from physical separation to a decrease in communication. At the international level its includes trade boycotts, embargoes and being passive as Egypt was for decades with respect to addressing upper riparian countries demanding distributive justice of the Nile's resources. Borg shows in his work how boycotts or avoidance invoked by core countries against periphery nations are generally not a very effective method of conflict resolution. Examples given are the 1946 Arab boycott of Israel and the 1961 United States embargo of Cuba.[209] It is suggested that boycotts are effective based on the target nation's level of vulnerability to economic sanctions or the extent to which foreign trade plays a role in its national economy.[210] Generally, the more countries are involved in a boycott or embargo, the more harm to the target nation as is the case in North Korea. Borg asserts that nations are more likely to be

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[207] Black, Donald. "Social Control as a Dependent Variable." In Donald Black (ed.) *Toward a General Theory of Social Control*, Vol 1: Fundamentals: 1-36. Orlando, FL. Academiic Press as cited by Borg, Marian J. "Conflict Management in the Modern World-System" *Sociological Forum,* Vol 7 No. 2 (June 1992). pp. 261-282

[208] Ibid.

[209] Borg, Marian J. "Conflict Management in the Modern World-System" *Sociological Forum,* Vol 7 No. 2 (June 1992). pp. 261-282

[210] Ibid.

hurt by boycotts or embargoes if they are within the periphery of the global stratified structure since they are more likely the ones with trade linkages to the core.[211]

Borg describes negotiation as the most probable form of nonviolent conflict management between core countries and suggests that it is likely to take place between nations in the core than between countries in other world classes.[212] Settlement is unlikely between two core countries due to the absence of a non-partisan third party which according to social control theorists must be both socially equidistant from both disputants and higher in status than either of them to act as a settling agent in disputes.[213] It is for this reason that core countries rarely use the World Court or the United Nations as a forum for settling disputes.[214] Even though the United Nations and World Court are third parties their status is not significantly higher than any core nation state. The United Nations at best seems to serve as a forum for communication among officials of disputing nations.[215] Borg uses the 1956 Suez Crisis as an illustration. France and Great Britain intervened in a clash between Egypt and Israel supporting Israel's invasion of Egypt.[216] The United Nations was ineffective in managing the conflict through negotiations, however the United States' and Soviet governments were in agreement that the French

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[211] Borg, Marian J. "Conflict Management in the Modern World-System" *Sociological Forum,* Vol 7 No. 2 (June 1992). pp. 261-282

[212] Ibid.

[213] Ibid.

[214] Ibid.

[215] Ibid.

[216] Ibid.

and British had acted in error and that Israel should leave Egypt.[217] In a sense, the dispute was between France and Great Britain on one hand and the United States and Soviet Union on the other. The super powers could not agree on a strategy to rectify the situation leaving the United Nations ineffective.[218] Borg makes the case that negotiations are more effective when the states handling a grievance by joint decision have ties not only by membership in the same status but also through ties to some other social unit like an organization, an example being the North Atlantic Treaty Organization (NATO) or some other multinational organization.[219]

Holbraad's analysis of disputes shows that when conflicts arise between members of non-core states, core nations tend to intervene as third parties as the pressure they exert on one or another of the disputants often leads to a resolution of conflict.[220] This assessment could suggest the involvement of the United States or another core state in the resolution of the Nile River conflict. However, Galtung points out that any nation possessing resources valued by the core is vulnerable to invasion by core members.[221] Such an invasion will not necessarily manifest as military action but in covert and manipulative offers of assistance. It is for this reason that even Egypt has accused Israel

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[217] Borg, Marian J. "Conflict Management in the Modern World-System" *Sociological Forum,* Vol 7 No. 2 (June 1992). pp. 261-282

[218]Ibid.

[219] Ibid.

[220] Holbraad, Carsten. "Superpowers and International Conflict" New York: Macmillan. 1979 as cited in Borg, Marian J. "Conflict Management in the Modern World-System" *Sociological Forum,* Vol 7 No. 2 (June 1992). pp. 261-282.

[221] Galtung, Johan. "There are Alternatives! Four Roads to peace and Security" Nottingham, England: Spokesman. 1984 Ac cited by Borg, Marian J. "Conflict Management in the Modern World-System" *Sociological Forum,* Vol 7 No. 2 (June 1992). pp. 261-282

of being behind demands for access to the Nile waters by upper riparian states.[222] Borg claims that where cooperation is required, monolithic alliances like the Warsaw Pact and for the purposes of this study, the Nile Basin Initiative, characterized by a rigid hierarchical organization with a clearly defined dominant leader, is less likely to maintain cohesion.[223] In the Nile Basin Initiative, Egypt emerges as the clear dominant leader with veto power over any proposed Nile projects. In contrast, pluralistic alliances like NATO, characterized by a less centralized decision making authority structure and a less dominant leader, tend to have more cohesion even if the members disagree.[224] This suggests that a less centralized governing body with monitoring and enforcement capabilities would be fundamental in sustaining cooperation in the Nile River basin, rather than the status quo Nile Basin Initiative with unequal, more centralized power and a clear dominant leader.[225] The article finally suggests that the status quo would only serve to keep Egypt in the core relative to the other riparian states that would remain in the periphery due to the lack of options given to the upstream states for conflict management strategies.[226]

In Edward Kick's presentation of positions of 130 countries in the World-System, 1970-1975, he lists Egypt as Semi-periphery; Ethiopia as periphery; Sudan as periphery;

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[222] Bleier, Ronald. "Will Nile Water go to Israel?: North Sinai Pipelines and the Politics of Scarcity" *Middle East Policy* September 1997. Vol. V, Number 3, pp. 113-124.

[223] Borg, Marian J. "Conflict Management in the Modern World-System" *Sociological Forum,* Vol 7 No. 2 (June 1992). pp. 261-282

[224] Ibid.

[225] Ibid.

[226] Ibid.

Kenya as semi-periphery; Tanzania as periphery; Burundi as periphery; the Congo as periphery; Uganda as periphery and Rwanda as periphery.[227] Israel which has been mentioned as a factor in the conflict is described as a semi-core state, the United States which has been called in to intervene is a core state and Great Britain which signed all rights to the Nile to Egypt, is also a core state.[228] Based on Borg's study, negotiations for distributive justice should then be led by Kenya on behalf of the other riparian states as it shares a world class status with Egypt unfortunately, the wealth gap between Egypt and the other states has broadened dramatically since the 1970s giving Egypt unfair advantage without intervention from core states. It is also unfair because the other riparian states have little to leverage either militarily or economically against Egypt and as such have little recourse against any disengagement from Egypt when it comes to negotiations.

O'Lear and Diehl suggest that developing a scale of natural resource conflict is helpful for appropriate peace-building solutions to environmental resource conflict. They describe a scale as a relationship among specific processes and places; a way of understanding social interactions and conflicts and assessing how the physical environment, and natural resources become intertwined with armed conflict.[229] To

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[227] Kick, Edward L. 1987 "World System Structure, National Development, and the Prospects for a world Order. In Terry Boswell and Albert Bergesen, "America's Changing Role in the World System": 127-156. New York; Praeger. As cited in Borg, Marian J. "Conflict Management in the Modern World-System" *Sociological Forum,* Vol 7 No. 2 (June 1992). pp. 261-282

[228] Ibid.

[229] O'Lear, Shannon and Diehl, Paul F. "The Scope of Resource Conflict: A Model of Scale" The *Whitehead Journal of Diplomacy and International Relations*, Volume XII, Number 1 Winter/Spring 2011, Seton Hall University, South Orange NJ.

understand how natural resources are intertwined with human systems and become embedded in conflict situations, three elements are identified. The first dimension is place, where the resource is located and how extensive it is, the second dimension is actors, the number and type of actors which helps to determine the potential for a solution and finally, relational, how actors are tied to one another, as well as to the places and locations of the natural resources and conflict phenomena.[230] This includes determining geography and resource location and where scarcities and degradations are located. Also important in this dimension is the distribution of the environmental resource. Rivers and arable land are diffuse resources because of spatial reach and are more likely to involve a larger number of local actors thereby creating a more extensive network of relations and a more complex scale.[231] Where a resource is located with respect to consumer demand is also a factor in the scale. The authors argue that the greater the number of actors involved in a resource conflict, the greater the risk of violence.[232] This also means that the situation of a resource across international borders like the Nile increases the actors involved and thus the complexity of scale and risk of violence. If the resource is organized around a natural choke point like a river, it is likely to draw the attention of multiple actors with upstream and downstream interests some of whom control the choke point thus increasing the complexity of the scale of the resource conflict.[233]

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[230] O'Lear, Shannon and Diehl, Paul F. "The Scope of Resource Conflict: A Model of Scale" The *Whitehead Journal of Diplomacy and International Relations*, Volume XII, Number 1 Winter/Spring 2011, Seton Hall University, South Orange NJ.

[231] Ibid.

[232] Ibid.

[233] Ibid.

Relationships are also more complex with respect to multi-owner resources as well as if the resource requires advanced technology for exploitation and realization of its value.[234] With respect to the Nile, this will include the construction of large expensive dams. O'Lear and Diehl make the case that by using a conflict scale; one can understand the complexities of place (position of river to consumers), groups of people (indigenous people from nine riparian states), and relations and that the entangled features of scale are what underlie the continuation of conflict for a particular resource.[235]

Emeka Duruigbo states that the principle of permanent sovereignty over natural resources has been enunciated and elaborated in numerous international instruments including the United Nations General Assembly Resolution 626 (VII) passed in 1952. It was also declared unequivocally as a part of customary international law by the International Court of Justice.[236] It establishes the rights of people to natural resources. The preamble to the General Assembly Resolution proclaimed "the right of peoples freely to use and exploit their natural wealth and resources is inherent in their sovereignty."[237] He argues that many governments have hijacked this right resulting in political leaders benefiting from the generous endowment of natural wealth while the

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[234] O'Lear, Shannon and Diehl, Paul F. "The Scope of Resource Conflict: A Model of Scale" The *Whitehead Journal of Diplomacy and International Relations*, Volume XII, Number 1 Winter/Spring 2011, Seton Hall University, South Orange NJ.

[235] Ibid.

[236] Duruigbo, Emeka "Realizing the People's Right to Natural Resources" The *Whitehead Journal of Diplomacy and International Relations*, Volume XII, Number 1 Winter/Spring 2011, Seton Hall University, South Orange NJ

[237] United Nations General Assembly G.A. Resolution 626 (VII), U.N. Doc. A/2361 (Dec. 21, 1952)

general population is immersed in misery and poverty.[238] He further argues that countries marked and marred by unaccountable leadership are unlikely to realize the people's right to natural resources unless the government relinquishes direct ownership of the resources to the citizens.[239] He acknowledges that in many countries, complete private ownership is unrealistic however; he suggests a hybrid approach that emphasizes direct equity participation. He draws parallels with the Texas Relinquishment Act where landowners are allowed to share with the government as part owners in the proceeds of oil and gas production even as the government remains the nominal owner.[240] The government share of the proceeds as well as applicable taxes should then be utilized for the general population.[241] This is another way of increasing public participation and reducing the effects of displacements caused by floods and land degradation with the building of dams etc. in the Nile region. As part owners, indigenous groups will be given incentives to become good stewards of the natural resources. To counter the resistance of uncooperative national leaders, Duruigbo suggests that the international community adopt and give legal support to his proposal and that as the process of negotiation, conclusion, signing and ratification of a treaty by nation states is a lengthy process, a resolution of the United Nations General Assembly declaring the right of the people and not the states to

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[238] Duruigbo, Emeka "Realizing the People's Right to Natural Resources" The *Whitehead Journal of Diplomacy and International Relations*, Volume XII, Number 1 Winter/Spring 2011, Seton Hall University, South Orange NJ

[239] Ibid.

[240] Ibid.

[241] Ibid.

natural resources will provide an interim substitute.[242] Finally, he asks that the international instrument, whether a treaty or resolution, should contain a provision entitling the people to vote through referendum on whether they want the government to manage the resources on their behalf or transfer all rights to the resources to the citizens.[243] This, on the African continent, will raise further issues of transparency in governance in the region and may require constitutional reforms.

Allouche, Nicol and Mehta conclude that many versions of water security exist, each of which is linked to the policy agendas of key international and national actors, reflecting the story of water as a resource that is under increasing pressure from competition by and across different sectors which are agriculture, industry, domestic and environmental services.[244] There is constant contestation over the term water security in different policy discourses. There are those advocating for water to achieve food security, those concerned that physical scarcities may generate conflict and those insisting that the capture and storage of water is central to future energy security in different contexts.[245] A second and increasingly dominant discourse is the idea of water being used as a weapon in conflict as part of the ongoing confrontations in asymmetric conflicts between states and non-state threats like terrorist groups attached to particular

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[242] Duruigbo, Emeka "Realizing the People's Right to Natural Resources" The *Whitehead Journal of Diplomacy and International Relations*, Volume XII, Number 1 Winter/Spring 2011, Seton Hall University, South Orange NJ

[243] Ibid.

[244] Allouche, Jeremy, Nicol, Alan and Mehta, Lyla "Water Security:Towards the Human Securitization of Water?" *The Whitehead Journal of Diplomacy and International Relations*, Volume XII, Number 1 Winter/Spring 2011, Seton Hall University, South Orange NJ

[245] Ibid.

ideologies. This form of water security is less about access and more about the protection of the resource from harm.[246] In such cases, water is instrumentally drawn into conflict rather than perceived as a resource. This is a possible scenario with the emergence of an independent South Sudan as tensions continue to exist with Sudan.

A second conclusion drawn by the authors is that embedded in the differing water security discourses are notions of power and control, factoring in the role of the state, supranational institutions and discourse on rights, duties and responsibilities. They argue that increasingly, the power of the individual is growing.[247] The individual can make a difference by claiming rights and thereby ensuring individual water security or through making informed choices about consumer behavior that can have an impact on the global water environment.[248] They make the claim that the discourse on rights could strengthen the notion of water security as a component of human security and social development resulting in a new hierarchy of securities.[249] In this new hierarchy, the individual's water needs are secured, followed by a balance between food and environmental water needs, then other water uses such as energy production, industry and manufacturing.[250] This in effect will ensure free basic water for the poor in light of privatization attempts which increase the cost and availability of clean water to citizens.

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[246] Allouche, Jeremy, Nicol, Alan and Mehta, Lyla "Water Security:Towards the Human Securitization of Water?" *The Whitehead Journal of Diplomacy and International Relations*, Volume XII, Number 1 Winter/Spring 2011, Seton Hall University, South Orange NJ

[247] Ibid.

[248] Ibid.

[249] Ibid.

[250] Ibid.

In conclusion, there is consensus among all the riparian states that the Nile is a treasure to be shared by all states, however there is disagreement with regards to the level of utilization among the states and equitable justice in the distribution of the water. The literature suggests that for a sustainable political solution to exist, a new agreement has to be established that respects the sovereignty of all states, including the newly formed South Sudan. This agreement has to reconcile the historical agreements that were signed with the British Empire in colonial times; reconcile tradition versus modernity in political decision making and African international relations, and reconcile racial, religious and cultural differences, stereotypes and perceptions that have existed for centuries. In light of the inefficiency of international law to specifically address the Nile issue, the political solution has to focus on needs-based values rather than rights-based criteria with an emphasis on mutual economic benefits. To do this, there should be a foundation of pan-Africanism and regionalism to resolve the asymmetrical power distribution in the region.

The literature also suggests that though African political culture dictates that all final decisions come from the central government, for a solution to be sustainable, attention should be paid to the opinions, perceptions and practices of the indigenous people particularly those who live in close proximity to the river, as well as the decentralized institutions governing them. This means that an innovative form of diplomacy will have to be implemented incorporating both state and non-state actors. Sustainability will exist if the people feel like they have a stake in the river's resources as well as the outcomes of any agreement.

With respect to involvement from the international community, the authors suggest that the less involvement, the better. Due to possible conflicts with Western interests; a lack of trust and a history of Egypt using the river to harness international financial resources, a resolution will have to be African in conception and execution. Without such a resolution, there is a probability of violent conflict in the future. Once a political agreement is reached, resources can then be directed towards the management and monitoring of Nile water utilization. If the states show themselves as incapable of managing the resources, Duruigbo suggests that non-state institutions should take on the responsibility. Finally, it is clear that this issue is of great importance because it has major security implications not just in the region and on the continent but worldwide.

CHAPTER III

METHODOLOGY

This study employed four main strategies to develop a case study in responding to the research question of how to reach a politically amicable agreement that will effectively replace the colonial era agreements of Nile River utilization and promote regional stability in light of climate changes, increasing needs for energy and needed development to sustain the rising populations in the region. The purpose of this study, unlike previous technical studies, is on creating a case study that focuses on politics, diplomacy, conflict resolution and environmental justice through the prism of needs-based theory in international relations. A case study as a research method excels at bringing an understanding of a complex issue, extending knowledge and strength to what is already known from previous research studies. Case studies emphasize detailed contextual analysis of a limited number of events or conditions and their relationships. This case study requires five steps. Determining and defining research questions; selecting cases and determining data gathering and analysis techniques; data collection; evaluation and analysis of the data and drawing a conclusion.

The first data gathering strategy was to conduct contextual analyses of case studies which allowed for an in depth examination of a narrowly defined topic, phenomenon or situation and pulled out themes that could be adaptable to the Nile sharing issue. The second strategy was developing a needs-based Pan-African approach to addressing the dispute based on diplomacy, conflict resolution and management and

environmental justice strategies derived from literature reviews. The third strategy was to conduct expert/informant interviews with diplomats and other experts, who work in the region, are citizens of the region or have tackled similar questions of international water sharing. Finally, the fourth strategy was document studies of transboundary water sharing policies and media publications which give insights to the interests, perceptions and foreign policy strategies of the region.

The contextual analyses were on the Mekong River, the Danube River and the Niger River, providing thorough and detailed information on how they have handled international water management. The case studies used do not allow for empirically verified generalizations that can be applied to the Nile River dynamics but they give some valuable information on certain practices or modes of cooperation that may be of value to the Nile River riparian states. They provide a deeper understanding of policies and why they were enacted; methods of monitoring the usage and sustainability of international river bodies. Case studies are important because according to Yin, they answer how or why questions about a contemporary set of events of which an investigator has little or no control.[1] Issues of diplomacy and transboundary water conflict resolutions fall well into this category in trying to determine how and why similar challenges with water sharing in different regions either succeeded or failed so that lessons learned can serve as a template for resolving this current question regarding the Nile and its basin. The contextual analyses were based on a mixture of qualitative

[1] Yin, R.K. "Case Study Research: Design and Methods." 2nd edition. Thousand Oaks, CA: Sage. (1994)

and quantitative approaches from different data sources including two or more case studies, interviews, observations and documents.

The Mekong is a good case study because it is the tenth largest river in the world with a basin covering six riparian states. This is comparable to the Nile which is considered the longest river in the world with ten riparian states. Secondly, the Mekong power dynamics are dominated by China in much the same way that Egypt has dominated the Nile. The Mekong has had major issues with flooding and irrigation resulting in water scarcity; much like the Nile has over the past few decades. The Mekong is considered by experts to be one of the most conflict and dispute prone basins in the world.[2] Finally, the Mekong River is considered as the first successful application of a comprehensive approach to planning development of an international river even though it is one of the least developed major rivers in the world.[3]

The Danube River is Europe's largest river and the second longest river, after the Volga in Russia.[4] It has a basin that is shared with 17 countries which for decades were allied with hostile political blocs some of which are still locked in hostile national disputes.[5] Nevertheless, the riparian states of the Danube have established an integrated program for basin-wide control of water quality and have claims of being the most

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[2] Wolf, A. T., Yoffe, S. B., and Giordano, M. "International Waters: Identifying basins at Risk." *Water Policy.* 5(1): 29-60. (2003).

[3] Wolf, Aaron T and Newton, Joshua T. "Case Study of Transboundary Dispute Resolution: The Mekong Committee" http://www.transboundarywaters.orst.edu/research/case_studies/Mekong_New.htm . (Accessed on November 18, 2010).

[4] Ibid.

[5] Ibid.

successful and active of its scale.[6] The river's Environmental Program is the first basin-wide international body and encourages the participation of the public as well as non-governmental organizations in the planning process which falls in line with the recommendations suggested in the literature review and in this study.[7]

The Niger River is the principal river in western Africa and its basin is shared by nine countries with a population of about 100 million people and a Gross National Product per capita in 1998 of less than $500 in most of the countries.[8] The value of the Niger as a case study is in examining a river with a similar number of riparian states which have a relatively similar political culture to those in the Nile river basin. The river is regulated through dams which are mainly used for hydroelectric power and permit some irrigation.[9] It is also another example of a river under immense pressure due to irrigation and climate change, both of which are factors with the Nile River as well. A number of projects have been carried out including a study on institutional set up and desertification control and in spite of the investments made over the years, the benefits have not been felt and the individual countries have developed the river for various uses without regard for the Niger Basin Authority which was established in 1980 as the

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[6] Wolf, Aaron T and Newton, Joshua T. "Case Study of Transboundary Dispute Resolution: The Environmental Program of the Danube River" http://www.transboundarywaters.orst.edu/research/case_studies/Denube_New.htm. (Accessed on November 18, 2010)

[7] Ibid.

