

Revising the GERD Dispute in 2021: Challenges on the Road Ahead

In the coming months, what we can expect for the political negotiations between Egypt, Sudan and Ethiopia on the controversial mega-dam, and a discussion of ways forward.

RETHINKING SECURITY IN THE 2020s SERIES – ANALYSIS

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1. INTRODUCTION

As the region approaches its crucial rainy season for the Nile River, tensions remain¹ regarding the status of Ethiopia's controversial mega-dam, the Grand Ethiopian Renaissance Dam (GERD). Addis Ababa has indicated² that it intends to complete its second filling of the dam's water reservoir this year, regardless of any objections or threats from its contemporary downstream neighbours, Sudan and Egypt. Sudan, for their part, have threatened³ to file a lawsuit at the Ethiopian government, and the Italian construction company behind the project, for "*environmental and social impact as well as the dangers of the dam*"⁴. This follows months of increased friction⁵ due to spill-effects of Ethiopia's military operation in Tigray, as well as problems at the disputed border of al-Fashaga, where both countries have accused the other of violating their borders with military personnel.

The African Union (AU) has so far been responsible for handling the international mediation efforts to reach a political settlement, each of the three involved States acquiescing to the mantra of "*African solutions for African problems*"⁶. However, under the auspice of South African President Cyril Ramaphosa, the AU-led

¹ See former BIC articles for context on issues affecting the GERD, as well as recent border tensions between Sudan and Ethiopia: <https://www.bic-rhr.com/research/gerd-challenge-how-compromise-can-be-reached-through-cooperation>; <https://www.bic-rhr.com/research/tensions-sudanese-ethiopian-border-conflating-new-and-pre-existing-concerns>

² <https://english.ahram.org.eg/NewsContent/1/64/407604/Egypt/Politics-/Ethiopia-to-go-on-with-second-filing-of-GERD-in-Ju.aspx>

³ <https://www.arabnews.com/node/1847906/middle-east>

⁴ Ibid.

⁵ <https://issafrica.org/iss-today/ethiopia-sudan-border-tensions-must-be-de-escalated>

⁶ <https://allafrica.com/stories/202105010095.html>

negotiations did not produce an agreement due to objections from all three States at different stages of the process⁷. Now, with the leadership of the AU shifting to the Democratic Republic of Congo (DRC), and its President Félix Tshisekedi, there have been new discussions⁸ of different possible negotiation frameworks, and the involvement of a wider pool of international actors. But the first round of Congo-led negotiations has failed⁹, and given the current political climate the prospect for a settlement anytime soon remains remote.

2. WITH THE RAINY SEASON AHEAD, THE POLITICAL FORECAST REMAINS BLEAK

2.1 Revisiting the Key Issues

Despite the recent escalation in rhetoric, the obstacles facing a political settlement remain the same as they were when mediation efforts began. Sudan and Egypt want a legally binding agreement on the operation of the dam, whereby they can insist upon release of water in particular times, such as during drought periods¹⁰. In Sudan's case, this is also to ensure that the release of water is safe and avoids flooding downstream¹¹. The two nations also want a legally enforceable international arbitration mechanism to handle disputes regarding the GERD in the future. Meanwhile, Ethiopia considers the GERD to be a sovereign project that is necessary to their country's development objectives¹². They are reluctant to sign an agreement that makes the operation of their dam beholden to another country. There is reason to suggest that on the specific technical lines, there are reasonable solutions to achieve compromises¹³. Despite this, no agreement has been reached so far. Notably, the AU proposed a compromise last December under the auspices of South Africa, but this was rejected by all three parties. The simple reality is that politics is blocking the route to compromise¹⁴.

2.2 What to Expect from Summer 2021

The immediate forecast for tensions with the GERD for the year ahead do not appear promising. The summer months are the critical rainy season for Ethiopia, where most of the volume of Blue Nile water comes from each year. As it stands, Ethiopia intends to continue with a second filling of the GERD's reservoir, following from the preliminary filling during the same period in 2020, and intends to do so regardless of the status of the political negotiations. There are a few factors to consider here. Firstly, Ethiopia continued its military operations in Tigray despite widespread

⁷ <https://issafrica.org/iss-today/could-new-mediators-resolve-the-gerd-dispute>

⁸ Ibid.

⁹ <https://www.theafricareport.com/78210/gerd-drcs-tshisekedi-does-not-get-the-hoped-for-dam-agreement/>

¹⁰

[https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/659412/EPRS_BRI\(2020\)659412_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/659412/EPRS_BRI(2020)659412_EN.pdf)

¹¹ Ibid.

¹² Ibid.

