

**Security Council**

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**Letter dated 14 May 2020 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council**

Upon instructions from my Government, I have the honour to transmit herewith a letter from the Minister for Foreign Affairs of the Federal Democratic Republic of Ethiopia, Gedu Andargachew, addressed to you, regarding the trilateral negotiations between Ethiopia, Egypt and the Sudan on the first filling and annual operation of the Grand Ethiopian Renaissance Dam (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Taye Atskeselassie **Amde**  
Ambassador Extraordinary and Plenipotentiary  
Permanent Representative



## **Annex to the letter dated 14 May 2020 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council**

I am writing to inform you of the status of the negotiations between Ethiopia, Egypt and the Sudan on the Grand Ethiopian Renaissance Dam. These trilateral negotiations, although challenging for reasons that I shall explain in the present letter and the attached aide-mémoire (see enclosure), have created opportunities for the three countries to discuss their concerns.

The Nile Basin countries enjoy one of the oldest relations in human history. We are ancient civilizations inseparably linked by this noble river. We believe that the Nile can deliver a new level of fraternity and cooperation for the betterment of our people.

Let me now briefly highlight why Ethiopia is building the Grand Ethiopian Renaissance Dam and the history, present-day facts and truth about the tripartite negotiations with Egypt and the Sudan.

My country, Ethiopia, is the source of 86 per cent of the Nile waters. However, for close to a century, Egypt, through colonial-based treaties to which Ethiopia is not a party, saw to it that it received the lion's share of Nile waters and introduced the self-claimed notion of "historic rights and current use", leaving nothing to the remaining nine riparian countries.

In essence, Ethiopia was expected to simply generate and deliver the water, but never to touch it. This unjust state of affairs cannot continue and must be redressed. To this end, my country commissioned the construction of the Grand Ethiopian Renaissance Dam, which is a vital project of enormous potential for cooperation, regional economic integration and mutual benefits for countries in the region, including Egypt itself.

The survival, development and prosperity of Ethiopia and its people are inextricably linked to our ability to develop our water resources. Any visitor to Ethiopia will understand that there is an urgent need to lift millions of citizens of Africa's second most populous country out of extreme poverty.

To put this into perspective:

- The waters of the Nile account for more than two third of Ethiopia's surface water.
- Despite being endowed with these water resources, Ethiopia has been facing recurrent droughts, severe food insecurity and a lack of adequate water supply to fulfil the needs of its people.
- More than 65 million Ethiopians have no access to electricity, whereas almost all Egyptians have access to electricity. As a result, almost two thirds of school children in Ethiopia are forced to stay in darkness and millions of women still trek long distances to fetch water and firewood.
- Ethiopia's energy demand is growing by 19 per cent every year. The Grand Ethiopian Renaissance Dam is instrumental to our national efforts to address the economic, social and environmental challenges and to meet the Sustainable Development Goals and Agenda 2063 of the African Union.
- Lack of access to energy exacerbates, among others, deforestation and adversely affects the vitality of the Nile – a matter that should also concern Egypt.

The Grand Ethiopian Renaissance Dam is a national project built solely through the direct contributions of all Ethiopians because Egypt persistently blocked international financial institutions from supporting the construction of the Dam. Completion of the Dam will help to alleviate our chronic energy deficit and play a critical role in spurring development through industrialization, which is fundamental to the promotion of sustainable development, peace and security.

Ethiopia has made it clear from the very beginning that construction of the Grand Ethiopian Renaissance Dam is based on its sovereign and legitimate rights to use the Nile waters and it not causing significant harm to downstream countries. Furthermore, unlike Egypt, which did not consult Ethiopia when it constructed the Aswan High Dam and when it decided to direct the Nile out of its natural course through the Peace and Toshka canals, Ethiopia held discussions with both Egypt and the Sudan throughout the entire period of construction of the Grand Ethiopian Renaissance Dam.

As a member of the League of Nations and founding member of the United Nations, the Organization of African Unity and the African Union, Ethiopia has consistently promoted the concept of collective security and multilateralism at international, regional and subregional levels. Contrary to repeated Egyptian assertions, throughout its long diplomatic history, Ethiopia has stood up against unilateralist approaches.

Out of its strong convictions, Ethiopia has more recently endeavoured to create a fair and balanced cooperation with the Nile riparian countries through the Nile Basin Initiative and the Agreement on the Nile River Basin Cooperative Framework Project. On the other hand, Egypt, owing to its continued unilateral approach, has rejected region-wide cooperative frameworks on the Nile River and constructed the Aswan High Dam and new canals without any consultation with regional stakeholders. It is worth noting that Egypt ignored Ethiopia's protests in the years 1956, 1957, 1980 and 1997 objecting to the significant harm that Egypt's water infrastructure would cause to Ethiopia and other Nile riparian States.