[8] Integrated Water Resources Management "Transboundary organization in the Niger River Basin" http://www.gwptoolbox.org/index.php?option=com_case&id=32 (Accessed on November 19, 2010).

[9] Ibid.

successor of the Niger Basin Commission of 1964.[10] The political cultures of the riparian states are also similar haven been colonized by the British and sharing the same developmental ails prevalent in sub-Saharan Africa.

There was an expectation that these contextual analyses will give the Nile riparian states and the river basin organization successful leads to follow and pitfalls to avoid in assuring positive efforts at cooperation to share water resources and maximize socio-economic benefits while maintaining the survival of the terrestrial and aquatic ecosystem. By using analytic induction, actions and resolutions on the Mekong, Danube and Niger can help develop a hypothetical statement based on what happened to prevent conflict in those regions; what worked and what did not, and then try to fit those contexts into the situation in the Nile River basin. In this process, the research also looked at possible exceptions to the hypothesis in developing a prescription for the region.[11] Contextual analyses as a strategy in conflict analysis is a systematic examination of written or recorded communication in order to identify and analyze the presence of concepts or common themes.[12] The focus is on critical examination rather than mere description of the content and works and is best when the purpose is to gain insight into a precise and focused research problem.[13] It also provided preliminary study for interviews with

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[10] Integrated Water Resources Management "Transboundary organization in the Niger River Basin" http://www.gwptoolbox.org/index.php?option=com_case&id=32 (Accessed on November 19, 2010).

[11] Katz, Jack "A Theory of Qualitative Methodology." In R. M. Emerson (Ed.), Contemporary Field Research. Prospect Heights, Ill.: Waveland. (1983).

[12] Weber R. P. "Basic content analysis." Newbury Park, Cal.: Sage. (1990).

[13] Ibid.

experts. The limitations are that the documents may be incomplete and causal effects cannot be determined.[14]

Expert interviews have become a standard method in qualitative approaches in the social sciences.[15] Bogner, Littig and Menz express that in the exploratory phase of a project, talking to experts, in relative terms, is a more efficient and concentrated form of gathering data than systematic quantitative surveys or participatory observation.[16] It can serve to shorten time consuming data collection particularly if the experts are seen as having insider knowledge and are interviewed as surrogates of a wider circle of players.[17] Experts also lend themselves to situations where it might be difficult or impossible to gain access to a particular social field such as gaining an audience with heads of states etc.[18]

By using experts, an interviewer is able to gain access to an even greater circle of experts as the interviewee may suggest other sources or identify other potential interviewees.[19] Frequently, a shared common scientific background or relevance system can increase the level of motivation on the part of the expert to participate in the study.[20] A shared understanding of the social relevance of the study can also help minimize the

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[14] Weber R. P. "Basic content analysis." Newbury Park, Cal.: Sage. (1990).

[15] Bogner, A, Littig, B and Menz, W. "Interviewing Experts (Research Methods)" Palgrave Macmillan, Basingstoke, UK. (2009).

[16] Ibid.

[17] Ibid.

[18] Ibid.

[19] Ibid.

[20] Ibid.

need for justification. Bogner, Littig and Menz caution that the researcher needs to determine what constitutes expertise and how to determine an expert as an agent of truth.[21] For the purpose of this study, experts were selected based on those the United Nations administrators and the riparian Missions deemed to be the experts to address the subject matter. The researcher in using expert interviews also has to be aware that particularly in the social sciences, information derived from experts frequently may not pass the test of objectivity.[22]

Simon Mason describes how explorative expert interviews can be a valuable method in conflict-sensitive research. The interview methods that he used in his Nile research project were aimed at gathering facts as well as the actors' perception of facts, issues and other actors in the conflict. Mason also used interviews with experts to collect conflict management options suggested by stakeholders to reach a solution focused conclusion. To justify this method, he argues that reality is constructed by people's perceptions of reality.[23] He also makes the point that an actor's perceptions of circumstances and of other actors crucially shapes their choices about how and whether to compete or cooperate.[24] Mason continues to argue that the impact of external reality is mediated by an actor's perception or misperception of that reality and that fears even if

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[21] Bogner, A, Littig, B and Menz, W. "Interviewing Experts (Research Methods)" Palgrave Macmillan, Basingstoke, UK. (2009).

[22] Ibid.

[23] Mason, Simon A. "Conflict-Sensitive Interviewing: Explorative expert interviews as a conflict-sensitive research method, lessons from the project "Environment and Cooperation in the Nile Basin (ECONILE)" Paper to be presented at the European Peace Science Conference June 1-3, 2003 Amsterdam http://www.conflictsensitivity.org/sites/default/files/Conflict-Sensitive_Interviewing.pdf (accessed on March 4, 2011).

[24] Ibid.

ill-founded, have to be dealt with as conflict lies not in objective reality but in people's minds.[25]

The research method of interviewing experts and diplomats is validated as Mason argues that participatory conflict analysis involving people in a conflict in the analysis of their situation enhances the applicability and acceptability of management options.[26] Based on his experience, he recommends that conflict sensitive research methods be socially relevant by interviewing practitioners who are in the field.[27] He also recommends that the interview be split into a fact and perceptions section and then a brainstorming solution oriented section.[28] Developing trust is also important, particularly in politically sensitive issues so that building a rapport with the expert is a key aspect in the beginning of the interview process.[29] In this study, building rapport included starting the conversation by being courteous and showing an interest in the person's background and their role in the agency they are representing. It was also important to be wary of delicate issues like perceived racism between Arabs and sub-Saharan Africans. Though delicate issues should not be avoided, Mason suggests not being blunt or offensive as this could ruin the trust and cause the expert to resist sharing information that may be

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[25] Mason, Simon A. "Conflict-Sensitive Interviewing: Explorative expert interviews as a conflict-sensitive research method, lessons from the project "Environment and Cooperation in the Nile Basin (ECONILE)" Paper to be presented at the European Peace Science Conference June 1-3, 2003 Amsterdam http://www.conflictsensitivity.org/sites/default/files/Conflict-Sensitive_Interviewing.pdf (accessed on March 4, 2011).

[26] Ibid.

[27] Ibid.

[28] Ibid.

[29] Ibid.

valuable to the study.[30] Included in this strategy is the interviewer being aware of how he or she is being perceived by the expert as well as being adaptable in the interviewing process by asking open questions which allow the researcher to explore new ground.[31]

The method of interviewing experts was also similar to that of conducting key informant interviews in developing countries as a strategy adopted by the United States Agency for International Development (USAID).[32] Krishna Kumar describes such interviews as involving a select group of individuals who are likely to provide needed information, ideas and insights on a particular subject.[33] They are selected because of the information they possess and the number of key informants used range from 15 to 35 and should not be confused with formal or informal surveys in which a relatively large number of people are interviewed.[34] As stated previously, key informant interviews or expert interviews are qualitative interviews and follow an informal format, resembling a conversation among acquaintances. The method is appropriate when general descriptive information is insufficient such as the socio-economic conditions in the area; when understanding the underlying motivations and attitudes of a target population is required

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[30] Mason, Simon A. "Conflict-Sensitive Interviewing: Explorative expert interviews as a conflict-sensitive research method, lessons from the project "Environment and Cooperation in the Nile Basin (ECONILE)" Paper to be presented at the European Peace Science Conference June 1-3, 2003 Amsterdam http://www.conflictsensitivity.org/sites/default/files/Conflict-Sensitive_Interviewing.pdf (accessed on March 4, 2011).

[31] Ibid.

[32] Kumar, Krishna "Conducting Key Informant Interviews in Developing Countries" *A.I.D Program Design and Evaluation Methodology Report No. 13*, Agency for International Development, December 1989.

[33] Ibid.

[34] Ibid.

and when the primary purpose of the study is to generate suggestions and recommendations.[35]

The interviews provided data and insights that cannot be provided by other methods. Experts or key informants like diplomats offered confidential information that would not be revealed in other settings like incidents, local happenings or conditions that explain implementation problems.[36] Other advantages of expert interviews are that they are among the least expensive of social science research methods and it is generally easy to find people with the necessary skills to provide useful information. Disadvantages include the limited basis for quantification and as mentioned before, findings being biased particularly when the interviewer is not familiar with local conditions.[37] Interviewers are also susceptible to interviewer bias when information and ideas confirm personal preconceived notions.[38] Finally, it is hard to demonstrate validity when only a few people are interviewed.[39] It is hard to determine whether the opinions of the elite experts translate into the perception of the indigenous people in the research area. It is for this reason that this research method was supplemented with document analyses of published studies, projects and program records and mass media publications from the region.

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[35] Kumar, Krishna "Conducting Key Informant Interviews in Developing Countries" *A.I.D Program Design and Evaluation Methodology Report No. 13*, Agency for International Development, December 1989.

[36] Ibid.

[37] Ibid.

[38] Ibid.

[39] Ibid.

For the purpose of this study, the experts sought were representatives from the United Nations Department of Political Affairs, Africa 1 division which covers majority of the Nile River basin. Others included non-governmental organizations that work in the region and tackle the question of equitable sharing of the Nile water and having a working relationship with the indigenous people of the region. Such organizations included International Rivers and the Kanon Foundation. Diplomats from the riparian states were also interviewed to gain clear positions of their home state and possibly sentiments of the people as it relates to how the water should be shared. The individuals were selected by contacting the offices and agencies directly by telephone or email and asking for individuals with knowledge on the matter who would be willing to contribute to scholarship. Once the individuals were identified, interviews were conducted either in person or by telephone. Interviews were not recorded but documented in a written format. As described in the literature regarding expert interviewing, open-ended questions were used, giving the experts broad parameters by which they could answer the questions or recommend other experts who may shed further light on the issue. The questions included their country or organization's position on the sharing of the Nile's resources or their general perception of how the river's resources should be shared. The purpose was to get some idea of each stakeholder's perception of distributive justice, relative to the Nile. Questions were asked about the stakeholders' interests in the river's resources, perceptions of the risks of climate change and threats to ecotourism. This helped to build a catalog of interests and some consensus necessary for cooperative ventures to establish absolute gains and apply Burton's needs-based theory to resolving the conflict of equitable sharing of the river.

A question was asked to gain a consensus from stakeholders and experts as to how colonial era agreements should be addressed so that the legal questions are not continuously raised. Experts and diplomats were also asked about how Egypt can be better engaged in the negotiation process as they are perceived as the main stumbling block to negotiations. Egypt has expressed that it has the most to lose if it loses veto power as it will affect their national security. Subsequent questions addressed how the diplomats, experts and other stakeholders see regionalism taking hold with respect to development on the river and which countries can be expected to take the lead in the process. The question was also asked about what role the United States, other Western powers, intergovernmental organizations or private institutions should play in negotiations. This question was in line with Borg's world systems approach to conflict resolution and management. Necessary questions that could affect negotiations were also asked with respect to how the removal of Hosni Mubarak from power could change the dynamics of Nile river negotiations as well as factoring in the needs of the new nation of South Sudan. Experts and diplomats were asked about the implications of a positive resolution to include the effects on Arab/sub-Saharan relations, environmental justice, Pan-Africanism and the management of indigenous practices and beliefs surrounding the river.

Documentation studies helped in the development of a conceptual framework for a political solution to the water sharing conflict among the Nile riparian states. The studies served to provide information to be incorporated with the contextual analyses of case studies and the interview questions administered to experts. Documents reveal what people do or did and what they value and are used in situations where observations or

interviews, like that of indigenous groups around the Nile, are not possible. Documents include newspaper articles, internal reports, minutes from meetings, published and unpublished studies, including those from international donor organizations, government agencies, local universities and research institutions as well as reports, progress reports, project papers and policy papers.

In this study, documents analyzed included China's African Policy Paper which gave insight into how to develop relationships with African states; publications and minutes from the Mekong River Commission; publications from the Danube Commission and the International Commission for the Protection of the River Danube and publications from the Niger Basin Authority. Others included papers from research institutions like Oregon State University's Program in Water Conflict Management and Transformation and non-governmental organizations like the Global Water Partnership and International Rivers. In addition, articles on diplomacy, conflict resolution and management and environmental justice with respect to water, ecology and ecotourism were also used. The two strategies in analyzing these documents were content analysis to tease out patterns and concepts and analytic induction in attempting to develop a hypothesis that may be applicable to the Nile river dispute. These strategies were applied while incorporating concepts of conflict resolution and environmental justice.

By examining John Burton's needs-based conflict resolution theory; Borg's theory of conflict management in the current world system; the different schools of diplomacy and power theory in realism, a theoretical framework was established that honed in on the main problem being Egypt's strangle hold on the Nile's waters and the best approach to releasing that hold and encouraging the joint cooperation of all the

riparian states. If there were weaknesses in these theoretical frameworks, alternative theories would have been developed as was the case with rejecting power theory in realism; the framework traditionally used in exploring the international relations of African states.. A theoretical framework allows an investigator to view a problem within a conceptual system rather than all perspectives simultaneously.[40] It establishes a vantage point, a set of lenses through which a researcher can view a problem.[41] In this respect, needs-based theory in conflict resolution, incorporating regionalism, Pan-Africanism and a world systems approach to conflict resolution was used as the basis for conducting this study.

These data gathering strategies did not only provide the valuable information needed but were also highly cost effective and time efficient. The limitations were, not being able to travel to the research region to acquire first hand information from the indigenous people in each of the riparian states as well as directly interacting with state officials on the ground who are primarily responsible for water management and development in their respective states.

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[40] Kumar, Ranjit "Research methodology: a step-by-step guide for beginners" Newbury Park, Cal.: Sage. (2005)

[41] Ibid.

CHAPTER IV

CONTEXTUAL ANALYSIS OF CASE STUDIES

Case studies allow for an in depth examination of a narrowly defined topic, phenomenon or situation. This chapter will lay out case studies on the Mekong River, the Danube River and the Niger River, providing thorough and detailed information. The case studies do not allow for empirically verified generalizations that can be applied to the Nile River dynamics but they give some valuable information on certain practices or modes of cooperation that may be of value to the Nile River riparian states. They provide a deeper understanding of policies and why they were enacted as well as methods of monitoring the usage and sustainability of international river bodies.

The Mekong River

In terms of length, the Mekong River is the tenth largest in the world; however, in terms of discharge it is the seventh largest. It rises from the Himalayas of Tibet, runs through China's Yunnan province and flows through Myanmar, Laos, Thailand, Cambodia, through an extensive delta in Vietnam and discharges into the South China Sea.[1] It is the largest water source in Southeast Asia and the third largest river in Asia after the Yangtze in China and the Ganges in India.[2] With a total of 244 fish species, it provides remarkable fish catches which constitute a major source of protein particularly

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[1] Wolf, A. T. and Newton, J. T. "Case Study Transboundary dispute Resolution: The Mekong Committee." Transboundary Freshwater Dispute Database (TFDD) (2007). Oregon State University. http://www.transboundarywaters.orst.edu/research/case_studies/Documents/mekong.pdf (accessed on October 10, 2010).

[2] United Nations Environment Programme. "Hydropolitical Vulnerability and Resilience Along International Waters-Asia". (2005).

in Cambodia.[3] The total population of the Mekong River basin is over 70 million people, with the lower Mekong basin being home to about 60 million of them. The basin population is not evenly distributed with the delta in Vietnam having some of the higher population densities, with as many as 400 inhabitants per square kilometer. Almost 90% of the basin lies inside Laos, Thailand, Cambodia and the Yunnan province of China whereas Vietnam and Myanmar share 8% and 3% of the basin area respectively.[4] Due to regional variation in rainfall and hydrological characteristics, the contribution of flow or run-off is not shared proportionally among the riparian states.[5] The riparian states enjoy abundant water resources however; availability varies widely by country, by region within countries and by season.[6] Laos and Cambodia rely almost entirely on the Mekong whereas Myanmar is not strongly dependent on the Mekong waters.[7] Agriculture is the predominant economic sector in the Mekong Basin with a large portion of the river being used for the irrigation, particularly in the cultivation of rice.[8] Although not a consumptive use, as mentioned previously, fisheries are a significant water user in the Mekong Basin.[9] Floods are affected by the amount of discharge from the Mekong and its

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[3] United Nations Environment Programme. "Hydropolitical Vulnerability and Resilience Along International Waters-Asia". (2005).

[4] Ibid

[5] Ibid.

[6] Ibid.

[7] Ibid.

[8] Ibid.

[9] Ibid.

tributaries during monsoon seasons.[10] The floods are problematic because they cross borders and affect citizens of other nations.[11] More importantly, the unilateral development programs of one nation can increase the flood risk of another, calling for basin-wide governance regimes between nations that will coordinate the exchange of data and information, coordinate flood management, share the benefits of flood plains and implement notification and dispute resolution.[12] According to Wolf, Yoffe and Giordano the Mekong is among the most conflict and dispute-prone basins in the world.[13]

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[10] United Nations Environment Programme. "Hydropolitical Vulnerability and Resilience Along International Waters-Asia". (2005).

[11] Ibid.

[12] Ibid.

[13] Wolf, A. T., Yoffe, S. B., and Giordano, M. "International Waters: Identifying basins at Risk." *Water Policy.* 5(1): 29-60. (2003).

The Mekong River Basin

Figure 2[14]

China is the most upstream country of the Mekong River Basin and is perceived by the other riparian states as exhibiting unilateral behavior towards the lower Mekong River Basin states. The country's pursuit of large scale hydropower development in the

[14] Microsoft ENCARTA. "The Mekong River." (2000) http://www.africanwater.org/images/MekongMap.jpg (accessed on August 10, 2010).

upper Mekong region, building dams without notification to the downstream countries, has become a point of contention over recent years particularly as China's economic and military strength deters any overt resistance from the other riparian states.[15] A partially completed cascade of eight dams on the upper Mekong River, known as Lancang, has provoked strong opposition by individuals, non-governmental organizations and governments due to fears of altering the river's flow and potentially threatening the ecosystem of the river basin and the livelihoods of the millions of people who depend on it.[16] Such schemes have the potential of drastically changing the river's natural flood-drought cycle and block the transport of sediment.[17] Development programs along the river have also raised concerns among inhabitants, environmentalists and the general public due to signs of deforestation, depletion of wildlife and other adverse environmental impacts.[18] One such project is the 136MW Pak Mun Dam which was completed in 1994 on the Mun River, one of the Mekong's tributaries. This tributary supported the livelihoods of more than 10 million people and was home to about 250 species of fish and it reported that the building of the dam has affected 20,000 people due to drastic reductions in fish populations upstream of the dam site among other changes to their livelihoods.[19] There is also the Upper Mekong Navigation Improvement Project

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[15] United Nations Environment Programme. "Hydropolitical Vulnerability and Resilience Along International Waters-Asia". (2005).

[16] Ibid.

[17] Ibid.

[18] Ibid.

[19] Ibid.

which is being funded by the Chinese government to allow large ships to freely navigate from Simao, China to Luang Prabang in Laos.[20] The first stage of the project is anticipated to destroy 11 major rapids and 10 scattered reefs along a 331km section of the Mekong from the China-Myanmar border to Ban Houayxai in Laos.[21] Two rapids have already been blasted along the Laos-Myanmar border and the second and third stages are to involve further channelization of the river.[22] The destruction and blasting of rapids, shoals and scattered reefs is also drawing concerns due to widespread ecological effects.[23] Even though the project is going to directly affect people living in China, Myanmar, Laos and Thailand, it is also expected to have an impact in downstream countries.[24] Officials from Cambodia and Vietnam have raised concerns that the project could alter water flow, cause river bank erosion and increase pollution once navigation occurs.[25]

Myanmar, the next downstream state from China shares a relatively small part of the basin within its territorial boundaries and draws concerns for its aspirations to use water from the Mekong for irrigation which could impact basin wide usage.[26] Laos sees the Mekong primarily as a source of hydro-electric power which is seen as an export

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[20] United Nations Environment Programme. "Hydropolitical Vulnerability and Resilience Along International Waters-Asia". (2005).

[21] Ibid.

[22] Ibid.

[23] Ibid.

[24] Ibid.

[25] Ibid.

[26] Ibid.

product with major growth potential and markets primarily in Thailand and Vietnam.[27] Thailand is looking to the Mekong as a water source primarily for irrigation, Cambodia sees the river's value in fisheries and Vietnam relies on the Mekong to support the rice crop in the Mekong Delta.[28]

According to Wolf and Newton, the Mekong is the first successful application of a comprehensive approach to planning development of an international river even though it is one of the least developed major rivers in the world, in part due to difficulties inherent in implementing joint management between diverse riparian states.[29] The United Nations Economic Commission for Asia and the Far East undertook a study in 1952 with the cooperation of Cambodia, Laos, Thailand and Vietnam. The results noted the Mekong's potential for hydroelectric and irrigation development however recommendations could not be implemented until the signing of the Geneva Accords in 1954 which ended hostilities in the region.[30] A subsequent study was conducted by the same commission in 1957 with similar recommendations. The problems with the Mekong as with most international river basins are the difficulties of coordinating among riparian states with diverse and often conflicting interests and needs.[31] Unlike other river basins, the Mekong does not have the sharp management conflicts as is the case with the

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[27] United Nations Environment Programme. "Hydropolitical Vulnerability and Resilience Along International Waters-Asia". (2005).