¹³ <https://www.bic-rhr.com/research/gerd-challenge-how-compromise-can-be-reached-through-cooperation>

¹⁴ Ibid. (For more details about the GERD, including the technical challenges)

condemnation and outrage from the international community¹⁵, it is doubtful that the Ethiopian government would feel beholden to international pressure at this juncture. Secondly, there are domestic elections taking place in Ethiopia soon. Prime Minister Abiy Ahmed has a number of domestic challenges, including those as in Tigray and at the Sudanese border¹⁶. His government's stance on the GERD, by contrast, is not so domestically controversial and so a major change to that position before the June election does not seem realistic.

On the other side of the dispute, we can look to last year's filling and recent political statements to have an indication of what to expect from Egypt and Sudan. Last year, during the first filling of the GERD's reservoir, the reaction from Egypt was that of no-concern, with Cairo already having contingency in place to deal with any water problem. We can expect the same this year; Egyptian officials have already said¹⁷ they are ready to deal with any problems arising from the second filling. It is interesting in this regard to see a reduction in the intensity of political rhetoric coming from Cairo in 2021 when compared to last year; some possible explanations being either the Egyptian position being overshadowed, or a lack of need to promote scepticism of the GERD, due to Khartoum's more intense public position this year. Sudan has been far more vocal in objections in recent months¹⁸, especially given the deterioration in relations with Ethiopia due to the upswing in violence in the disputed al-Fashaga region since late-2020. The second filling of the dam may be the catalyst to trigger legal proceedings filed against the Ethiopian State.

3. BEYOND THE AU-LED PROCESS

Talk regarding negotiations has again returned to the question of who should oversee the proceedings. The AU continues to take the lead in the process, despite its failure to secure an agreement so far. Meanwhile, Egypt and Sudan have suggested¹⁹ involving a wider variety of actors, including the UN, the EU and the US, all players who have been acting in a strictly observatory role so far. Ethiopia has rejected²⁰ the involvement of more international actors, in the past viewing them as having a biased position against them and insisting on only the AU's direct involvement. For their part, the EU, for instance, has said²¹ that they would continue to defer to the AU on mediation of the GERD issue. The UN is less controversial in this regard, and there could be space for greater involvement in terms of technical expertise and mediation assistance to the AU-led process for the proceedings. But again this depends on what aspects of the UN are to be involved. On several occasions in the past, notably during the heightened rhetoric of early 2020, Egypt has

¹⁵ https://eeas.europa.eu/headquarters/headquarters-homepage/96145/ethiopia-g7-foreign-ministers-statement-situation-tigray_en

¹⁶ <https://www.ispionline.it/en/publication/leader-watch-2021-abiy-ahmed-28806>

¹⁷ <https://www.arabnews.com/node/1841396/middle-east>

¹⁸ <https://english.aawsat.com/home/article/2943996/sudan-launches-diplomatic-campaign-garner-support-gerd-dispute>

¹⁹ <https://issafrica.org/iss-today/could-new-mediators-resolve-the-gerd-dispute>

²⁰ <https://apnews.com/article/ethiopia-sudan-africa-egypt-uganda-6556e49a7958c61e4dff222bbde2af0d>

²¹ <https://www.kenyatribune.com/eu-vows-to-support-au-led-negotiation-on-gerd/>

threatened²² to elevate the issue of the GERD to the UN Security Council, which would cast a large shadow over the AU's negotiation strategy. In this case, an elevation to the UN Security Council should be invoked as a last resort, and after the AU-process has exhausted options for negotiation. For now, while the situation is tense but not critical, insofar as there is still a chance for a settlement, this is not needed.

4. FINDING SOLUTIONS

What is needed to break the political impasse? There have been agreements²³ between all three States on fundamental principles for the negotiations, one of those such-principles being the responsibility to avoid harming others through one's own water use. This should be the foundation to build better trust and aim towards a settlement that allows Ethiopia to lead, but Egypt and Sudan to be involved in aspects of the GERD's operation. All States need to demonstrate a willingness to accept a compromise and recognise that there will need to be concessions. So far, Ethiopia does not appear to be willing to accept any settlement, and this can be seen in Ethiopia's rejection of some of the AU-led efforts, despite being the actor that continually pushed for a solely AU-led negotiation process. On the other hand, Egypt and Sudan could do more to avoid provocation, and focus on building a solution through the many legal pathways available to them. This does include a possible escalation to the UN Security Council, but this case should only be used as a last resort. In principle, the position of all involved parties is not incompatible as the rhetoric may appear, and all would do better to recognise this than let politics obscure the way forward.

²² <https://enterprise.press/stories/2020/06/30/egypt-pushes-for-un-security-council-resolution-on-gerd-17827/>

²³ <https://www.bic-rhr.com/research/gerd-challenge-how-compromise-can-be-reached-through-cooperation>

About the BIC

The BIC is an independent, non-profit, think-and-do tank based in the capital of Europe that is committed to developing solutions to address the cyclical drivers of insecurity, economic fragility, and conflict the Middle East and North Africa. Our goal is to bring added value to the highest levels of political discourse by bringing systemic issues to the forefront of the conversation.

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