[28] Ibid.

[29] Wolf, Aaron T and Newton, Joshua T. "Case Study of Transboundary Dispute Resolution: The Mekong Committee" http://www.transboundarywaters.orst.edu/research/case_studies/Mekong_New.htm . (accessed on November 18, 2010).

[30] Ibid.

[31] Ibid.

Nile and Euphrates because historically, the two uppermost riparian states, China and Myanmar have not been participants in basin planning and have had no development plans which would disrupt the downstream riparian states until very recently.[32] The region is also so well watered that issues of water allocation have not been a major issue. Another critical difference with the Mekong is that negotiations for joint management were not initiated by some conflict flashpoint but rather the foresight of an authoritative third party being the United Nations.[33] Unfortunately, things are changing as China's economy has undergone liberalization; there has been an increased population growth; increased demand for agricultural yields; growing household demand of water for consumption and sanitation and shortages of electricity have incited the Chinese to look into development of the upper Mekong basin and building several dams.[34]

The United Nations Economic Commission for Asia and the Far East study that was undertaken in 1957 resulted in the establishment of the Committee for Coordination of Investigations of the Lower Mekong, otherwise known as the Mekong Committee, with representatives from the four lower riparian states with input and support from the United Nations.[35] In addition to improving hydrologic and other infrastructures along the Mekong despite hostilities in the region, the committee helped to overcome political

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[32] Wolf, Aaron T and Newton, Joshua T. "Case Study of Transboundary Dispute Resolution: The Mekong Committee" http://www.transboundarywaters.orst.edu/research/case_studies/Mekong_New.htm . (accessed on November 18, 2010).

[33] Ibid.

[34] Ibid.

[35] Ibid.

suspicion through increased integration.[36] In 1965, Thailand and Laos signed an agreement on developing the power potential of the Nam Ngum River, a Mekong tributary inside Laos. An international effort was mobilized through the committee to help develop a power project since Laos did not have the resources to finance the project but most of the power demand was in Thailand which was willing to buy power at a price based on savings in fuel costs.[37] Rapid agreements among the riparian states brought extensive international support for the work of the committee.[38] However, over the years, the momentum of the committee subsided due to political and financial tensions taking their toll.[39]

There was diminished participation from countries like Cambodia and others like Thailand which developed a strong economy with great resource needs pursued revision in the committee's rules to conduct more independent projects without veto, particularly as it found funding for four Mekong projects within its own territory.[40] Renewed activity came with the signing of the Paris Peace Agreement in 1991. The four lower riparian states decided to better define the direction in Mekong activities, culminating in a new agreement signed in April, 1995 in which the Mekong Committee became the Mekong

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[36] Wolf, Aaron T and Newton, Joshua T. "Case Study of Transboundary Dispute Resolution: The Mekong Committee" http://www.transboundarywaters.orst.edu/research/case_studies/Mekong_New.htm . (accessed on November 18, 2010).

[37] Ibid.

[38] Ibid.

[39] Ibid.

[40] Ibid.

Commission.[41] Since its inception, the commission has implemented several programs under its jurisdiction however experts argue that it lacks the political power and support of China and Myanmar needed to successfully implement all of its goals.[42]

According to experts, the lessons learned from the Mekong Case Study include an emphasis on data in advance of any construction projects which sets the stage for more efficient planning and cooperation through relatively emotion-free issues.[43] The commission is credited with establishing a knowledge base of data, information and analysis tools in the decision support framework.[44] Another lesson, as mentioned before, is establishing an international framework for integrated watershed management well before there is a flashpoint making the task easier and more likely to succeed in times of stress.[45] A third lesson is that both technical and social issues have to be factored into solving water related issues for development. In 1961, the then Mekong Committee undertook an economic and social study on the Mekong. The study was headed by Professor Gilbert White and funded by the Ford Foundation. The study found that hydroelectric and irrigation projects can only be maximized to their full potential if there

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[41] Wolf, Aaron T and Newton, Joshua T. "Case Study of Transboundary Dispute Resolution: The Mekong Committee" http://www.transboundarywaters.orst.edu/research/case_studies/Mekong_New.htm . (accessed on November 18, 2010).

[42] Ibid.

[43] United Nations Environment Programme. "Hydropolitical Vulnerability and Resilience Along International Waters-Asia". (2005).

[44] Ibid.

[45] Ibid.

is extensive training of the local population.[46] According to Wolf and Newton, the greater the involvement of the international community in conflict resolution, the greater the financial and political incentives to cooperate.[47] The pace of development on the Mekong was greatest when there was strong support from the United Nations and other donors. Development slackened when there was decreasing involvement from the international community daunted by political obstacles and the size of planned projects.[48] Finally, for environmentally feasible and sustainable management to occur, all riparian states must participate.[49] The Mekong Committee when re-ratified in 1995 into the Mekong Commission has taken steps to include China and Myanmar into the cooperation.[50]

As of 2010, China's dam-building upstream was still creating tensions with the lower riparian states, providing the United States with another strategic theater to counterbalance China's growing influence in Southeast Asia. The United States has already launched several initiatives in the region including leading multilateral military training exercises in Cambodia, joint naval training exercises with Vietnam, discussions with Hanoi on sharing nuclear fuel and re-engagement with Kopassus, Indonesia's

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[46] Wolf, Aaron T and Newton, Joshua T. "Case Study of Transboundary Dispute Resolution: The Mekong Committee" http://www.transboundarywaters.orst.edu/research/case_studies/Mekong_New.htm . (accessed on November 18, 2010).

[47] Wolf, Aaron T and Newton, Joshua T. "Case Study of Transboundary Dispute Resolution: The Mekong Committee" http://www.transboundarywaters.orst.edu/research/case_studies/Mekong_New.htm . (accessed on November 18, 2010).

[48] Ibid.

[49] Ibid.

[50] Ibid.

Special Forces unit.[51] Secretary of State Hillary Clinton in a forum in Hanoi in July 2010 stated that the United States is willing to mediate in territorial and maritime disputes in the South China Sea to which China's Foreign Minister Yang Ji Chi responded that her comments amounted to "an attack on China."[52] Cambodia, Vietnam, Indonesia, Thailand and the Philippines have been trying to forge new links with the United States to counterbalance China's rapid rise. According to the Vietnamese, China's four dams on the Mekong have already destroyed the river's ecosystem.[53] There is a concern that non-traditional security problems could emerge from the building of more dams, with disgruntled people losing fishery income or farmland due to changes in the river potentially leading to social unrest.[54] China and Myanmar's observer status and lack of direct participation with the Mekong River Commission means that approaches to the river management are uncoordinated with countries taking more of a "national interest first" approach.[55] Fragmented decision making and a lack of coordination between stakeholders means that all sides go ahead with their own projects and, with China's dominance in the region, The Mekong could soon become Chinese controlled with

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[51] Roughneen, Simon, "US Dips into Mekong Politics" Asian Times, (2010) http://www.atimes.com/atimes/Southeast_Asia/LH14Ae01.html. (Accesses on November 18 2010).

[52] Roughneen, Simon, "US Dips into Mekong Politics" Asian Times, (2010) http://www.atimes.com/atimes/Southeast_Asia/LH14Ae01.html. (Accesses on November 18 2010).

[53] Ibid.

[54] Ibid.

[55] Ibid.

downstream countries being dependent on sufficient water being released from dams in Yunnan and Guangxi provinces to keep the river flowing during the dry seasons.[56]

According to Pornlert Lattaman, president of General Electric (Thailand), it is unlikely that the individual countries like Cambodia and Laos will raise concerns of water levels with China which has close relations with both states.[57] Their passive position was illustrated at the Mekong River Commission Summit where Cambodian Prime Minister Hun Sen attributed the lower waters in the Mekong region to climate change and not China withholding water behind its Mekong dams.[58] Thai Prime Minister Abhisit Vejjajiva's circumspect response was that it was the responsibility of all the riparian states as stakeholders to take joint responsibility for the long term sustainability of the river.[59] This imbalance of power with China is what has attracted the attention of the United States in participating in the Lower Mekong Initiative which was created in July 2009.[60] Japan in perceiving a threat to security and livelihoods also held a meeting with the Mekong countries in Hanoi on the sidelines of the Association of Southeast Asian Nations regional forum to discuss a joint "Green Mekong" initiative to tackle the

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[56] Ibid.

[57] Roughneen, Simon, "US Dips into Mekong Politics" Asian Times, (2010) http://www.atimes.com/atimes/Southeast_Asia/LH14Ae01.html. (Accesses on November 18 2010).

[58] Ibid.

[59] Ibid.

[60] Ibid.

challenges of natural disasters and deforestation, underscoring its interests in a region where it has substantial trade and investment links.[61]

Laos is also set on a collision course with its neighbors and environmentalists over the building of a 3.5 billion dollar dam that could destroy livelihoods, fish species and farmland, sparking a potential food crisis.[62] Cambodia, Laos, Vietnam and Thailand failed to reach an agreement on the 1.285 megawatt dam, the first of 11 planned in the lower Mekong that are expected to generate 8 percent of Southeast Asia's power by 2025.[63] Environmentalists have argued that the Xayaburi dam could affect the livelihoods of 60 million people in the lower Mekong region without proper risk assessment.[64] Scores of fish species face extinction and fish stocks will dwindle as migratory routes will be blocked and swathes of rice-rich land could be deprived of fertile silt carried downstream.[65] According to a study by the Mekong River Commission, the 11 proposed dams would turn 55 percent of the river into reservoirs, resulting in estimated agriculture losses of more than $500 million a year and cutting the average protein intake of Thai and Lao people by 30 percent.[66] The Laotian government has not responded to the warnings yet hails the dam as a model for clean, green energy that will stimulate its tiny $6 billion

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[61] Ibid.

[62] Reuters, "Pressure Mounts to Delay "Dangerous" $3.5 Billion Mekong" April, 20, 2011. http://www.ecoseed.org/politics-article-list/article/3-politics/9536-pressure-mounts-to-delay-dangerous-$-3-5-billion-mekong (accessed on June 20, 2011).

[63] Reuters, "Pressure Mounts to Delay "Dangerous" $3.5 Billion Mekong" April, 20, 2011. http://www.ecoseed.org/politics-article-list/article/3-politics/9536-pressure-mounts-to-delay-dangerous-$-3-5-billion-mekong (accessed on June 20, 2011).

[64] Ibid.

[65] Ibid.

[66] Ibid.

economy and improve the lives of 5.9 million people, over a quarter of whom live below the poverty line and without electricity.[67] Thailand is expected to purchase about 95 percent of the power generated by the dam and three Thai firms have a stake in the project, according to an announcement on Thailand's stock exchange.[68] Dubbed the "Battery of Southeast Asia" because of its hydropower ambitions, Laos is already committed to supplying 7000 megawatts to Thailand, 5000 megawatts to Vietnam and 1500 megawatts to Cambodia by 2015.[69] Their ministry says it has the potential to generate 28000 megawatts of power from the Mekong.[70] Protests over the Xayaburi dam have been held in Thailand and in some villages in Laos a country where dissent is normally rare.[71] According to Reuters, 263 non-governmental organizations have petitioned the Laotian and Thai governments to scrap the project and even United States Senator Jim Webb, chairman of the senate sub-committee on East Asia and the Pacific has describe the project as troubling with the potential of having devastating environmental, economic and social consequences for the entire Mekong sub-region.[72] He suggested that it would be prudent for the construction to be delayed until adequate

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[67] Ibid.

[68] Ibid.

[69] Reuters, "Pressure Mounts to Delay "Dangerous" $3.5 Billion Mekong" April, 20, 2011. http://www.ecoseed.org/politics-article-list/article/3-politics/9536-pressure-mounts-to-delay-dangerous-$-3-5-billion-mekong (accessed on June 20, 2011).

[70] Ibid.

[71] Ibid.

[72] Ibid.

planning and multilateral coordination can be guaranteed and that without it; the stability of Southeast Asia is at risk.

Vietnam and Cambodia have also made public calls for the project to be postponed pending further studies while state-controlled media in Vietnam have been uncharacteristically critical which suggests that behind the scenes, diplomacy had failed[73]. Rumors also claim that the Laotian government and its Thai partners have already started construction of the dam.[74] International Rivers, one of the non-governmental organizations working in the region delivered a scathing report on the Laotian assessment of the project, calling it contradictory, incomplete and irresponsible and referred the case to ministers. They described the decision to take such action as a reprieve that presented a window of opportunity to strengthen international opposition to the project.[75]

A key lesson is that if the countries of eastern Africa do not reach a viable solution themselves, outside forces will inject themselves into the negotiations in an attempt to secure their interests which may or may not benefit those of the indigenous people of the region.

The Danube River

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[73] Ibid.

[74] Reuters, "Pressure Mounts to Delay "Dangerous" $3.5 Billion Mekong" April, 20, 2011. http://www.ecoseed.org/politics-article-list/article/3-politics/9536-pressure-mounts-to-delay-dangerous-$-3-5-billion-mekong (accessed on June 20, 2011).

[75] Ibid.

Seventeen countries which for decades were allied with hostile political blocs share the waters of the Danube River. Some of these countries are still locked in intense national disputes.[76] The river is in the heart of Europe and is Europe's second longest river. The riparian states include Albania, Austria, Bulgaria, Bosnia and Herzegovina, Croatia, the Czech Republic, Germany, Hungary, Italy, Moldova, Poland, Romania, Slovakia, Switzerland, Slovenia, Ukraine and finally, Serbia and Montenegro.[77] The basin encompasses an area of about 790,100 square kilometers, includes 300 tributaries and has a population of about 81 million people.[78] The river is home to diverse wildlife, with about 2000 vascular plants and more than 5000 animal species.[79] The riparian states have established an integrated program for basin-wide control of water quality which boasts to be one the most active and most successful of its scale.[80] The environmental program is also the first basin-wide international body to encourage participation from the public and non-governmental organizations throughout the planning process.[81]

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[76] Wolf, Aaron T and Newton, Joshua T. "Case Study of Transboundary Dispute Resolution: The Environmental Program for the Danube River" http://www.transboundarywaters.orst.edu/research/case_studies/ Denube_New.htm. (Accessed on November 18, 2010).

[77] Wolf, Aaron T and Newton, Joshua T. "Case Study of Transboundary Dispute Resolution: The Environmental Program for the Danube River" http://www.transboundarywaters.orst.edu/research/case_studies/ Denube_New.htm. (Accessed on November 18, 2010).

[78] United Nations Environment Programme. "Hydropolitical Vulnerability and Resilience Along International Waters-Europe". (2005).

[79] Ibid.

[80] Wolf, Aaron T and Newton, Joshua T. "Case Study of Transboundary Dispute Resolution: The Environmental Program for the Danube River" http://www.transboundarywaters.orst.edu/research/case_studies/ Denube_New.htm. (Accessed on November 18, 2010).

[81] Ibid.

The river plays an important role for drinking water supply, industry, transport, energy, tourism, recreation and in the middle and lower reaches of the basin, agriculture.[82] Industrial use, particularly for mining and energy generation, has been especially important in economic terms as it has accounted for a significant share of employment and revenue for the countries of the basin.[83] The problem is that years of heavy reliance on the Danube's waters have taken a toll.[84] Over 80% of the Danube has been regulated by over 700 dams and weirs along its main tributaries and agriculture has had a significant transboundary impact on the river as inappropriate practices have led to soil erosion and degraded water quality, mostly due to pesticides and fertilizers.[85]

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[82] United Nations Environment Programme. "Hydropolitical Vulnerability and Resilience Along International Waters-Europe". (2005).

[83] Ibid.

[84] United Nations Environment Programme. "Hydropolitical Vulnerability and Resilience Along International Waters-Europe". (2005).

[85] Ibid.

The Danube River Basin

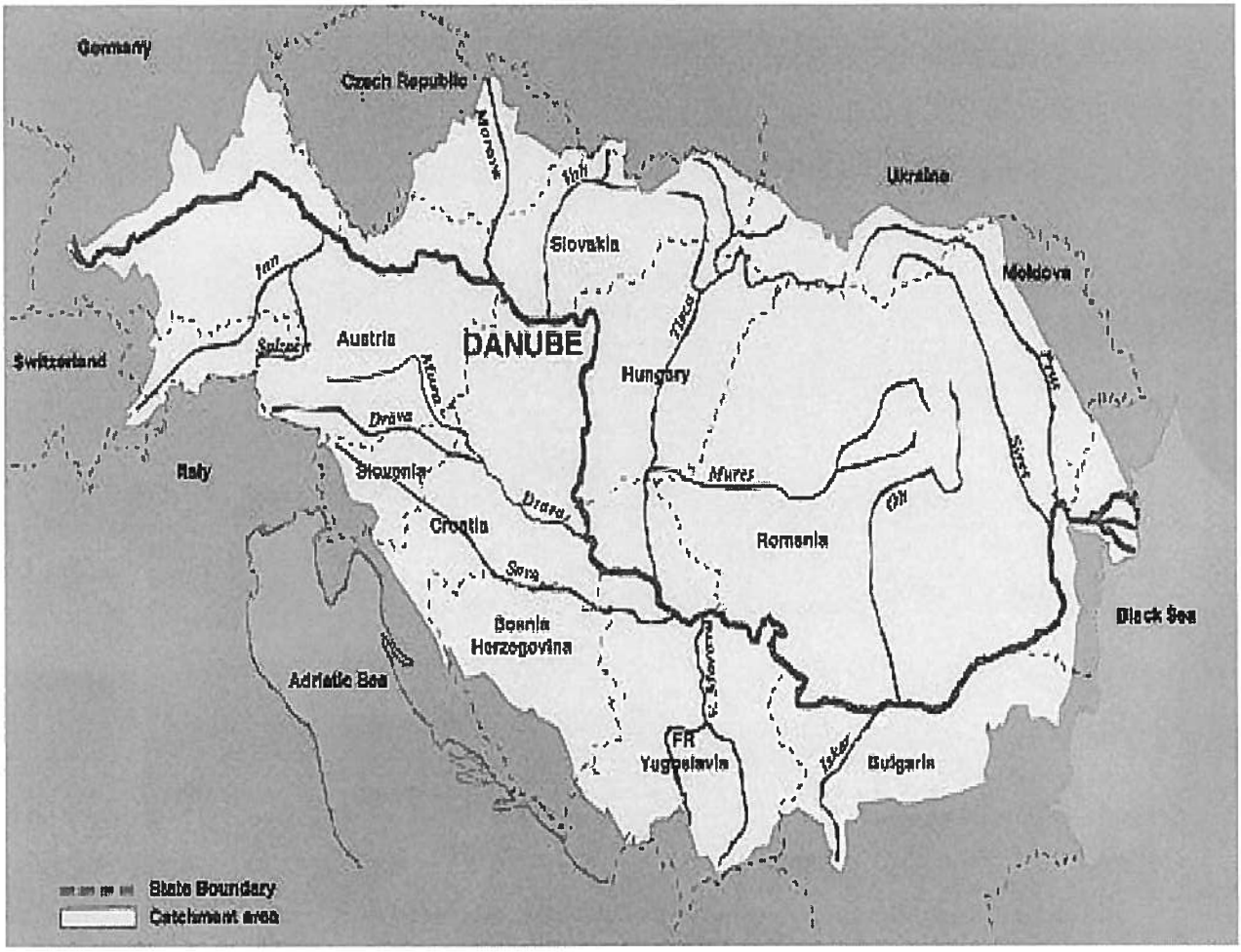

Figure 3[86]

Outdated industrial facilities and inadequate pollution controls have resulted in excessive nutrients and pollutants like cadmium, lead, mercury, DDT, lindane and

[86] The Ramsar Convention on Wetlands. 2002. http://www.ramsar.org/cda/en/ramsar-news-archives-2002-new-ecological-expert/main/ramsar/1-26-45-87%5E19849_4000_0__ (accessed on March 10. 2011).

atrazine which are disturbing the ecological balance of both the Danube River and the Black Sea.[87]

Floods have also been a major concern in the Danube River basin. In 2002, floods caused 14.4 billion euros of damage in Germany, Austria, the Czech Republic and Slovakia.[88] The fragility of the river was also displayed in the Baia Mare cyanide spill of 2000, in Romania that affected the Tisza, one of the major tributaries of the Danube.[89] Furthermore, there was the dam burst at Baia Borsa also in 2000 which released 20,000 tons of heavy metals into the Novat River, another tributary.[90]

Prior to World War II, the European Commission of the Danube with roots dating back to the 1856 Treaty of Paris and made up of representatives of each of the riparian countries was responsible for the administration of the Danube River. Its top priority then was maintaining the navigability of the river.[91] World War II resulted in new political alliances for the riparian states and as such a new management approach.[92] At a 1948 conference in Belgrade, The Eastern Bloc riparian states which made up a majority of the delegates on the Commission, shifted control over navigation to the

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[87] United Nations Environment Programme. "Hydropolitical Vulnerability and Resilience Along International Waters-Europe". (2005).

[88] Ibid.

[89] Ibid.

[90] Ibid.

[91] Wolf, Aaron T and Newton, Joshua T. "Case Study of Transboundary Dispute Resolution: The Environmental Program for the Danube River" http://www.transboundarywaters.orst.edu/research/case_studies/ Denube_New.htm. (Accessed on November 18, 2010).

[92] Ibid.

exclusive control of each riparian state and gave the Commission semi-legislative powers over navigation and inspection.[93] By the mid 1980s, it became clear that issues other than the conditions for navigation were gaining importance within the Danube River basin, notably issues of water quality.[94] The river passes through several large cities, including four capitals, receiving the attendant waste of millions of individuals and their agriculture and industry. The breakup of the Soviet Union also contributed to a deterioration of water quality with nascent economies finding few resources for environmental problems and national management issues being internationalized with redrawn borders.[95] These concerns led to the Bucharest Declaration in 1985 and in turn the 1994 Danube River Protection Convention.[96]

With a new initiative named the Environmental Program for the Danube River Basin, participants agreed that each riparian state would adopt the same monitoring systems and methods of assessing environmental impact; address the issue of liability for cross-border pollution; define rules for the protection of wetland habitats and finally, define guidelines for development so that areas of ecological importance or aesthetic value are conserved and preserved.[97] In establishing principles of integration and

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[93] Wolf, Aaron T and Newton, Joshua T. "Case Study of Transboundary Dispute Resolution: The Environmental Program for the Danube River" http://www.transboundarywaters.orst.edu/research/case_studies/ Denube_New.htm. (Accessed on November 18, 2010).

[94] Ibid.

[95] Ibid.

[96] Ibid.

[97] Wolf, Aaron T and Newton, Joshua T. "Case Study of Transboundary Dispute Resolution: The

coordination, the approach with the Danube River countries and the Commission is much like that of the Mekong Committee forty years earlier.[98] It was agreed that internal issues within each nation are not particularly amenable to international management, and that the most important contribution united responsibility for integrated planning can make is to coordinate between the national representatives and between nations and donor organizations.[99]

The Danube program even goes a step further with an emphasis on participation, recognizing the vital link between internal politics among different sectors and political constituents within a nation and the strength and resilience of an agreement reached in the international arena.[100] For the first time, public participation was required for the development of an international management plan and rejected the concept that internal politics within a nation ought to be treated as geopolitically sacrosanct with little relevance to international agreements.[101] Instead, the commission agreements embrace the vital need for input at all levels in order to ensure that any plans have the support of the people who will be affected by its implementation.[102] The riparian states were able to

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Environmental Program for the Danube River"
http://www.transboundarywaters.orst.edu/research/case_studies/ Denube_New.htm. (Accessed on November 18, 2010).

[98] Ibid.

[99] Ibid.

[100] Ibid.

[101] Ibid.

[102] Wolf, Aaron T and Newton, Joshua T. "Case Study of Transboundary Dispute Resolution: The Environmental Program for the Danube River"
http://www.transboundarywaters.orst.edu/research/case_studies/ Denube_New.htm. (Accessed on November 18, 2010).

develop the Danube Environmental Program while simultaneously developing the Convention on Cooperation for the Protection and Sustainable Use of the River Danube which is aimed at achieving sustainable and equitable water management in the basin.[103] The steps to advancing public participation in these programs included each riparian country designating a country facilitator who would coordinate a public consultation meeting.[104] The facilitator would ensure that public input was solicited and then relayed back to the drafting group for possible incorporation into a strategic action plan. Workshops were held to ensure uniformity in the activities of these facilitators.[105] The audience of these consultation meetings included members from government ministries like Environment, Water, Forestry, Tourism, Agriculture, Industry, Finance, Health, Transportation/Navigation; mayors of municipalities and managers of public utilities around the Danube basin; consultants from private sector firms who work in the region with respect to Danube River studies and other activities; representatives from research institutions or organizations with the tools, skills and laboratories to monitor and collect data on the river; representatives from non-governmental organizations and members of mass media like environmental journalists who have reported on the Danube River in the past.[106] These individuals would form the nucleus to draft a Strategic Action Plan and

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[103] Wolf, Aaron T and Newton, Joshua T. "Case Study of Transboundary Dispute Resolution: The Environmental Program for the Danube River" http://www.transboundarywaters.orst.edu/research/case_studies/ Denube_New.htm. (Accessed on November 18, 2010).

[104] Ibid.

[105] Ibid.

[106] Wolf, Aaron T and Newton, Joshua T. "Case Study of Transboundary Dispute Resolution: The

would be involved in reviewing future activities.[107] Public participation and collaboration was encouraged throughout the planning process, diffusing the confrontational setting common in planning which may preclude future conflicts both within countries and internationally and drastically shortened the time of preparation and approval in the development of a Strategic Action Plan.[108] It also served to promote regional cooperation in water resources management.[109]

The Danube was distinguished by its strategic interests between East and West, between the capitalist and communist blocs.[110] The hegemony of the Soviet Union over Central Europe dominated the politics of the Danube River during the Cold War era. The dominance was established at the 1948 Belgrade conference on the Danube which was attended by France, Great Britain and the United States. Western interests were overruled by the interests in the East.[111] After the fall of the Soviet Union and the success of separatist movements in the formerly socialist countries, geopolitics in the region were transformed with a switch of alliances westward as Austria and Germany became members of the European Union and formerly socialist basin states like the Czech Republic, Slovakia, Hungary, Slovenia, Bulgaria and Romania became members

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Environmental Program for the Danube River" http://www.transboundarywaters.orst.edu/research/case_studies/ Denube_New.htm. (Accessed on November 18, 2010).

[107] Ibid.

[108] Ibid.

[109] Ibid.

[110] Linnerooth-Bayer J. and Murcott, S. "The Danube River Basin: International Cooperation or Sustainable Development" *Natural Recourses Journal* Summer 1996 Vol.36. (1996).

[111] Ibid.

or associate members.[112] Throughout history, conflicts have arisen between the different users of the Danube River however; transboundary disputes have been more acute since the collapse of the Soviet Union due to the rise of nationalism in the region. These include conflicts over large-scale technological developments, ethnic hostilities in the former Yugoslavia and persisting issues regarding transboundary pollution and water supply.[113]

One of the most controversial bilateral disputes in Europe is from Slovakia's diversion of the Danube to feed the reservoir for the Gabcikovo hydropower dam.[114] The dam was conceived as an example of socialist cooperation between Czechoslovakia and Hungary and an agreement to that effect was signed in 1977. The project was to consist of a large upstream reservoir in Slovakia, a canal diverting the flow of the Danube River to and from the Gabcikovo power station in Slovakia and an additional dam at Nagymaros in Hungary to control the flooding from the peak time uses of the Gabcikovo power plant and to provide for continued shipping on the diverted Danube.

The Hungarian democratic opposition in the late 1980s was mainly for environmental reasons,[115] causing them to cancel work on Nagymaros and later renounced the 1977 agreement. The Slovaks protested Hungary's position, sought

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[112] Linnerooth-Bayer J. and Murcott, S. "The Danube River Basin: International Cooperation or Sustainable Development" *Natural Recourses Journal* Summer 1996 Vol.36. (1996).

[113] Ibid.

[114] Ibid.

[115] Ibid.

damages and continued on the Gabcikovo project in disregard to Hungarian opposition.[116] The Hungarians claimed that the project violated their territorial sovereignty and jeopardizes the rights of ethnic Hungarians who are located in Slovakia. Their most vociferous concern was that the reduction of water flow in the old Danube bed was reduced to only 20 percent of the original flow causing a serious effect to ground water levels in the region, endangering drinking water, agriculture, forestry, fishing, biodiversity and the ecology.[117] The counterargument of the Slovaks was that the environmental damage could be mitigated with properly engineered measures and with the completion of the dam in Nagymaros. They argued that the costs would be outweighed by the benefits from electricity production, flood protection and enhanced navigability.[118]

The Slovaks viewed the power station as a symbol of their new national independence, their strength and creativity and economic security whereas the Hungarians viewed it as a manifestation of communist gigantomania and disdain for public opinion.[119] Due to a lack of resolution the European Community recommended that the dispute be submitted to the International Court of Justice, replacing the political process of internal negotiations which were reaching nowhere with an external legal process. The central legal question was whether Hungary had legitimacy in its unilateral

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[116] Linnerooth-Bayer J. and Murcott, S. "The Danube River Basin: International Cooperation or Sustainable Development" *Natural Recourses Journal* Summer 1996 Vol.36. (1996).

[117] Ibid.

[118] Ibid.

[119] Ibid.

abrogation of the 1977 Agreement.[120] The court ruled that it was both illegal for Hungary to unilaterally break the agreement and cease construction and it was illegal for Slovakia to pursue a unilateral temporary solution. The court condemned both sides and avoided supporting either party exclusively while upholding the 1977 Agreement.[121] The ruling served to making a viable solution even more ambiguous as both sides interpreted the ruling differently.[122] Even different Hungarian governments have had differing interpretations leading to a variety of engagement levels in negotiations.[123]

Hungary's accession to the European Union and the North Atlantic Treaty Organization reduced its hard-line stance in the conflict. The conflict has still not been resolved. The Hungarian government still objects to the construction of the dams and the Slovakian government has agreed to forgo construction as long as Hungary financially compensates them.[124] In Hungary, the issue is still a national concern, emerging in political debates between the political parties.[125]

The lessons learned from the Danube River were that public participation used early in the decision making process within the management of an international river basin can facilitate greater cooperation between nations with respect to sharing water

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[120] Linnerooth-Bayer J. and Murcott, S. "The Danube River Basin: International Cooperation or Sustainable Development" *Natural Recourses Journal* Summer 1996 Vol.36. (1996).

[121] Furst, Heiko "The Hungarian-Slovakian Conflict over the Gabcikovo-Nagymaros Dams: An Analysis." Institute for Peace Research and Security Policy University of Hamburg, Germany. http://ece.columbia.edu/research/intermarium/vol6no2/furst3.pdf. (Accessed March 19, 2011).

[122] Ibid.

[123] Ibid.

[124] Ibid.

[125] Ibid.

resources, diffuse tensions and conflicts and bring about creative outcomes in the resolution process.[126] The case study also shows that there is a better chance of a viable solution if the states negotiate than seeking a legal, external solution. This critical point about the ambiguity of international law and its ability to exacerbate a conflict was illustrated by Stanley Hoffmann is his classic work "The Uses and Limits of International Law".[127]

The Niger River

The Niger River is about 4200 kilometers long, making it one of the longest rivers in Africa. It crosses various climatic regions: humid, sub-humid, sub-arid and arid. The terrain ranges from tropical rain forests in the south to desert conditions in the north. The basin is shared with about 100 million people and runs through nine riparian countries, Benin, Burkina Faso, Cameroon, Côte d'Ivoire, Guinea, Mali, Niger, Nigeria and Chad.[128]

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[126] Wolf, Aaron T and Newton, Joshua T. "Case Study of Transboundary Dispute Resolution: The Environmental Program for the Danube River" http://www.transboundarywaters.orst.edu/research/case_studies/ Denube_New.htm. (Accessed on November 18, 2010).

[127] Hoffmann, Stanley. "The Uses and Limits of International Law". In R. Art & R. Jervis, eds.,*International Politics*, 127-31. (1968)

[128] Global Water Partnership "Transboundary Organization in the Niger River Basin" http://www.gwptoolbox.org/index.php?option=com_case&id=32. (Accessed December, 12 2010).

The Niger River Basin

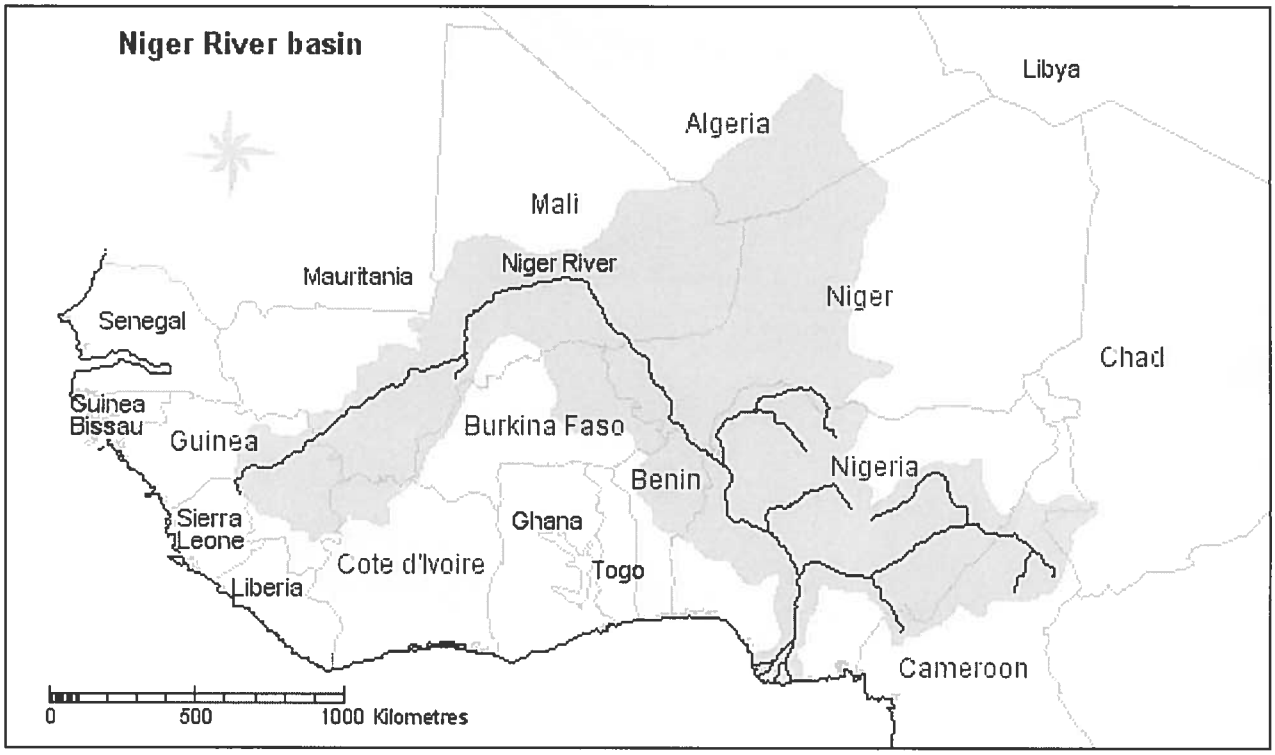

Figure 4[129]

Mali, Niger and Nigeria occupy the largest share of the basin. Mali has 30.3%, Niger has 28.3% and Nigeria has 23.8%. However, Nigeria has 80% of the population of the basin.[130] The basin faces various environmental challenges which include erosion and silting of the river and its tributaries; water borne diseases like guinea worm, cholera and

[129] Ofori-Amoah, Abigail "Water Wars and International Conflict" Spring 2004.Http://Accademic.evergreen.edu/g/grossmaz/OFORIAA (accessed December, 12 2010).

[130] Global Water Partnership "Transboundary Organization in the Niger River Basin" http://www.gwptoolbox.org/index.php?option=com_case&id=32. (Accessed December, 12 2010).

bilharzias; industrial and household pollution; loss of arable and pasture lands and water weeds infestation.[131]

In establishing the Niger Basin Authority in 1980, major decisions were taken at two summits of Heads of State and Government and eight sessions of the Council of Ministers. The organization was given a mandate to promote cooperation among the member states and ensure the integrated development of its resources in the fields of domestic and industrial water supply, energy, agriculture, forestry, transport, communication and industry. The authority was given a four tier organizational structure, namely: Summit of Heads of State and Governments, Council of Ministers, Technical Committee of Experts and an Executive Secretariat.[132] The Secretariat consists of five sections which are Administration and Finance, Water Resources, Navigation, Transportation and Telecommunication, Agriculture and Livestock, Documentation and Information.[133] The funds for running the Secretariat were contributed by the member states but none was to contribute more than 15 percent of the budget.[134] The United Nations Development Programme, the Food and Agriculture Organization, United Sates Agency for International Development, Canadian International Development Agency and other agencies provided funds for training to establish a planning unit.[135]

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[131] Global Water Partnership "Transboundary Organization in the Niger River Basin" http://www.gwptoolbox.org/index.php?option=com_case&id=32. (Accessed December, 12 2010).

[132] Ibid.

[133] Ibid.

[134] Ibid.

[135] Ibid.

The challenges faced have been in implementing a multi-country, multi-faceted program with various institutions. Problems arose with the best qualified staff not being recruited for the Niger Basin Authority. Member states nominated the key personnel who tended to feel more allegiance to their states than to the basin authority and its agenda.[136] Secondly, trained staff members were not kept in the jobs for which they were trained.

Member states did not pay their contributions to the budget because they felt the dues were not commensurate with the benefits they could derive from the projects. This in turn led to dissatisfaction of the donors to the extent of threatening their withdrawal of support. The donors also felt like the Executive Secretariat should be allowed to assume a degree of participation in the management of the Niger Basin Authority or that an Executive Agent be procured as in the case of the Mekong River Basin.[137] There was also mismanagement of funds. The problem was so bad that at the 12th session of the Council of Ministers, the Executive Secretary was relieved of his post. Staff members could not be paid their salaries and creditor bills were outstanding.[138] Rounding off the problems was the fact that the Authority lost political and policy direction due to the inconsistency in the Council of Ministers and Heads of State and Government convening.[139]

According to the Global Water Partnership, there have been vast improvements in the management and execution of projects by the Niger Basin Authority. Member states

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[136] Global Water Partnership "Transboundary Organization in the Niger River Basin" http://www.gwptoolbox.org/index.php?option=com_case&id=32. (Accessed December, 12 2010).

[137] Ibid.

[138] Ibid.

[139] Ibid.

learned from the response of the donor organizations that it was more beneficial to work together than not. The Global Water Partnership in assessing the Niger Basin Authority concluded that provisions must cover the status of projects and how financing is to be shared equitably among the member states, taking into consideration that the projects drafted should benefit a majority of the states.[140] It also suggested that the Summit of Heads of State and Council of Ministers convene regularly to direct policy and ensure that the policies and decisions are being implemented while supervising the Secretariat.[141]

Yale University's Environment 360 in February, 2011 released a report that stated that Mali's president, Amadou Toure and Libya's former president Moammar Ghaddafi had begun a major agricultural project that would divert much of the river's water and put the inland Niger delta of Mali at future risk.[142] A Libyan backed enterprise had begun construction of a project inside Mali with plans to divert water from the river for irrigation upstream. This was apparently part of a grand scheme by Ghaddafi to make his desert nation self-sufficient in food by way of long term deals with neighboring countries to grow food for Libya.[143] In the opinion of several experts, the Malian president had given in to a scheme which would enhance Libyan food security at the expense of Malian food security by draining the river that feeds the inland delta and diminishing seasonal

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[140] Global Water Partnership "Transboundary Organization in the Niger River Basin" http://www.gwptoolbox.org/index.php?option=com_case&id=32. (Accessed December, 12 2010).

[141] Ibid.

[142] Pearce, Fred "Africa's Flourishing Niger Delta Threatened by Libya Water Plan" February 3, 2011, Environment 360, Yale University. http://e360.yale.edu/feature/africas_flourishing_niger_delta_threatened_by_libya_water_plan/2366/ (accessed May 11, 2011).

[143]Ibid.

floods which deposit rich silt and support biodiversity.[144] The river is important for thriving agriculture and fisheries vital to a million of Mali's poorest population living on the edge of the Sahara desert. This deal that was done in secret would hand the land over to a Libyan controlled organization called Malibya for 50 years and gives the Libyans undisclosed rights to the region's water.[145] This project is one of several projects funded by Libyan Petrodollars. Libya has also funded government buildings, hotels and other high level infrastructure, making Mali dependent on its northern neighbor.[146]

Local critics are concerned that these activities are tantamount to a land grab and water grab and that the Malian government is so obsessed with investment for its agriculture that it fails to see when the investment does more harm than good.[147] Malian officials have no control over the project and admit that they are relying on Libya's social and environmental impact assessment, though the results have not been made public.[148] Malian officials are simply responsible for compensating the thousands of people expected to lose their homes due to the irrigation project and to find new land for the farmers who refuse to be laborers for Ghaddafi's project.[149] There is even international

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[144] Pearce, Fred "Africa's Flourishing Niger Delta Threatened by Libya Water Plan" February 3, 2011, Environment 360, Yale University. http://e360.yale.edu/feature/africas_flourishing_niger_delta_threatened_by_libya_water_plan/2366/ (accessed May 11, 2011).

[145] Ibid.

[146] Ibid.

[147] Ibid.

[148] Ibid.

[149] Ibid.

concern that the disruption of traditional livelihoods could aid Al Qaeda in recruiting the nomadic Tuaregs around Mali's borders.[150]

Nigeria also has major concerns as it views the Niger River as the Niger's equivalent to Egypt.[151] The river fuels a dam which is essential for Nigeria's electricity. As the country is experiencing power problems and plans to revamp its power sector, plans to manipulate the river by neighboring countries can drastically impact Nigeria's power aspirations. The Nigerian government has announced plans to halt these developments by the neighboring riparian states.[152] Three dams are contending to impact the flow of the Niger River in Nigeria. They are the Taussa dam in Mali, the Fomi dam in Guinea Bissau and the Kandaji dam in the Niger Republic. For years, Nigeria exported about 35 megawatts of electricity to Niger, however, its agitation for a dam, is reflective of Nigeria's failure to provide the country with the power it needs considering, troubles with Nigeria's own generation and supply chain.[153] Construction on the Kandaji dam started in 2008 at a projected cost of $709 million to be funded by the Islamic Development Bank. It is expected to cause at least a 10% decline in water in the Nigeria side of the river. By the time the dam is completed in 2013, it is expected that the decline will be so significant that it will affect Nigeria's ability to supply electricity to individuals

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[150] Pearce, Fred "Africa's Flourishing Niger Delta Threatened by Libya Water Plan" February 3, 2011, Environment 360, Yale University. http://e360.yale.edu/feature/africas_flourishing_niger_delta_threatened_by_libya_water_plan/2366/ (accessed May 11, 2011).

[151] Nigerian Curiosity "The Politics of Water: River Niger" November, 1 2010. http://www.nigeriancuriosity.com/2010/11/politics-of-water-river-niger.html, (accessed May 11, 2011).

[152] Ibid.

[153] Ibid.

and industries, a problem that already contributes to stifling economic progress and high unemployment.[154] The proposed dam could also compound the environmental challenges being faced by Nigeria with desert encroachment. In an attempt to diffuse the crisis, Nigeria, in 2009, started a dredging project of the Niger River to alleviate pressure being created by environmental changes.[155] Nigeria is also exploring other options like creating a wind farm in Katsina State, the first in the country.[156] The farm is expected to produce about 10 megawatts of electricity with the potential of expanding and selling electricity to neighboring states and even the Niger Republic.[157] Solar power is also being explored as a possible prospect for energy in Nigeria.[158]

In summary, the case studies illustrate that it is important that there be a high level of engagement in negotiations, prior to a flashpoint which will make it more difficult for parties to compromise in the presence of increased tensions and rhetoric. Secondly, all riparian states should be active participants without observers. This will ensure that there is broad consensus on projects and that the said projects will benefit majority of the basin, not just the interests of individual states. Thirdly, It is absolutely critical to seek public and expert participation, particularly in the decision making process, as is the case with the Danube River management. This will better ensure the efficiency of the projects; encourage political will for negotiations as the public will help to drive the agenda and

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[154] Nigerian Curiosity "The Politics of Water: River Niger" November, 1 2010. http://www.nigeriancuriosity.com/2010/11/politics-of-water-river-niger.html, (accessed May 11, 2011).

[155] Ibid.

[156] Ibid.

[157] Ibid.

[158] Ibid.

finally, it will ensure that the specific needs of the people are met and not corporate interests or government stakeholders.

The Danube case study also suggests that seeking a resolution from the International Court of Justice is not the best option. International water law, including the 1997 United Nations Convention on International Watercourses, is characterized by normative ambiguity as expressed in the literature review (Chapter Two); particularly, in its provisions concerning "equitable and reasonable utilization of water resources". Some scholars argue that the ambiguity serves to enable riparian states to seek and negotiate agreements while facilitating conflict resolution.[159] Others argue that ambiguity is of no help because they hinder the creation of creative and sustainable institutional frameworks.[160] It is therefore recognized by most that often the non-compliance with specific water agreements are a consequence of ambiguous treaty provisions.[161] In reaching out to the International Court of Justice, an ambiguous ruling will induce different and diverse interpretations which can increase legal controversies. It can make the implementation of an agreement difficult, encourage non-compliance with provisions

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[159] Benvenisti, Eyal. Collective Action in the Utilization of Shared Freshwater: The Challenges of International Water Resources Law. In *The American Journal of International Law*, Vol. 90, No. 3, (Jul., 1996), pp. 384-415

[160] Vinogradov, Sergei and Patricia Wouters, and Patricia Jones. *Transforming Potential Conflict into Cooperation Potential: The Role of International Water Law*. UNESCO/IHP/WWAP Technical Documents in Hydrology. PCCP Series No. 2. Paris: UNESCO. (2003).

[161] Wouters, Patricia et al. 2005. *Sharing Transboundary Waters An Integrated Assessment of Equitable Entitlement: The Legal Assessment Model*. IHP-VI Technical Documents in Hydrology, No. 74. UNESCO, Paris, (2005).

and contribute to the prolongation and or presumption of conflicts among riparian states.[162]

If as a last resort a dispute does go to the International Court, ambiguity in a ruling could increase flexibility in stiff negotiations; it can accommodate the divergent ideas of riparian states; it can create room for a political compromise and possibly diffuse conflictive positions of negotiators.[163] Nevertheless, these factors of ambiguity are to be considered in the negotiations of riparian states in determining realistic and sustainable outcomes in their agreements.

Monitoring and evaluation systems would also have to be factored into any agreements and neutral experts and consultants should be used to evaluate all social and environmental risk assessments to reduce skepticism, overt or covert conflicts of interest and ensure that the interests of the region as a whole are put first. Riparian states should also have a disciplined system of financing river basin organizations and be consistent in paying dues to ensure the efficiency of river management. Based on the Mali-Libya case, with respect to mismanagement in the Niger Basin Authority Secretariat and the political culture of Africa, a lot of emphasis will have to be put on transparency. This will ensure that there is minimal corruption and ensure that qualified individuals are hired to the basin authority. The Council of Ministers and Heads of States and Governments will have to commit to meeting regularly to ensure legislative oversight and reduce possible nepotism or cronyism in issuing out contracts while holding experts accountable.

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[162] Cascão, Ana Elisa "Use of Ambiguity in Transboundary River Basins Negotiations: The Case of The Nile River Basin" Department of Geography, King's College of London, United Kingdom. http://www.inweb.gr/twm4/abs/CASCAO%20Ana.pdf (Accessed May 23, 2011).

[163] Ibid.

CHAPTER V

EXPERT INFORMATION, INTERVIEWS AND PUBLICATIONS

The Karnon Foundation is a social and political observer in the Horn of Africa region. It acts as the focal point for information on the Horn of Africa and its bordering states including southern Arabia.[1] One of their regional correspondents documents that with the addition of South Sudan as an independent state into the international community, there are about to be greater challenges as new conflicts emerge in the region.[2] Sudan may continue to resist the loss of oil reserves and agricultural resources in the south and countries like Egypt are seizing the opportunity to extend their influence in the region.

In July 2010 Egypt announced that it would give $300 million to South Sudan for water and electricity projects in an attempt to build an alliance with the new country and maintain its influence in the region regarding control of the Nile.[3] Even with the current levels of water supply from the Nile, Egypt will face water shortages by 2017, according to a study conducted in 2009 by the Egyptian government.[4] This shortage is predominantly due to its rapid population growth with projections that its water needs could reach 86.2 billion cubic meters in 2017 while its resources would not exceed 71.4

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[1] Karnon Foundation "Egypt and the Threat to its Nile Water Supply" August 22, 2010 http://www.karnon.org/wordpress/?p=286 (Accessed on July 13, 2011).

[2] Ibid.

[3] Ibid.

[4] Ibid.

billion cubic meters with over 80% of its water resources coming from the Nile.[5] Also, the government has failed to implement more effective use of water supplies such as regulating the construction of private swimming pools. A Western diplomat reported to the foundation that Egypt was treating sub-Saharan Africans in the same way that they had accused Israel of behaving with Palestinians.[6] The Egyptians, according to the diplomat, claimed to be ready to negotiate on the Nile water but refused to commit to the difficult issues and instead, used the threat of force to restrain any countries from attempting any project that would reduce the flow of the Nile downstream. Egypt's Minister of Irrigation and Water Resources, Mohamed Nasreddin Allam had described the 2010 Nile River Basin Cooperative Agreement as "irrelevant" and the country has taken the position that unilateral agreements by the other riparian states are illegal, non-binding to Egypt and lack international legitimacy. The Egyptian Foreign Minister Ahmed Abul Gheit had also said that his country's water rights were a "red line" and that Egypt would take legal and diplomatic measures to protect its historical rights to the Nile water.[7]

Newly independent South Sudan presents three problems for Egypt. It is not clear how the secession of South Sudan will affect the allocation of Nile water allotted to Sudan in the 1959 agreement. Secondly, South Sudan has been more closely allied with countries like Uganda and Kenya rather than to its Arabic-speaking Muslim neighbors to the north and therefore may lean favorably towards the Cooperative Framework

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[5] Karnon Foundation "Egypt and the Threat to its Nile Water Supply" August 22, 2010 http://www.karnon.org/wordpress/?p=286 (Accessed on July 13, 2011).

[6] Ibid.

[7] Ibid.

Agreement. Finally, the incomplete Jonglei Canal runs through South Sudan and is supposed to give the White Nile another 4.5 billion cubic meters of water which currently evaporates in the marshes of the Sudd. The government of South Sudan has indicated that it will conduct a feasibility study before proceeding with the project.[8] Egypt has been keen to see the project revived as it could bring more water downstream. The United States also has some interest in South Sudan due to the influence of American churches in this mainly Christian territory.[9]

There is some concern that Egypt could arm and support elements in Somalia that are opposed to Ethiopia due to fears that Ethiopia might irrigate its land with Nile water. Egypt also has the largest armed forces in Africa with 450,000 men and over 200 F-16 fighters with the ability to deploy troops using its fleet of C-130s and operates its own spy satellite.[10] Egypt had threatened to bomb Ethiopian dams and drop paratroopers in South Sudan so there is a worry that the day is coming when Egypt might stop merely making threats.[11] Ethiopia, on the other hand, feels obligated to undertake development projects like dams, based on the living conditions of its people with an 85% power shortage, rising population, food scarcity and severe drought conditions in various parts of the country. There are claims that Chinese money and technical expertise would build dams in Ethiopia. Alternatively, foreigners from countries with few food resources like Saudi Arabia and other Persian Gulf states are keen to develop even more of Ethiopia's

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[8] Karnon Foundation "Egypt and the Threat to its Nile Water Supply" August 22, 2010 http://www.karnon.org/wordpress/?p=286 (Accessed on July 13, 2011).

[9] Ibid.

[10] Ibid.

[11] Ibid.

land and Ethiopia approved 815 foreign-financed projects between 2007 and early 2010.[12]

The Karnon Foundation suggests that conflict over the Nile's water while not inevitable, is very likely. Egypt's military forces are far better equipped, relative to their African rivals but conflicts in the region tend to be bitter and long term so it is not considered an effective solution to the problems in the basin.[13]

In a face to face conversation with a high ranking United Nations official in the Department of Political Affairs for the entire African continent, concerns were that disagreements on sharing the Nile River waters could result in armed conflict.[14] The official stated that the consequences of a war in the region over water would be so catastrophic that he did not believe it to be an option for any of the riparian countries at the moment. He stated that the Department of Political Affairs was currently playing an observer role with the disagreement over the Nile and that the department would not get actively involved unless requested to do so by the General Assembly or Security Council. He also mentioned that he did not believe that the current status quo was sustainable and that Egypt would have to concede to negotiating with the riparian states rather than holding on to its historical rights. The official acknowledged that climate change and developmental reasons are critical to the region and that is why the most important thing

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[12] Vidal, John "How Food and Water are Driving a 21st Century African Land Grab", The Observer, London, 7 March 2010.

[13] Karnon Foundation "Egypt and the Threat to its Nile Water Supply" August 22, 2010 http://www.karnon.org/wordpress/?p=286 (Accessed on July 13, 2011).

[14] Expert 1 interviewed by Kwasi Obeng, July 29, 2010 New York, New York. All interviews conducted by the author were confidential; the names of the interviewees are withheld by mutual agreement. See Appendix A

is full participation in negotiations by all the states and that there is an opportunity for the countries to resolve the issues without outside intervention. From the United Nations perspective, they can be supportive by deploying agencies like the Food and Agriculture Organization and the United Nations Development Programme to conduct fact finding missions and provide recommendations to better manage the resources of the Nile and ensure sustainability. He stated that in the end, states are sovereign and that it would be hard for any country to try to dictate how another state utilizes the resources within its own territory and felt like the case was a long way from going before the International Court of Justice even though discussions and negotiations have been off and on for decades.

In March of 2011, the Prime Minister of Ethiopia, Meles Zenawi announced the commencement of a project to build a 5000 megawatt dam on Ethiopia's Blue Nile near the border with Sudan which will be the tenth largest in the world. According to Davide Morandini, from the School of Oriental and African Studies at the University of London, Meles Zenawi provided the Italian company Salini Costruttori with a no-bid contract for the construction of the Millennium Dam, now known as the Grand Renaissance Dam.[15] The company is said to hold long standing relations with Meles Zenawi's government and managed the construction of several other plants in Ethiopia including the controversial Gibe 3 dam.[16] According to Terri Hathaway, the director of International Rivers' Africa Program, the Gibe 3 dam would be the most destructive dam under

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[15] Morandini, Davide "The Nile: Empowering the African Connection" May 8, 2011, Bikya Masr. http://bikyamasr.com/wordpress/?p=33406. (Accessed on July 12, 2011).

[16] Ibid.

construction in Africa with the project estimated to condemn half a million of the region's most vulnerable people to hunger and conflict.[17] "Well-positioned" sources also disclosed to Morandini that the announcement of the Renaissance Dam was made without the necessary environmental and feasibility studies and that Meles Zenawi's intention was to conceal the plan to downstream countries and avoid their encroachment.[18] Ethiopia lacked the financial backing to complete this project so Meles Zenawi launched a nation-wide campaign to support the construction, calling on Ethiopians to buy "Millennium" bonds from the Ethiopian Central Bank. Some critics suspect that Meles Zenawi, instead of being a benevolent leader, trying to free the country from poverty and international dependence, was using this nationalist campaign to keep the people from thinking of their dire existence and prevent a popular uprising.[19]

In another interview conducted by Morandini with a doctoral candidate, Getachew Begashaw, it was revealed that the Ethiopian government has a bond rating of CCC which is less than a "Junk Bond" BBB rating by Standard and Poor's (S&P) financial services company.[20] Meaning that the bonds have a high default risk and the government is not a reliable guarantor of corporate bonds. It was suggested that the project was milking money from the Ethiopian people and those in the Diaspora while raising international tensions in an attempt to distract the masses. According to an Ethiopian government spokesperson, Haji Ibsa Gendo, in addition to trading bonds and

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[17] Morandini, Davide "The Nile: Empowering the African Connection" May 8, 2011, Bikya Masr. http://bikyamasr.com/wordpress/?p=33406. (Accessed on July 12, 2011).

[18] Ibid.

[19] Ibid.

[20] Ibid.

seeking remittances from the Diaspora, all workers were giving up a month's salary for the project.[21]

Morandini concludes that Egypt could relax geopolitical tensions by diversifying its water resources, considering non-conventional sources like water recycling, reuse of drainage water, treated industrial and sewage effluents, rainfall harvesting and desalination as suggested by his discourse with Fouad el-Shibini from the National Water Research Centre of Ismailiya.[22] Desalination plants have been developed in Saudi Arabia near the Red Sea and might be an option for industrial use in Egypt. Developments in the Qattara Depression, according to experts, might lead to the exploitation of underground and sea waters in the region.[23] Such ventures would decrease Egypt's dependence on the Nile while leading a new regional renewal, encouraging development projects upstream.[24] Also, in the long run, it would build a stronger Egypt once it addresses its own booming population and update is water management policies and mechanisms.

According to *Development Today*, an independent journal on aid, specializing in political, business and environmental issues related to Nordic and multilateral development assistance, donors who supported the Nile Basin Initiative over the past decades are nervous about Ethiopia's unilateral decision to build the giant Renaissance

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[21] Davison, William "Ethiopian Lawmakers Will Vote on Proposed Budget Next Week" Bloomberg News, July 1, 2011. http://www.bloomberg.com/news/2011-07-01/ethiopian-lawmakers-will-vote-on-proposed-budget-next-week.html (accessed Jul 14, 2011).

[22] Morandini, Davide "The Nile: Empowering the African Connection" May 8, 2011, Bikya Masr. http://bikyamasr.com/wordpress/?p=33406. (Accessed on July 12, 2011).

[23] Ibid.

[24] Ibid.

Dam.[25] Their concern was that Ethiopia bypassed the mechanisms intended to enhance cooperation on river use. When interviewed, Bard Hopland, Nile River expert at the Norwegian Foreign Ministry stated that the actions taken by Ethiopia go against the objectives of the Nile Basin Initiative to do away with unilateral actions in the basin with regards to the utilization of water. The Nile Basin Initiative established procedures where the riparian countries are supposed to inform each other of planned interventions in the basin. Hopland further explains that the actions taken by Ethiopia added to the lack of trust among partners and creates uncertainty about Ethiopia's intentions with the Nile Basin Initiative.[26]

He also added that Ethiopia has never notified the river basin organization of any of its hydropower projects and that in that sense; the country's actions were not a surprise and they just continued their long established practice. However, he acknowledged that this new dam was on a completely different scale from anything that had been presented before.[27] It was estimated that the seven year filling period for the Renaissance Dam would cut flow of water into the Nile by 25 percent and there may also be resettlement issues in Sudan.[28] *Development Today* reported that the donors at a meeting in Copenhagen were nervous and upset at the lack of transparency surrounding the decision

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[25] *Development Today* "Nile Basin Donors "Wait and See" After Ethiopia's Unilateral Overture" *Development Today* no. 9-10, 2011, Norway.

[26] Ibid.

[27] Ibid.

[28] Ibid.

though no public statements had been made on the matter.[29] A high level Egyptian delegation, led by the Interim Prime Minister Essam Abdel Aziz Sharif visited Addis in mid-May and it was agreed with Prime Minister Meles Zenawi that an expert committee consisting of representatives from Ethiopia, Egypt and Sudan be established to review the technical aspects of the dam with the option of co-investment by the downstream countries.[30] The Ethiopian Prime Minister also agreed to delay ratification of the Cooperative Framework Agreement until there was a proper government in place in Egypt.[31] Bard Hopland stated that the joint efforts among the three countries could strengthen cooperation and serve as a breakthrough for the Nile Basin Initiative, the Cooperative Framework Agreement and the establishment of a Nile River Commission.[32] It would therefore be prudent for Egypt to seize on such gestures as they attempt to present to the world a new and progressive administration, post Mubarak.

International Rivers is a non-profit organization with the mission of protecting rivers and defending the communities that depend on them. They work to stop the construction of destructive dams and promote water and energy solutions for a just and sustainable world with operations in the Nile basin.[33] An expert with International Rivers' Africa Program, in a telephone interview stated that International Rivers serves as

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[29] *Development Today* "Nile Basin Donors "Wait and See" After Ethiopia's Unilateral Overture" *Development Today* no. 9-10, 2011, Norway.

[30] Ibid.

[31] Ibid.

[32] Ibid.

[33] International Rivers "About International Rivers" http://www.internationalrivers.org/en/about-international-rivers (accessed June 27, 2011).

an observer with respect to the Nile River issue.[34] She also stated that the position of the organization is to push for a more decentralized approach to energy and that for some reason the countries view hydropower as the only viable source of energy and are extremely dependent on it when there are alternatives like wind farms and even harvesting solar power. In her view, the grids linked to hydroelectric power plants are limited and tend to serve predominantly urban elites and multinational corporations.

It is Ethiopia's intention to harvest about 15,000 megawatts of electricity from its dams and export it to Sudan, Djibouti and Kenya.[35] The International Rivers expert claimed that majority of Africans are not connected to the power grid and that Ethiopia would be generating more electricity than it or its neighbors need so it was anyone's guess how the electricity will be sold off with the immature infrastructure that exists. She stated that her major concern was that there was no transparency in the case of the Renaissance Dam in Ethiopia and most people are marginalized from the river's resources. There is another issue of land grabs associated with the crisis as rich lands around the river are leased to foreign investors with few dividends returning to the indigenous people. The Ethiopian government owns all the land in the country and has been pushing tribal people off their ancestral lands prior to leasing the large tracts of land. The expert also expressed other concerns, that despite the number of development plans being proposed and an estimated 20 dams being constructed in Ethiopia, the riparian

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[34] Expert 2, telephone interviewed by Kwasi Obeng, July 15, 2011. All interviews conducted by the author were confidential; the names of the interviewees are withheld by mutual agreement. See Appendix A

[35] Than, Ker "Ethiopia Moves Forward with Massive Nile Dam Project" National Geographic News, July 13, 2011. http://news.nationalgeographic.com/news/2011/07/110713-/ethiopia-south-sudan-nile-dam-river-water/ (Accessed July 14, 2011).

countries have few monitoring capabilities to gauge pollution and ecological imbalances. No environmental impact assessment report was conducted on the Renaissance Dam and she was not surprised because in 2009, when a similar report was conducted on the Gibe III Dam, it was met with much criticism for being flawed and inadequate. This led the World Bank, European investment Bank and the African Development Bank to pull out of the project in 2010. The indigenous people are also not well educated on the repercussions of the projects as they are given promises of electricity and jobs. In her assessment, the effect of climate change has not been thoroughly addressed in the region. The dams are not being analyzed for the potential impacts of climate change considering that Africa is supposed to be the continent most affected by climate change. The expert touched on the issue of how the Nile waters would be shared between Sudan and South Sudan, stating that no one has any idea how that is to be resolved. Finally, there remains the age-old question of who is the best steward of natural resources? Whether, it is the people, the government or corporations in the form of privatization programs. That is being debated even in the more developed and presumably politically mature countries like the United States of America. Egypt with its resources, could establish a new agenda in establishing water and energy security in the entire basin by approaching negotiations with a clean slate and exerting more leadership to preserve ecotourism and the environment as a whole.

In an interview conducted by Ker Than for National Geographic, climatologist Chris Funk at the University of California, Santa Barbara stated Ethiopia is referred to as the water tower of Africa and that by observing an elevation map of Africa, it is pretty

low except for the Ethiopian highlands.[36] He elaborated that these high mountains get a ton of rainfall so the potential for hydropower is massive.[37] Funk also predicted, along with his colleagues, that with respect to changing climate patterns, Ethiopia could experience as much as a 20 percent decline in rainfall in the coming decades and that this could severely threaten their plans for electricity production.[38] Ker Than also interviewed Claudia Carr, a professor of International Rural Resource Development at the University of California, Berkeley. She stated that the Ethiopian government has already initiated extensive agricultural irrigation schemes for private corporations and had forced a large number of the indigenous population out of these agricultural and livestock grazing lands.[39] She further stated that since these displaced populations have no alternative places for survival, armed conflicts in the region are rising sharply creating a national security issue.[40] She also speculated that the drastic drop in water levels, resulting from the construction of the dams would not only threaten wildlife like hippopotami and crocodiles and migrant waterfowl but would also increase the salinity as salt concentrations increase as water levels drop. She mentioned that Lake Turkana where the Gibe III Dam is located is already borderline potable for human and livestock and that an increase in salinity would push conditions over this limit and disrupt the

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[36] Than, Ker "Ethiopia Moves Forward with Massive Nile Dam Project" National Geographic News, July 13, 2011. http://news.nationalgeographic.com/news/2011/07/110713-/ethiopia-south-sudan-nile-dam-river-water/ (Accessed July 14, 2011).

[37] Ibid.

[38] Ibid.

[39] Ibid.

[40] Ibid.

entire biology of the lake.[41] Again, the argument that better cooperation would achieve more than wealth but would also preserve the environment for future generations and set the foundation for sustainable production for years, should be enough alleviate Egypt's strangle hold and allow them to be more open to dialogue with respect to resource sharing.

Severe drought along the Ethiopia-Kenya border has culminated in a series of violent attacks, contributing to the environmental damage and humans being victims of the Nile River dispute. Drought has put pressure on both nations to deal with strife among nomadic groups competing for diminishing resources particularly around lakes of the Nile like the Turkana.[42] Some Kenyan government officials are placing the death toll at 69.[43] The nomadic groups live within the Elemi Triangle, an area once disputed between Kenya, Sudan and Ethiopia which has dry pastureland.[44] The attacks coincided with the settlement of an estimated 900 armed militia and 2,500 Ethiopian civilians on Kenyan territory around Lake Turkana.[45]

Circle of Blue is an international network of leading journalists, scientists, and communications design experts that present and report information relevant to the global

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[41] Than, Ker "Ethiopia Moves Forward with Massive Nile Dam Project" National Geographic News, July 13, 2011. http://news.nationalgeographic.com/news/2011/07/110713-/ethiopia-south-sudan-nile-dam-river-water/ (Accessed July 14, 2011).

[42] Circle of Blue "Water Conflict: Violence Erupts Along Ethiopia-Kenya Water-stressed Border" http://www.circleofblue.org/waternews/2011/world/water-conflict-violence-erupts-along-ethiopias-and-kenyas-water-stressed-border/ (Accessed July 13, 2011).

[43] Ibid.

[44] Ibid.

[45] Ibid.

freshwater crisis. It is a non-profit affiliate of the internationally recognized water, climate and policy think tank, the Pacific Institute.[46] They interviewed Aaron Wolf, the global researcher on global water conflict and resolution and a professor at Oregon State University. Regarding the violence on the Ethiopia-Kenya border, he stated that water exacerbates tensions and that it is hard to separate a water conflict from land and economic conflicts because water is tied to everything we do as humans.[47] He explained that if a dam was built and negotiations are held with all parties affected, there probably would not be a conflict and that conflict occurs when there is a sudden rapid change to the water resource and an absence of institutional capacity and that a drop in scale increases the likelihood of violence. He also stated that whereas two countries would rarely go to war over water, tribal violence or aggressions between farmers are more common.[48] Finally, he stressed that although water can be a source of tension, it could also be the catalyst for creative peaceful solutions, bringing forth treaties and negotiations.[49]

World Politics Review interviewed Edmond J. Keller, chair of the Department of Political Science at the University of California, Los Angeles to discuss the Kenya-Ethiopia border security issue following the deadly cross border raids in May, 2011. Dr. Keller affirmed that relations between Ethiopia and Kenya have historically been good

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[46] Circle of Blue "About" http://www.circleofblue.org/waternews/about/ (Accessed July 13, 2011).

[47] Circle of Blue "Water Conflict: Violence Erupts Along Ethiopia-Kenya Water-stressed Border" http://www.circleofblue.org/waternews/2011/world/water-conflict-violence-erupts-along-ethiopias-and-kenyas-water-stressed-border/ (Accessed July 13, 2011).

[48] Ibid.

[49] Ibid.

and that the border shared between the two countries is porous.[50] The Turkana cattle herders in Kenya and the pastoralist Dassanech in Ethiopia value grazing lands and watering holes putting the two groups in serious competition particularly during periods of drought.[51] Reduced water in Lake Tana and rivers like the Omo, due to drought and climate change have made the region susceptible to serious localized political instability and that even though the two countries have a joint Ethiopia-Kenya commission that has existed since 2004; it has not met until recently.[52] Keller suggested that complications could arise in negotiations between the two countries because Kenya offers safe haven to Eritrean opposition groups trained by al-Qaeda affiliate al-Shabaab in Somalia.[53] In light of having a new and relatively unstable government, Egypt cannot afford to take a back seat to the prospects of regional instability which could easily spill into its borders in the form of an influx of large numbers of refugees or extremist groups.

The transitional Egyptian Government, under Field Marshal Mohammed Hussein Tantawi, Chairman of the Supreme Military Council, has begun to change some of the strategic policies of the Mubarak Administration. The new administration has expressed interest in a new move towards the equitable utilization of the River Nile, while in the past the Egyptian authorities refused to discuss such issues with the other Nile riparian

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[50] *World Politics Review* "Global Insider: Kenya-Ethiopia Relations" http://www.worldpoliticsreview.com/trend-lines/9173/global-insider-kenya-ethiopia-relations (Accessed July 13, 2011).

[51] Ibid.

[52] Ibid.

[53] Ibid.

countries.[54] A delegation of 40 Egyptian officials consisting of academics, politicians and civil society activists were dispatched to meet with Ugandan President Yoweri Museveni and then went on to Ethiopia to meet President Girma Woldegiorgis, Prime Minister Meles Zenawi, the Patriarch of the Ethiopian Orthodox Church and speakers of the House of Peoples' Representatives and the House of the Federation.[55] Mustafa El-Guindi, the Egyptian diplomatic delegation coordinator stated that they recognized that former Egyptian leaders ignored the necessity to create diplomatic relations with other African nations and that the current administration was desirous to strengthen relations.[56] He also declared that the delegation wanted to send the message to all African countries that Egypt was no longer represented by Mubarak who did not visit any of the relevant African counties for the past 25 years, especially after an attempted assassination in Ethiopia in 1995.[57]

Another member of the delegation, Dr. Sally Moore who is a member of the Youth Coalition of the Egyptian Revolution, affirmed that Mubarak's administration separated Egypt from other African countries and that the commitment to re-establish and strengthen diplomatic ties with African countries demonstrated a shift in thinking not only towards African countries but towards the use of the Nile as well. Also included in

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[54] Afrique Avenir "Egypt Agrees to equitable utilization of River Nile" Published April, 30 2011. http://www.afriqueavenir.org/en/2011/04/30/egypt-agrees-to-equitable-utilization-of-river-nile/ (Accessed August 11, 2011).

[55] Ibid.

[56] Ibid.

[57] Leila, Reem "New Key, Old Padlock" Al-Ahram Weekly, 14-20 April, 2011, issue No. 1043. http://weekly.ahram.org.eg/2011/1043/eg9.htm (Accessed June, 19 2011).

the delegation, echoing the calls for the equal utilization of the Nile was the son of the late President Gamal Abdel-Nasser, Hakim Abdel-Nasser.[58]

When the delegation met with President Museveni, he declared that Uganda would not be involved in any policy that would affect Egypt's water security and that the new Cooperative Framework Agreement would not be ratified until a new administration was formally in place in Egypt, after presidential and parliamentary elections.[59] Museveni also stated that it was his preference that Egypt be on board with the new agreement. He further elaborated that Uganda's issue with the Nile was not the building of dams because Uganda would construct dams for electricity generation on the Bujagali and Karuma and that the country's real threat is underdevelopment, deforestation for firewood and farming.[60] Both Egypt and Uganda agreed that the solution to preserve natural resources depended on the development of industrialized and service based economies from Burundi to Egypt.[61]

Diaa Eddin El-Qousi, an international water expert and former advisor to the minister of irrigation in Egypt during Mubarak's tenure, spoke favorably of the Egyptian delegation's mission to strengthen relations in sub-Saharan Africa.[62] He stated that Egypt had the upper hand now as countries may be sympathetic to the recent revolution and

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[58] Afrique Avenir "Egypt Agrees to equitable utilization of River Nile" Published April, 30 2011. http://www.afriqueavenir.org/en/2011/04/30/egypt-agrees-to-equitable-utilization-of-river-nile/ (Accessed August 11, 2011).

[59] Leila, Reem "New Key, Old Padlock" Al-Ahram Weekly, 14-20 April, 2011, issue No. 1043. http://weekly.ahram.org.eg/2011/1043/eg9.htm (Accessed June, 19 2011).

[60] Ibid.

[61] Ibid.

[62] Ibid.

their rebuilding process; as demonstrated by Museveni's support and his volition to pressure other upstream countries to slow down the process of ratifying the new Nile treaty.[63] Despite the advantage, El-Qousi recommended that Egypt sign on to the treaty.[64] In his opinion, Egypt had no choice but to return to the negotiating table because the country is consuming 30 million cubic meters a day of Nile water just for drinking.[65] Also, the Tekeze hydroelectric dam in Ethiopia, once completed is expected to be one of biggest dams not only in Africa but in the world at a cost of $360 million and though Ethiopia claims that the dam is to produce electricity, El-Qousi claimed that facts and data reveal that the dam's water would irrigate more than 500,000 feddans, the equivalent of about 2.1 billion square meters which would be disastrous for Egypt. Egypt could lose about 10 to 15 billion cubic meters of its current 55.5 billion cubic meters of water.[66]

El-Qousi's critique of Egypt's new approach was that the newly appointed Minister of Irrigation asked for help from former minister Mahmoud Abu Zeid who is currently head of the Arab Water council.[67] This is because he accused the previous regime of mismanaging the Nile issue and suggested that negotiating personnel should be different from those of the past in order to prevent a deadlock.[68] El-Qousi's expressed concern that the newly adopted policies were still muddled and blurred and that a lack of

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[63] Leila, Reem "New Key, Old Padlock" Al-Ahram Weekly, 14-20 April, 2011, issue No. 1043. http://weekly.ahram.org.eg/2011/1043/eg9.htm (Accessed June, 19 2011).

[64] Ibid.

[65] Ibid.

[66] Ibid.

[67] Ibid.

[68] Ibid.

resolution could cause Egypt to have to import 80 percent of its food instead of the current 50 percent.[69] Ibrahim Nasreddin, head of the Centre for African Studies and Research in Egypt was less optimistic about Egypt's new push for cooperation with other African countries. He argued that Ethiopia had played an antagonistic role for years and he believed that it would be difficult for this role to change irrespective of Egypt's policy changes.[70]

Egypt has already agreed to initiate projects in Uganda, including digging more water wells, establishing more dams to store rain water and cleansing the Great Lakes at a cost of about $13 million.[71] The Minister of Irrigation and Water Resources, Minister El-Atifi also declared that Egypt was about to embark on new policies and that the country recently agreed with Sudan to revive plans for the construction of the Jonglei Canal in South Sudan, aimed at channeling water back into the Nile to increase its yield by roughly four billion cubic meters.[72]

A high ranking official of the United Nations Department of Political Affairs, for the Horn of Africa, Great Lakes region and southern Africa concurred that there has not yet been a flash point with the Nile River issue.[73] He stated that Egypt was in a strategic position to determine the outcome of the negotiations based on its willingness to engage

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[69] Leila, Reem "New Key, Old Padlock" Al-Ahram Weekly, 14-20 April, 2011, issue No. 1043. http://weekly.ahram.org.eg/2011/1043/eg9.htm (Accessed June, 19 2011).

[70] Ibid.

[71] Ibid.

[72] Ibid.

[73] Expert 3, interviewed by Kwasi Obeng, July 23, 2010 New York, New York. All interviews conducted by the author were confidential; the names of the interviewees are withheld by mutual agreement. See Appendix A

the other parties. He stated that experts at the United Nations have been monitoring the issue closely since the signing of the Cooperative Framework Agreement and stated that in his opinion, if Egypt were to continue to stall on engaging the upstream countries in reaching a more sustainable solution, it could compromise the country's ability to pursue broader trade and investment goals in Africa and that the increased risk of political tensions in the region could potentially lead to violent confrontations.

An expert for the United Nations Department of Political Affairs for the Horn of Africa region stated that his personal frustrations with the Nile issue comes from the mismanagement of natural resources and the need for politicians to build expensive projects as legacies of their leadership; projects which tend to benefit a few elite group.[74] He stated that this is an issue that is prevalent throughout the continent and not in the Nile basin alone. He stated that he understood the need for projects which would advance development but stated that the political culture is such that bureaucrats do not conduct comprehensive social and environmental impact assessments for fear of being perceived as being obstacles to the policies of their leader. He cited the disagreement between the United Nations and Ethiopia on the potential harm to the hydrological system of Lake Turkana with the construction of the Gibe III Dam. Ethiopia has rejected pleas to halt construction, stating that the dam is economically valuable and environmentally friendly though transparency in how these conclusions were reached has been an issue. The expert also conceded that all parties have shared blame in not being good stewards of the

[74] Expert 4, interviewed by Kwasi Obeng, July 23, 2010. All interviews conducted by the author were confidential; the names of the interviewees are withheld by mutual agreement. See Appendix A

Nile's resources. He elaborated that years of mismanagement have resulted in more severe droughts and contributed to increased political tensions in the region.

Another expert working on issues in the Great Lakes region for the United Nations Department of Political Affairs, Africa Division I, admitted that he had not followed closely developments in the Nile River basin until the Cooperative Framework Agreement was signed, ramping up the rhetoric among the basin states.[75] He stated that the countries are poor and vulnerable to climate change, bringing drought, crop failure and floods. Compounding the issues are the rapidly growing populations in the region increasing demand on natural resources and mounting pressure on the governments to find developmental solutions that would improve the lives of the citizens. He stated that without the pressure to advance development, the governments in the Great Lakes region would not be as adversarial to Egypt's position to maintain veto rights on any Nile projects, even though it is unsustainable. He stated that in his opinion, any viable solution would have to involve the engagement of the civil societies of all the states in the Nile basin coupled with high level negotiations. He further stated that the engagement of the civil society in Egypt would be critical in pushing the government towards negotiations. Particularly as Egypt has seen a considerable drop in World Bank loans over the years and so to foster economic growth, Egypt would do well to push for Nile redistribution plans which would go a long way to reducing conflicts in the region.

An expert on Sudan at the Department of Political Affairs summarized the issues with the Nile as a lack of trust among the riparian states, abrogating colonial agreements

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[75] Expert 5, interviewed by Kwasi Obeng, July 22, 2010 New York, New York. All interviews conducted by the author were confidential; the names of the interviewees are withheld by mutual agreement. See Appendix A

and balancing the current uses of water downstream in Egypt and Sudan with the needs upstream.[76] He stated that a successful agreement would go beyond maintaining the Nile waters as a sustainable resource but could go a long way to transforming regional relations whereas failure of an agreement could result in the risk of non-engagement among the states creating the threat to regional stability and conflict. He stated that he had attended a meeting on the Nile in 2009 and the outcomes which are still relevant today are that there needs to be a situational audit done in each of the riparian countries to develop global and country tailored strategies. It was suggested that international consulting firms should be contracted to conduct the audits, identifying opportunities and risks; determining key messages for win-win benefits, stakeholder mapping, identifying key advocates/ partners (i.e. third party ambassadors), determining media capacity and assessing the need for capacity building. These activities would constitute the first phase of foundation work. The second phase which would be a strategic communication campaign to facilitate full engagement would include an advocacy campaign targeting governments, parliaments, statesmen, media, civil societies etc. It would also include a stakeholder engagement plan; development of third party advocates; systematic media strategies and country tailored strategies that allow for rapid responses and proactive engagement.

Another political affairs officer at the United Nations Department of Political Affairs who works as a leader on the Sudan desk and a back up on the Egypt desk, in a telephone interview, stated that he had just returned from Ethiopia where negotiations

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[76] Expert 6, interviewed by Kwasi Obeng, July 21, 2010 New York, New York. All interviews conducted by the author were confidential; the names of the interviewees are withheld by mutual agreement. See Appendix A

were taking place between the governments of Sudan and South Sudan.[77] He stated that negotiations have not resumed with respect to the Nile and that the current Egyptian regime has changed its approach towards the other riparian countries from being less confrontational to being more cooperative. He stated that the new regime alleviated some previous tensions by deploying a delegation to the major players in the region including Ethiopia and Uganda and this gesture has made the upstream countries more sympathetic to the plight of Egypt and could provide an environment for positive negotiations. He stated the Prime Minister Meles Zenawi also made a recent visit to Egypt where there were constructive discussions on the issue. In a spirit of reconciliation, the two countries in September 2011 agreed to establish a tripartite technical group of experts with Sudan to review the impact of the Renaissance Dam project in Ethiopia. The prime ministers also stated that they are veering from the zero-sum game of the past and seeking win-win strategies. The desk officer stated that the dynamics have really changed in the region and that Egypt has even been investing in South Sudan, building a university and other institutions to gain favor.

He admitted that despite the investments, there is still a lack of trust between Egypt and South Sudan based on religious and ethnic differences. When asked who could rise as a hegemon in the region, in the context of the Nile, development and regionalism, the desk officer stated that it was a difficult question to answer. He admitted that Egypt's leadership has been minimized as it reconciles with Mubarak's departure and its own economic issues. He also stated that Ethiopia has major economic issues as well

[77] Expert 7, telephone interviewed by Kwasi Obeng, November 10, 2011. All interviews conducted by the author were confidential; the names of the interviewees are withheld by mutual agreement. See Appendix A

and lacks the resources to play that role. He stated that Ethiopia really had an energy crisis and needed the dams. It lacked the resources to complete the projects lined up and the infrastructure to export electricity to other countries in the region. The desk officer also claimed that politically, Ethiopia was playing a leadership role in Sudan and most conflicts in Africa and that Uganda was doing the same in the Congo and in Somalia but neither country was able to emerge as the economic leader in the region. With respect to negotiations he stated that the ball was in the court of Egypt and that they were the ones holding up any new agreement of cooperation. He emphasized that the other riparian countries were being patient with Egypt as they recognized that it was in a transition and had welcomed the new regime's gestures but he believed that the issue would not be tabled for much longer because the needs of the states were growing daily. With respect to sharing the 18.5 billion cubic meters of water allotted to Sudan, the official stated that the two countries had agreed to inform each other of any projects they decided to embark on. According to the proceedings of the negotiations between the Sudan and South Sudan, the top priority was determining how Sudan would be compensated for the loss of oil revenues as all the oil wells are in the south and the refineries are in the north. Discussions have been over oil transit fees and border demarcations etc.

In September 2011, during Prime Minister Zenawi's visit, an agreement was signed between Egypt and Ethiopia using more flexible language in order that security envoys would have fewer diplomatic battles than in the past. Ministers from both countries hailed the visit and decisions made during the visit as positive steps however, Akram Hossam, an expert at the National Center for Middle East Studies cautioned on being overly optimistic. He reiterated that negotiations during the Mubarak era were

different as President Mubarak dealt with the Nile issue as a personal vendetta with Ethiopia because of the failed assassination attempt there in the 1990s which placed both countries on the verge of war.[78] In his opinion, a diplomatic truce, protocol measures, calm words and a tripartite committee to evaluate Ethiopia's centennial dam would not be enough to avert a crisis.[79] Hossam suggested that joint bilateral action should be coordinated and implemented through a bilateral Egyptian-Ethiopian committee that follows a clear, well informed plan in order not to be blind-sided by unexpected diplomatic surprises.[80] He expressed concerns of being surprised by another coup and stated that an actual breakthrough would be when Ethiopia halts its intense campaign to reduce Egypt's water share among other source countries after spearheading the Cooperative Framework Agreement signed in Uganda.[81]

Sudan is also apprehensive about developments on the issue, not only because of the secession of South Sudan but also because the mainly Muslim country in on edge after talks of South Sudan normalizing relations with Israel surfaced, followed by an Israeli presence in Ethiopia.[82] Abdo Hammad, a Sudanese expert expressed that an issue that could compound tensions was Meles's discussions of exporting water to Israel.[83]

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[78] Eleiba, Ahmed "Ethiopian Prime Minister Zenawi's recent visit to Egypt receives mixed reviews" Ahram Online, Wednesday September 21, 2011. http://english.ahram.org.eg/NewsContent/1/64/21800/Egypt/Politics-/Ethiopian-Prime-Minister-Zenawis-recent-visit-to-E.aspx (accessed on October 9, 2011).

[79] Ibid.

[80] Ibid.

[81] Ibid.

[82] Ibid.

[83] Ibid.

Prime Minister Meles Zenawi in responding to critics has stated that the concept of the 1959 agreement which gives 100% of the Nile water to Egypt and Sudan and 0% to the upper riparian countries is not fair and that the countries are not satisfied with the status quo.[84] He stated that the dams being built in Ethiopia were for power generation and that since there is very little irrigable land in the country, water flow to Egypt and Sudan would not be affected.[85] He stated that in fact, the dams would save 3 billion cubic meters of water which would satisfy Ethiopia's irrigation needs. With respect to the benefits to the lower riparian countries, he stated that the dams would reduce the amount of silt that is transported to Egypt and Sudan and prevent flooding in the summer as well as water shortages in the dry season. He also reiterated that his country's goal was to provide cheap electricity and meat to Egypt and Sudan in exchange for chemicals and other industrial materials that Egypt produces.[86]

In his opinion, for a breakthrough to occur, Ethiopia has to recognize that Egypt is a stakeholder in the Nile water issue and Egypt has to accept that Ethiopia which is the source of 85% of the water must benefit from it as well.[87] He explained that riparian countries are not asking for an equal share of the Nile water, just that they are entitled to some of its resources and that once that hurdle has been overcome, the next step would be to work on technical solutions to ensure optimization of the water and create a win-win

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[84] Ethiopian TV "PM Meles Zenawi Interview with Egyptian TV on Nile Sharing" http://www.youtube.com/watch?v=2zzXLFKU0HM (accessed on Novermber 13, 2011).

[85] Ibid.

[86] Ibid.

[87] Ibid.

situation for all the countries.[88] With optimization consultations, he believed that even Egypt could increase its irrigation potential by 10%. Zenawi elaborated that it was not right for sovereign countries to beg Egypt and Sudan to access water in their territory but instead, countries needed to be seen as co-owners to foster more cooperation on how to best use the non-renewable resource without damaging anyone's interests. In that respect, he warned that Egypt's old policy of destabilization and blocking grants for Nile Projects was dead because Ethiopia was finding ways to generate funds for its projects so, the way to advance negotiations is acknowledging the fundamental principle that the river is for everyone not just two of the riparian countries.[89]

An Egyptian diplomat interviewed stated that the current administration acknowledged that it has to share the Nile's resources with nine other states and that cooperation can only exist if the perception of benefits from cooperation was shown to be greater that the perception of benefits of non-cooperation and that the challenge is to change perceptions and overcome mistrust.[90] He stated that in Egypt in particular, the government had to convince a skeptical population that cooperation with other states is better than control and that it will yield greater benefits not only through water security but in trade and the exchange of technology, information, labor etc. He stated that he is a civil engineer by training and that he believes that hydropower can be tapped as an energy resource in areas where the gradient is high like in Ethiopia, Uganda, Rwanda,

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[88] Ethiopian TV "PM Meles Zenawi Interview with Egyptian TV on Nile Sharing" http://www.youtube.com/watch?v=2zzXLFKU0HM (accessed on Novermber 13, 2011).

[89] Ibid.

[90] Expert 8, telephone interviewed by Kwasi Obeng, December 22, 2011. All interviews conducted by the author were confidential; the names of the interviewees are withheld by mutual agreement. See Appendix A

Burundi and South Sudan and that with cooperation, the infrastructure can be put in place to power up the entire Nile basin and more. In areas with low gradients, regional management could provide extensive irrigated agriculture for the entire region and that Egypt believes that there is sufficient water to meet the needs of all countries and that the major barriers have been politics involving high level engagement. He also admitted that there is a short window of opportunity for a substantial agreement to be reached.

A Tanzanian diplomat assigned to the Commercial, Economics and Trade Affairs section at the embassy stated that all the countries had to agree that for a viable agreement to be established there had to be inclusiveness, commitment and compromise.[91] He stated that in his opinion, water was not the issue but rather a resistance to change. Change from shifting from a zero-sum policy and historic perceptions which allows some states to use the water and excludes future uses by others to a new policy with positive-sum facts that allows for enough water for most planned developments as long as cooperation exists. He stated that countries in the region were ready to support a process of cooperation and inclusivity and that what was lacking was leadership. In his assessment, the risks of no agreement were political and environmental and could affect future development and security and that the leaders particularly in Egypt and Ethiopia needed to be asked if they were willing to take those risks. He expressed that the potential of regional instability and setting the clock back developmentally due to rising populations and climate change should be enough to engage all parties to come to a mutually agreed solution. He further stated that most parts

[91] Expert 9, telephone interviewed by Kwasi Obeng, December 22, 2011. All interviews conducted by the author were confidential; the names of the interviewees are withheld by mutual agreement. See Appendix A

of the Cooperative Framework Agreement had been agreed upon by all states and that the parts in contention involved the historic rights assigned to Egypt and Sudan. In his opinion, an agreement could be reached to benefit everyone without requiring some countries to have guaranteed rights that superseded those of any other state. With respect to Tanzania, he stated that his country, like many others in Africa, received donor funds from the West and China and that they would like to invest some of those funds in irrigation and industrial projects to help them compete in the global market as well as provide basic public needs for the people like clean water etc.

A diplomat from Kenya who was interviewed by telephone stated that it should be easy to engage Egypt in negotiations and convince them of the benefits of a cooperative agreement and that the only concern in the past had been working with a partner that was willing to listen.[92] He acknowledged that the Supreme Military Council, though it is a transitional government had made great strides by reaching out to governments in the region and that the gestures had been positive. He also stated that in his personal opinion, no one could blame Egypt for the position it had taken for years and that there had been a lot of talk about reforming the United Nations Security Council however most people knew that the permanent member countries would not willingly give up their veto power, partly because they were not willing to listen to the benefits of a more equitable and diverse Security Council but also because the world view of those with power did not allow them to perceive how relinquishing a historical right could be beneficial to a greater good. This is characteristic of a realist paradigm. All they could see, in his

[92] Expert 10, telephone interviewed by Kwasi Obeng, August 17, 2011. All interviews conducted by the author were confidential; the names of the interviewees are withheld by mutual agreement. See Appendix A

opinion, would be a reduction in their standing and a loss of control. He did clarify that in the Nile basin the situation was different in that the current status quo was not sustainable due to rising populations, climate change and the fact that Egypt could not fully control what countries chose to do within their own borders. He stated that the down economy had created so much instability within most countries that no one was willing to risk a conflict of the Nile at the risk of exacerbating tensions that already exist. He speculated that reaching an agreement was just a matter of time because it was in the best interest of everyone even if no government was willing to step out and openly admit it. He remarked that he believed Egypt was willing to take its rightful place and lead in a cooperative agreement once its internal stability issues have been addressed.

A desk officer for the United States Agency for International Development assigned to Ethiopia was interviewed and stated that the United States had committed $900 million to economic growth in Ethiopia and that the United States government had not taken an official position on the Nile sharing agreement.[93] However, it aimed to promote dialogue between Egypt and Ethiopia and strengthen cooperation between the states.

According to Medhane Tadesse, a specialist in peace and security issues in Africa, the unresolved Nile River issue and regional power order was the major factor in the absence of workable peace and security in North East Africa.[94] He described the logjam

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[93] Expert 11, telephone interviewed by Kwasi Obeng, August 17, 2011. All interviews conducted by the author were confidential; the names of the interviewees are withheld by mutual agreement. See Appendix A

[94] Current Analyst Online Journal "The Nile Issue: From the Unknown to the Uncertain" http://www.currentanalyst.com/index.php/conflictsregional/101-the-nile-basin-initiativefrom-the-unknown-to-the-uncertain (accessed on 5 December, 2011).

in resolving the issue as "civilizational" and geographic, deeply embedded in history and geopolitics.[95] He suggested that borders and resources form a web of fault lines at which political and security problems tend to accumulate and intensify and that this is one of the existential problems of Africa.[96] To address the problems, he prescribed cooperative security or common security.[97] This redefinition of security, in his opinion has been forced onto Africa since the end of the Cold War and is a major way for the countries in the horn of Africa to address asymmetrical power relations which are linked to asymmetrical control of the Nile water resources.[98] He addressed the Nile Basin Initiative (NBI) as intended to be a precursor for meaningful negotiations for a new legal and institutional regime on shared and equitable use of the Nile River.

In his assessment, the NBI served as a forum for dialogue and cooperation with strong support from the international community however it is time for the next level of maturity where the states stand on their own and take more advanced initiatives in cooperation and development.[99] In this respect, the NBI was the training wheel for cooperative development and now states yearning for economic maturity and independence are yearning for the power to take matters into their own hands.

Egypt and Ethiopia have a history of competition for power and influence in the Nile River basin and according to Tadesse, there was strategic shortsightedness in the

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[95] Current Analyst Online Journal "The Nile Issue: From the Unknown to the Uncertain" http://www.currentanalyst.com/index.php/conflictsregional/101-the-nile-basin-initiativefrom-the-unknown-to-the-uncertain (accessed on 5 December, 2011).

[96] Ibid.

[97] Ibid.

[98] Ibid.

[99] Ibid.

international community, particularly the United States in not recognizing how improving relations between Ethiopia and Egypt and fostering cooperation between the two countries would translate into political stability in the entire horn of Africa, manifesting even in Sudan and Somalia. He stated that the oversight was in part due to the international community not seeing an immediate danger even though the geopolitical damage that would occur if the parties of the NBI were to go to war was incalculable. He concluded that to resolve the issue, emphasis should be placed on forging closer ties between Ethiopia and Egypt by the international community and the United States specifically.[100] Focusing on the relationship between these two major players would bolster the two countries that helped shape and define the sub-region. [101]

Peter Pham made the case that before any cooperation can exist among the Nile riparian states there was a need for a permanent legal settlement. His argument was that without a formal accord, there could be no rational management or reallocation of a resource whose ownership is so hotly contested.[102] Securing access to water has become a vital component of national security for the riparian states and this has geostrategic significance because the sub-region is at the crossroads between the Middle East and

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[100] Current Analyst Online Journal "The Nile Issue: From the Unknown to the Uncertain" http://www.currentanalyst.com/index.php/conflictsregional/101-the-nile-basin-initiativefrom-the-unknown-to-the-uncertain (accessed on 5 December, 2011).

[101] Ibid.

[102] Pham, J. Peter "Crisis, Conflict and Opportunity in the Nile Basin" *World Defense Review* published 9 February 2010. http://worlddefensereview.com/pham020910.shtml (accessed 5 December 2011).

Africa making it even more important for global security in general.[103] It was for this reason that he felt that the United States should be more proactive, using its significant links across the sub-region and the power of the purse to resolve the conflict diplomatically as a major stakeholder in addressing the issue.[104] He expressed concern that thus far the United States government's engagement has been regrettable given the opportunities for both United States diplomacy and American firms to help allies work together to develop the Nile as a whole.[105] Pham concludes that United States engagement would be advantageous to national security and American global standing as a whole.[106]

A representative from the Republic of South Sudan revealed that the newly independent country had put in a petition to become a full member of the Nile Basin Initiative after enjoying an observer status as a semi-autonomous region under the umbrella of the then national government in Khartoum.[107] The White Nile passes through South Sudan and the government official stated that her country had pledged to cooperate with other riparian countries and respected the right of any country in the region to use the Nile's waters in a manner that would not affect the economic

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[103] Pham, J. Peter "Crisis, Conflict and Opportunity in the Nile Basin" *World Defense Review* published 9 February 2010. http://worlddefensereview.com/pham020910.shtml (accessed 5 December 2011).

[104] Ibid.

[105] Ibid.

[106] Ibid.

[107] Expert 12, telephone interviewed by Kwasi Obeng, August 22, 2011. All interviews conducted by the author were confidential; the names of the interviewees are withheld by mutual agreement. See Appendix A

development of any of the other member states. She said that though there is value in the Nile's resources, the country largely depends on rain fed agriculture and in most areas the rains are reliable. She said that her country was yet to have an official position on the Cooperative Framework Agreement however South Sudan would work closely with its partners to reach a compromise in resolving the issue of the equitable sharing of the river's resources.

A representative from the Rwandan government stated that Rwanda was one of the first signatories of the Cooperative Framework Agreement and that the country's position has always been that all Nile riparian countries should work together on the equitable sharing of the Nile's resources to the benefit of everyone's needs.[108] With respect to Rwanda, he saw great opportunities in the approval of the Cooperative Framework Agreement particularly for the generation of clean energy which is critical to a sustainable and social development of the people.[109] The development of clean energy would be a key factor in meeting Millennium Development Goals as currently only 13% of the population has access to electricity.[110]

A representative of the Sudanese embassy stated that his country's position was that all the Nile riparian countries be allowed to have access to the river's resources however the historic rights must be respected and that the Cooperative Framework

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[108] Rwirahia, Rodrigue "Nile Agreement Soon to be Operational" *The Rwanda Focus*, Wednesday March 30, 2011. http://focus.rw/wp/2011/03/nile-agreement-soon-to-be-operational/ (accessed November 12, 2011).

[109] Ibid.

[110] Ibid.

Agreement does not enjoy the consensus of all the Nile riparian states.[111] He stated that the agreement was not binding to Sudan and that aside from the historical rights; natural rights exist as well, as the other riparian countries receive abundant rainfall for agricultural purposes and do not need to depend on the Nile River as much as Sudan and Egypt do. Sudan's current position is to hold fast to the agreement of 1959. He stated that his government would negotiate with the government of South Sudan as to how the allocated 18.5 billion cubic meters of water assigned before the secession should be shared.

On February 28, 2011 Burundi became the sixth nation to sign the Cooperative Framework Agreement paving the way for the accord to be ratified. An official from the embassy stated that the country was hoping to develop a 60 to 80 megawatt hydropower plant at Rusumo Falls that would serve Burundi as well as Rwanda and Tanzania.[112] He stated that in this day and age, no country should have veto power over the use of international resources and that a new agreement would open up new opportunities that would benefit the entire region not just individual states. He emphasized that in this global market, African countries need to pull their resources together to remain competitive and sustain development in their countries.

Uganda has always held the position that all the Nile riparian states should equally benefit from the river's resources and this position was communicated by

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[111] Expert 13, telephone interviewed by Kwasi Obeng, November 10, 2011. All interviews conducted by the author were confidential; the names of the interviewees are withheld by mutual agreement. See Appendix A

[112] Expert 14, telephone interviewed by Kwasi Obeng, August 9, 2011. All interviews conducted by the author were confidential; the names of the interviewees are withheld by mutual agreement. See Appendix A

President Yoweri Museveni to a 40 member Egyptian Delegation dispatched to the country by the Supreme Military Council. He emphasized that there should be a new agreement that would be a win-win situation for all countries.

An official from the embassy expressed that he did not think it was fair that Uganda, being a landlocked country, was blocked from the benefits of being a source of the Nile while Egypt has access to the Sea.[113] He stated that Uganda was also keen on developing hydroelectric potential to boost its economy. He expressed admiration for the current regime for taking a more cooperative stance and reaching out to the Nile countries by sending a delegation however he did not know how long their new position would be sustained pending elections for a more permanent government in Egypt. He stated that Uganda encourages continued dialogue and building cooperation through understanding of the resources in the Nile basin. He sounded optimistic that a compromise could be reached but hoped it would come before any flashpoints that could destabilize the region. He also stated that his government believes that water demand management is the key to balancing supply and demand and mitigating any conflict in the future. He suggested that an international body of laws needed to be developed governing the Nile and its resources and that this would help avert any conflicts and that the 1959 Agreement must definitely be repealed as it does not serve the interests of all the countries.

The Democratic Republic of the Congo is yet to sign on to the Cooperative Framework Agreement however a government official expressed that it was seeking

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[113] Expert 15, telephone interviewed by Kwasi Obeng, December 5, 2011. All interviews conducted by the author were confidential; the names of the interviewees are withheld by mutual agreement. See Appendix A

further negotiations in reaching a compromise on the issue. He stated that his country had intentions of advancing development on the Nile as well but was waiting to sit with all partners particularly after the political situation settles in Egypt.[114]

In conclusion, there seems to be a consensus that all the Nile riparian countries should have access to the Nile's water and its resources however there is a question as to the mechanism of establishing what is equitable with Egypt and the Sudan not willing to give up their veto power or their allocated volumes. There is also a vacuum in the legal framework by which the countries can determine how much they can withdraw from the river and this in turn creates a barrier to cooperation and regional endeavors that will benefit the region. Once a legal agreement is drawn up and agreed upon then mechanisms to monitor usage and establishing joint projects that will promote the exchange of goods, knowledge and technology can be developed. So far, the international community has not been engaged in helping to develop such a legal framework and has largely left the negotiations to the riparian states to resolve on their own.

[114] Expert 16, telephone interviewed by Kwasi Obeng, August 17, 2011. All interviews conducted by the author were confidential; the names of the interviewees are withheld by mutual agreement. See Appendix A

CHAPTER VI

IMPLICATION OF FINDINGS AND CONCLUSION

There is a general consensus among the experts interviewed that the current status quo on how the Nile is utilized is not sustainable. Climate change and a rapid rise in population in the Nile River basin are contributing factors to the need for a change in how resources are shared, used and managed. The region has been experiencing serious drought which has resulted in some cross border conflicts. The goal of the countries is to balance their development needs with the needs of its people which includes food security, water security and sustainability of the Nile River which means utilizing and managing its resources in a way that they will make the resources viable for future generations.

A primary question therefore is how the Nile Basin countries can engage Egypt to agree to a new cooperative agreement on how the Nile waters should be shared so as to benefit the entire region. The proposal should be made to Egypt that due to its rising population, climate changes and economic needs, the water quota it is receiving now is insufficient to meet its needs in the future. The only way to ensure the economic and developmental viability of not just Egypt but the entire region is to develop a comprehensive plan on Nile water utilization whereby there is a division of labor and expertise based on specializations in technology, industry, energy and agriculture. This will enhance regional trade, food security, water security, national security and a consistent regional energy supply that will promote the region as a fertile place for

investment for both domestic and foreign corporations. Egypt needs to be aware that with a new comprehensive plan, it could drastically increase its market base among its own neighbors as exports to the West and aid from donor countries decrease. A new agreement will bring about absolute gains through cooperation and veer the states away from the current realist paradigm of competition for economic power, resources and regional influence.

Based on the contextual analysis of case studies, the expert interviews and document analyses conducted, the data suggests that the best way to reach a sustainable political solution that will effectively replace the colonial era agreements and promote regional stability while addressing the need for energy, development and population growth; first and foremost is by all the riparian states acknowledging that the colonial era agreements were not fair.

The need for distributive justice is one of the primary needs described in Burton's needs-based theory of conflict resolution. All states should respect the right of sovereignty to access the Nile within their territories as long as the utilization is not detrimental to other riparian states. As the situation with the Mekong demonstrated, a solution is more sustainable if it is inclusive of all stakeholders. This means all nations occupying the Nile basin have to be involved in the decision making processes for there to be an efficient long lasting solution especially if it is to address the needs of all states and not some states, in mutually beneficial, symbiotic relationships. There should be no observer status for any state occupying the basin. Full participation and cooperation among the states will meet the basic need of safety and security.

Participation is also important as a need, according to Burton. By inviting the indigenous people and decentralized governing institutions to the decision making meetings, citizens become empowered and therefore great stewards of their natural resources. This means that communities will begin to believe that their actions do make a difference and they will be more amenable to learning new practices with regards to agriculture and livestock in ways that will preserve the environment and maximize efficiency of the Nile waters.

Pulling from the contextual case study of the Danube River and Hornstein's case studies in sustainability, no plan of sustainable resource management will be effective without including the input of the people who use the resource and are affected by the decisions around the resource. Studies show that citizens become great managers of natural resources when they are made stakeholders in the decision making processes. It is also possible that the citizens will set a more cooperative tone to the decision processes, taking less hard-line stances than the governments that represent them. In Egypt, this is evident in the uprisings of the citizens against the often rigid military regimes. Successful ventures that included public participation are, in the management of the Danube River as described in the contextual case study and in preserving elephants and their tusks in Kenya to boost ecotourism. Public participation is considered a "best practice" in public administration and will serve to foster nationalism within the states and Pan-Africanism in the region and hopefully across the continent. It will encourage feelings of belonging, personal fulfillment, identity and cultural security. These are essential needs that Burton describes as necessary to maintain peace and stability both within states and among the states.

A new cooperative agreement can strengthen ties among the states in the region by boosting economies to marginalize foreign and domestic extremist groups and provide efficient watershed management to allow for water and food security. Negotiations are best when they are initiated before a flashpoint or when there are relatively reduced tensions in the region as is the case now with global sympathy for the Egyptian people and a regime in transition, attempting to reverse decades of dictatorship and suppression of public sentiments.

There is also a consensus that the best time to engage Egypt is while the country trying to carve out a new identity after the revolution that ousted former president Hosni Mubarak. Experts agree that President Mubarak made negotiations difficult, particularly with Ethiopia as he held them partially responsible for the failed assassination attempt on his life while he was visiting the country in the 1990s. The new regime is said to be more cooperative and flexible in their position. They have already dispatched good will delegations to key riparian states, illustrating a willingness to engage in African affairs despite some political uncertainty pending the outcome of elections and the establishment of a new government. Negotiating an agreement prior to a flashpoint is one of the major lessons learned from the contextual analysis of the Mekong river management systems.

The contextual analysis of the Niger River case study reveals that the political culture of Africa requires that decisions on Nile water sharing be made at the higher levels of government however, a lack of transparency in the political decision making process and excluding third party stakeholders like the citizens, could open opportunities for land grabs by foreign entities, cases of bribery, no bid contracts and nepotism in river basin organizations. In reviewing the Mekong, Danube and Niger rivers, it was evident

that if the riparian countries are not able to reach an amicable agreement, there may be ample opportunities for foreign states, corporations and even intergovernmental organizations like the World Court to inject themselves into the debate with their own set of interests and biases which could be detrimental to some or all of the riparian countries. Taking a Pan-Africanist approach to needs-based theory in addressing the Nile dispute will ensure that in the negotiations, the needs of the African people are first and foremost.

Lessons learned from China's Africa policy are that for a healthy environment for African relations, the sharing of a historical experience, which in the basin will be a shared colonial history, should be highlighted and negotiations should be based on the principles of sincerity, equality, mutual benefit, solidarity and common development.[1] In fostering sincerity, equality and friendship, China claims to adhere to the five principles of peaceful coexistence; respect for each country's sovereignty; their self determined road maps to development and their efforts to grow stronger through unity. These principles if adopted by the riparian countries could help define economic Pan-Africanism and regionalism in the region for the 21st century. Following the Chinese paradigm, once these principles for negotiations have been established, mutual benefits, reciprocity and common prosperity can be developed through specializations, division of labor and regional symbiotic relations as are required for success in this new age of globalization. This solidarity has the potential of further developing into mutual support, coordination and cooperation when addressing the international community in issues regarding peace and development in Africa.

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[1] Chinese Government "China's African Policy" http://www.gov.cn/misc/2006-01/12/content_156490.htm" (Accessed 11 March, 2011).

The recent secession of South Sudan also creates a unique opportunity for the stakeholders to revisit the agreement of 1959 that was signed between a united Sudan and Egypt. While trying to determine how Sudan and South Sudan will allocate resources from the Nile, a new agreement can be drafted that will be inclusive of all the riparian states in a spirit of peace and economic stability in the region. It is in the welcoming atmosphere of South Sudan that regional organizations like the Intergovernmental Authority on Development (IGAD) and the United Nations Development Programme (UNDP) can take leading roles in facilitating negotiations and cooperation as well as providing technical support as the region tackles issues of drought, famine and economic degradation. Four out of the six IGAD members are Nile Basin states. IGAD is committed to ensuring food security and environmental protection among its member states; promoting and maintaining peace and security and humanitarian affairs and finally, facilitating economic cooperation and integration.

The organization's objectives as listed on its website include promoting joint development strategies and gradually harmonizing macro-economic policies and programs in the social, technological and scientific fields.[2] By harmonizing policies with regard to trade, customs, transport, communication, agriculture, natural resources and the free movement of goods, services and people within the region, IGAD hopes to create an enabling environment for foreign, cross-border and domestic trade and investment. This means that its participation in reaching a solution among the Nile basin

[2] Intergovernmental Authority on Development " About Us- Our Mission and Vision" http://igad.int/index.php?option=com_content&view=article&id=93&Itemid=124&limitstart=1 (Accessed 15 November, 2011).

states will be well within its mission.[3] The UNDP has already established the Nile Transboundary Environment Action Project, based out of the Sudan with the objectives of providing a forum to discuss development paths for the Nile with a wide range of relevant partners; improving the understanding of the relationship between water resources development and the environment and finally enhancing the environmental capacities of basin-wide institutions.[4] The project was established with the support of Global Environment Facility, the World Bank and the Nile Basin Trust Fund.[5] It is one of eight projects under the Nile Basin Initiative Shared Vision Programme, the purpose of which is to create an enabling environment for the Nile riparian countries to achieve socio-economic development through the equitable utilization and mutual benefit of the common Nile Basin water resources.[6] UNDP's activities in the region means that it already has the technical experts who are familiar with the region and the Nile and as such can provide much needed consultations on a brand new all inclusive agreement with equal regard to all stakeholders and partners.

The Arab League released a statement in 2010 that it was planning to use its good relations with the Nile Basin states to mediate between them on one hand and Egypt and

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[3] Intergovernmental Authority on Development " About Us- Our Mission and Vision" http://igad.int/index.php?option=com_content&view=article&id=93&Itemid=124&limitstart=1 (Accessed 15 November, 2011).

[4] United Nations Development Programme Sudan "Nile Transboundary Environmental Action project (NTEAP)" http://www.sd.undp.org/projects/en4.htm (Accessed 15 November, 2011).

[5] Ibid.

[6] Ibid.

Sudan on the other in an effort to resolve the longstanding differences over Nile water distribution.[7]

According to the experts interviewed, the West is often perceived as biased and strictly concerned about their own self interests rather than the developmental advancements of Africa. These sentiments have been carried over from the colonial era and for this reason, the United States and most importantly the United Kingdom may not be perceived as fair arbitrators in resolving the Nile disagreements. Riparian states have accused the United States of favoring Egypt in drafting developmental assessments and backing Egypt's domination over the Nile. This was seen as a quid pro quo for Egypt's support of anti-terrorism efforts and being a moderate partner in the Israeli-Palestinian conflict. The United Kingdom's expertise may probably be rejected as they are perceived as the root of the disagreements, striking deals with Egypt without regard for the economic, developmental, industrial and agricultural needs of the upper riparian states, back when they were wards of the British Empire. Since the United States and Great Britain are not perceived as non-partisan third parties based on Borg's theory relative to the Nile crisis, it is unlikely that they will be universally accepted as positive intervenors especially if the outcome cannot be described as an African solution to an African problem but rather a Western solution to an African problem. IGAD and the Arab League, if necessary will be better perceived as non-biased arbitrators.

Pulling from Borg's fusion of Wallerstein's World Systems theory with Donald Black's theories on conflict resolution, it can be concluded that for there to be a

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[7] Allah, Khalifa Gab, "Arab League moves to avert Nile crisis following Ethiopia's war remarks" http://panafricannews.blogspot.com/2010/11/arab-league-moves-to-avert-nile-crisis.html (Accessed 16 November, 2011).

successful resolution, threats of military intervention or possible economic embargos should be taken off the table. According to experts, Egypt is going through some tough economic times post-Mubarak and as such has to view all the other riparian countries as sharing a similar economic status whereby the emphasis should be on mutual benefits rather than powerful states dictating the agenda. The states should take on the attributes of core states if they want to become like core states. This means negotiating and using a non-partisan third party if necessary but steering away from destructive conflict resolution strategies like avoidance, coercion and force. The Nile Basin is still relatively unstable with tensions and military skirmishes still existing between Sudan and South Sudan, tensions between Eritrea and Ethiopia, and drought between the borders of Ethiopia and Kenya creating the risk of cattle raids and population shifts. The last thing the region needs is an escalation of the humanitarian issues that already exist. International organizations can be integral in independently monitoring water usage upstream and its preservation downstream and fostering trust over time among the nations as they comply with agreed utilization patterns.

In Murray's description of Innovative Diplomatic Theory, he suggests that there should be a constant realignment and acknowledgement of the relationship between state and non-state actors in negotiations. Due to poor infrastructures and the scope of the energy needs in the region, it may serve the riparian countries well to solicit the help of well to do partners committed to the development of the region and the sustainability of the natural resources. These partners should include consultants who have the technical knowhow of maximizing the energy, agricultural and industrial potential of the region. Also included in the partnerships should be non-governmental organizations that work

directly with the indigenous people around the river and can give some insight into the practices and rituals around the river that should be factored into creating sustainability. The expert from International Rivers suggested that in determining appropriate non-state partners, it is important that there be a disclosure of which industries they are affiliated with and their funding sources. This will help to reveal any conflicts of interest particularly with for-profit organizations and as such ensure that any recommendations are in the best interests of the region as a whole and not a ploy to exploit the region for external, financial gain. African countries in general have not been very successful in integrating the needs of the public especially those in the rural areas in their decision making processes.

Reversing the colonial era agreements and substituting them with a new agreement developed by Africans for Africans as Helen Lauer suggests will have huge psychological implications on the continent as Africans demonstrate that they can determine their own destinies and self governance and move past the egregious policies of the past. The implication of consulting the public in international policy formation and decision making in a Nile equity agreement could go a long way in empowering people to be active in political processes both domestically and internationally.

As stakeholders the public will be emboldened to hold their government officials accountable for the suggestions and inputs that they contribute. This could advance the cause of transparency in governance and democracy, not just in the riparian states and in the region but across the continent as a whole. Citizens who participate in the planning and implementation of the Nile River equity agreement will ensure that politicians make good on the promises of efficient, sustainable and mutually beneficial developmental

projects that will increase public goods and opportunities for all people not just the elite and foreign investors. This will hopefully translate to accountability with other public policies that affect all aspects of their lives and transform the eligibilities and expectations that the people have of their leaders in both centralized and decentralized governments.

An example of an inherently African tradition that encourages participation of citizens in resource sharing and management is that of the Kgotlas of Botswana. Kgotlas are public meetings or community councils where decisions are made by consensus. In these meetings, anyone is allowed to speak without interruption and because of this tradition; Botswana claims to be one of the oldest democracies.[8] Sharing the truth is at the heart of the Kgotla system. There are no negative consequences for those involved. Members of the assembly experience a deep rooted trust and are free to be as candid as possible.[9] Based on the candid feedback, leaders are expected to make more balanced decisions giving the citizens who participate in the process a sense of worth and ownership in the resources, the problems and the solutions.[10]

Kgotla-like public meetings could be held in several regions along the Nile over a specific period of time in each Nile basin state and the results presented, along with technical data from experts and non-governmental organizations, to the Council of Ministers or Heads of States as they negotiate on a more equitable and efficient

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[8] The Kgotla Company "What does Kgotla Mean?" http://www.kgotla.com/index.php?pag=7&lang=0 (Accessed December 1, 2011).

[9] Ibid.

[10] Ibid.

agreement. Encouraging communication and joint ventures between governments and the people in Africa will demonstrate to the world that Africans do have the ability not only to govern themselves but do so effectively and efficiently and that there is such a thing as decolonization with emancipation. It will foster personal fulfillment, freedom, self-esteem and an African identity; needs critical to maintaining stability within a state and in a region.

The implications of a new cooperative agreement could be monumental in strengthening and resolving century old tensions between Arabs and sub-Saharan Africans on the continent. By smoothing out old tensions where sub-Saharan Africans feel like they are perceived as inferior by their Arabic neighbors the issue of environmental justice and distributive justice among the ethnic groups in the region, among the various ethnic groups will be alleviated as well as the dissonance between Christian and Muslim Africans often perpetuated by Western media and evangelical groups. Tensions still exist between black Africans and their Arab partners. Mauritania only passed legislation criminalizing the slavery of black Africans in 1997 and it is believed that the practice still continues in the shadows today. Also violent conflicts are still erupting between Sudan and South Sudan despite the secession.

Resolving the Nile sharing crisis could be one less issue to be addressed as Sudan and South Sudan negotiate oil concessions. It will also mean that there will be a redefinition of regionalism and Pan-Africanism and a reformation of how the ideology should manifest, after the demise of one of the last Pan-Africanist leaders, Colonel Qadaffi. It is the hope that successful regional cooperation will yield an infectious trend that will spread across the continent bringing to bear the type of Pan-Africanism

envisioned by the likes of Kwame Nkrumah where African sovereignty is made fluid to facilitate the exchange of goods, ideas and cultures to uplift the continent in the global arena. As mentioned earlier, this new Pan-Africanism will focus on economic solidarity and strength as well as the preservation of natural resources to the benefit of current and future generations while advancing industrial and agricultural development and eco-tourism. Again, this will reinforce the need for cultural security with respect to what it means to be African.

For true development to take place in Africa and particularly in the Nile River basin there has to be progressive thinking with respect to the strengthening of civil societies, institutions, governance and transparency. This means effectively incorporating the needs of African citizens in decision making processes and conducting negotiations with respect to transboundary resources in a politically mature manner focusing again on mutually beneficial results. The results should focus on the greater good rather than individual interests within symbiotic relationships that recognize the current global diplomatic environment and the expert contributions non-state actors bring without ignoring the self interests of private for profit corporations.

As the African continent continues to push the mantra of African people finding solutions to African problems and in light of perceived deficiencies in the African Union in averting and managing crises; reaching a consensus and advancing its own agenda, this study suggests that Africans need to invest in non-state Pan-African institutions. These non-state institutions will consolidate African expertise in drafting constitutions that will articulate the rights of the people over their resources and not the governments in power. These institutions can also help to reconcile colonial era the agreements that have created

winners and losers and instead advocate positions where all stakeholders especially the general public will come out with absolute gains. Non-state Pan-African institutions can better formulate and facilitate international relations among African states in the spirit of innovative diplomacy and bridge the gap between central governments and decentralized rural and ethnic governing systems. These Pan-African institutions will be able to take continent wide approaches to national security, water security, food security and matters of the environment and make bids for spearheading their positions among the African people and governments on national and regional levels. With the influx of investments from China and other foreign agents, these institutions will be able to assist governments like those in Nile basin interested in ramping up development efforts, to reconcile issues that will increasingly be important to the African people like collective bargaining rights as labor issues and other matters come up in the proposed projects.

Current non-state Pan-African institutions have used their talents predominantly to woo foreign investments to the continent without presenting equal opportunities for African competitors. A Pan-African approach to needs-based theory will focus and meeting the needs of African people and create a paradigm shift where African agencies can advocate and are given a fair shot if they proposals best meet the needs of the continent.

Within the states, governments will have to seriously address issues of climate change and rising populations. There will have to be a re-emphasis on family planning education as well as strengthening regulations of public and industrial uses Nile waters from private swimming pools to fishing practices. A Pan-African movement with the

agenda of preserving the rich resources of the continent can be another role played by the suggested non-state Pan-African institutions.

Non-cooperation could result in bleak futures in the Nile basin and even the possibility of failed states as there could be upstream unilateral development projects which combined with climate change could threaten water security and escalate internal disputes and potential conflicts in countries like Egypt and within the region as a whole. There could be increased instability and isolation among the states as well as donor fatigue from Western financial sources. Cooperation can catalyze free flow of goods, labor, capital and ideas. The increased connectivity that will come from a deal could improve roads and rails, power, telecommunications and trade with the potential of increasing trade between Egypt and Ethiopia by 50 percent and intensify basin wide investment in agriculture and agri-business.

By applying needs-based theory to conflict resolution, rather than a chronological rights-based approach to politically resolving the Nile issue, states can focus more on the economic benefits of the entire region rather than wasting both time and energy on the proprietary aspects of the river. The needs-based approach will allow the governments to adopt the traditional perceptions of the public that the Nile is a gift from God to be shared by all and not to the benefit of the elite and the powerful. This means that emphasis should be placed not only on how all the states can benefit from the river but also on how the utility of the river will benefit the masses not just those in the metropolitan areas, the seats of government or the big manufacturing or mining industries. A needs-based approach will create a more comprehensive solution addressing energy and industrial needs as well as providing food security by way of regional irrigation plans; access to

clean drinking water; trade and transportation needs. It could even incorporate the needs of the nomadic tribes in a way that will ensure the sustainability of this non-renewable resource.

The exchange of technical and other specialized skills could result in innovative results for some of the issues that are putting pressure on the Nile's resources. For example, Morocco and Malawi are investing in windmills as alternative energy resources in rural areas so there is no reason why some of the riparian states cannot tap into that technology to ease the demand on the Nile for hydroelectric plants. The same goes for developing a region-wide irrigation mechanism to compensate for times of floods and droughts or desalination projects to increase water sources. Eventually, applying needs-based theory could ensure that there is a continuous emphasis on all stakeholders coming out on top and abandoning archaic principles of realism in African international relations. Needs are compatible across cultures and religions, so by focusing on the needs of the people there is no reason why the issue of equitably sharing the Nile's rich resources cannot be resolved

The limitations of this study include the great disadvantage of not being able to travel to the Nile Basin region and speak with the government officials like Ministers of Departments of Natural Resources; bureaucrats and citizens including nomadic tribes that thrive off the Nile's resources and will be directly impacted by development projects along the river.

The diplomats interviewed seemed to professionally draw distinctions between their personal opinions and the defined policies of their states. Some diplomats chose to speak off the record and expressed their personal opinions as experts in the field of

international relations as to how to engage fellow partners. Other diplomats preferred to stay on the record and responded to questions in the capacity of a representative of their state focusing strictly on the interests of their state and their public position on how the Nile waters should be shared. Some diplomats were a little tentative on speaking about how to engage Egypt considering that the country has been experiencing recent intermittent protests since the ouster of Hosni Mubarak creating uncertainty about which negotiating party will be representing Egypt. Recent parliamentary gains by Islamist parties and a possible eminent shift in the political authority could affect the negotiations and the approach taken towards the mostly Christian upper riparian states, relative to the Supreme Military Council that has been more cooperative and amiable to the riparian states but is receiving mounting pressure to hand over power. Some experts chose not to participate at all and deferred to their home offices or other Departments in their home countries.

It was important to adopt conflict sensitive language as suggested by Simon Mason is acquiring valuable information from the Foreign Service personnel. Even though open questions were used to acquire the most information, it took some practice to coax information out of the diplomats who had busy schedules and other pressing matters on their agenda. The recent global economic down turn has caused many governments to focus on domestic tensions and job growth and less on international relations. There is a possibility that the economic crisis could create protectionist attitudes reducing opportunities for cooperation and economic regionalism necessary to reach a consensus on a viable Nile River agreement.

It was hard to reach non-governmental organizations with direct contact with indigenous groups along the river and the knowledge of their cultural and nomadic practices however, organizations like International Rivers and the Karnon Foundation were able to give some general insights into the sentiments of professionals working in the area some of whom interact with these groups. Though the information was highly valuable it has reduced validity and reliability relative to information obtained from the specific groups that live around the Nile River. The same goes for the information received from the contextual analysis of the Mekong, the Danube and the Niger attempting to make the lessons learned in those scenarios applicable to Nile. As this paper was focused more on the political aspects of reaching a sustainable solution, less detail was given to the technical aspects of potential projects for the region that will meet the industrial, agricultural and energy needs of the people as well as watershed management.

Despite the limitations, experts, publications and government documents provided adequate information on how the Nile riparian states should apply innovative diplomacy reducing the focus on the states as the sole actors but rather incorporating citizens, non-state actors like consulting agencies and non-governmental organizations in developing and fostering a cooperative environment where all parties feel like they have a stake in the outcomes and as such are committed to the development of the entire basin for the benefit of all with emphasis on the basic needs of the people for food and water security, energy and the means for industrial and agricultural expansion.

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APPENDICES

Appendix A

Expert Interviewees

Expert	Role/Organization	Date of Interview
Expert 1	High ranking international civil servant/ United Nations Department of Political Affairs	July 29, 2010, New York, New York
Expert 2	Africa program officer/ International Rivers	July 15, 2011, Telephone Interview
Expert 3	Director/ United Nations Department of Political Affairs	July 23, 2010, New York, New York
Expert 4	Team Leader/ United Nations Department of Political Affairs	July 23, 2010, New York, New York
Expert 5	Team Leader/ United Nations Department of Political Affairs	July 22, 2010, New York, New York
Expert 6	Senior Program Officer/ United Nations Department of Political Affairs	July 21, 2010, New York, New York
Expert 7	Program Officer/ United Nations Department of Political Affairs	November 10, 2011. Telephone interview
Expert 8	Cultural Attaché/ Nile Basin Country Embassy	December 22, 2011. Telephone interview
Expert 9	Foreign Service officer/Commercial, Economics and Trade Nile Basin Country Embassy	December 22, 2011. Telephone interview.
Expert 10	Commercial Attaché/ Nile Basin Country Embassy	August 17, 2011. Telephone interview
Expert 11	Desk Officer/United States Agency for International Development	August 17, 2011. Telephone interview
Expert 12	Chargé d'Affaires/ Nile Basin Country Embassy	August 22, 2011. Telephone interview

Expert	Role/Organization	Date of Interview
Expert 13	Press Officer/ Nile Basin Country Embassy	November 10, 2011. Telephone interview
Expert 14	Counselor/ Nile Basin Country Embassy	August 9, 2011. Telephone interview
Expert 15	Counselor/ Nile Basin Country Embassy	December 5, 2011. Telephone interview
Expert 16	Foreign Service officer/ Nile Basin Country Embassy	August 17, 2011. Telephone interview