In the ongoing trilateral discussions on the filling and annual operation of the Grand Ethiopian Renaissance Dam, Ethiopia's position is guided by accepted principles of equitable and reasonable utilization and causing no significant harm, as well as cooperation, as stipulated in the declaration of principles signed in March 2015 by Egypt, Ethiopia and the Sudan. Moreover, Ethiopia has taken the following important measures in the spirit of cooperation and to ensure transparency and build confidence in the Dam:

- First, Ethiopia, in an unprecedented manner, took the initiative to establish an international panel of experts in 2011 and invited Egypt and the Sudan, enabling them to participate in the evaluation of the design and study documents of the Grand Ethiopian Renaissance Dam. Ethiopia, in good faith, also accepted and applied the recommendations of the panel, which was then appreciated by Egypt and the Sudan, as recorded in the declaration of principles.
- Second, on the basis of the declaration of principles, which guides the engagement of the three parties on the first filling and annual operation of the Grand Ethiopian Renaissance Dam, Ethiopia, together with the lower riparian countries, facilitated the works of the tripartite national committee. The work of the committee was, however, curtailed due to Egypt's insistence on "historic rights and current use" as a baseline to conduct the recommended studies of the international panel of experts.
- Third, Ethiopia took the initiative to create yet another mechanism, a national independent scientific research group, consisting of five experts from Ethiopia,

Egypt and the Sudan, in 2018. The scientific research group was tasked with generating different scenarios for the first filling and annual operation of the Grand Ethiopian Renaissance Dam. Despite Egypt's obdurate stance and unilateralism, Ethiopia remains committed to cooperation and to reaching a mutually beneficial agreement.

Concerning the draft document that Egypt claimed to have initialled in February 2020, it is crucial to note that the tripartite negotiations on the Grand Ethiopian Renaissance Dam have not resulted in any agreement. During the negotiation process, despite Ethiopia's request to postpone the meeting that was scheduled for 27 and 28 February 2020, consultations were held in our absence.

In the previous meetings, there were outstanding differences on matters of fundamental importance that have far-reaching consequences for the interests of Ethiopia and contravene the declaration of principles: first, severely limiting the capacity of the Grand Ethiopian Renaissance Dam to generate electricity; second, forming rules that are impractical for Dam filling and operation, which defy accepted practices; third, going beyond the scope of the negotiations on the Dam and inhibiting the rights of present and future generations by curtailing upstream development; fourth, undermining Ethiopia's sovereign right to operate its own dam; and fifth, proffering a water-sharing agreement, sidelining the Agreement on the Nile River Basin Cooperative Framework Project and ignoring the rights of other Nile riparian countries with a combined population of over 250 million.

The Nile belongs to all the basin countries. Accordingly, over the past two decades, Ethiopia undertook indefatigable efforts to reach a basin-wide agreement on the use of the Nile, fundamentally the launching of the Nile Basin Initiative in 1999 and the signing of the Agreement on the Nile River Basin Cooperative Framework Project in 2010.

The Agreement on the Nile River Basin Cooperative Framework Project is the only viable instrument for a fair water-sharing arrangement that brings the right balance and ends Egypt's century-old monopolistic approach to the Nile River. Two more ratifications are required for the Agreement to come into force and finally enable Nile riparian countries to enjoy the right to the equitable and reasonable utilization of the Nile waters and establish a permanent basin commission. Egypt needs to halt its relentless obstruction, embrace cooperation and join basin-wide efforts to open a new chapter in the management and use of the Nile waters.

Ethiopia will continue its unfailing efforts to ensure the success of the trilateral negotiations, with a view to building trust and confidence among all downstream countries. It is in this spirit that the Prime Minister, Abiy Ahmed, on 10 April 2020 communicated a proposal on the way forward for the consideration of the President, Abdel Fattah Al Sisi, and the Prime Minister, Abdalla Hamdok, despite the fact that we all are in the midst of the coronavirus disease (COVID-19) pandemic. The content of Ethiopia's proposal was discussed and agreed to during previous trilateral negotiations. Thus, Ethiopia's decision to commence the impoundment of the Grand Ethiopian Renaissance Dam reservoir is in line with the declaration of principles and Ethiopia's "international legal obligation".

As also highlighted in the aide-mémoire, I wish to reiterate that the Grand Ethiopian Renaissance Dam is a national project for which Ethiopians from all walks of life have put their meagre resources, with the dream that it will help them to overcome abject poverty. It is equally a project that avails many advantages to the downstream countries, among others, controlling floods, regulated water flow and meeting the energy demands of the region. It should be embraced as a project that brings the three countries together with multiple benefits, and it does not in any way

pose a threat to the security of the region. The remaining issues pertaining to the Dam are technical and could be resolved through trilateral negotiations.

The international community should encourage Egypt to continue negotiations in the tripartite forum on the pending issues to reach a mutually agreed outcome. Egypt should also reconcile itself with the new realities and ratify the Agreement on the Nile River Basin Cooperative Framework Project and work with all Nile riparian countries to ensure long-term sustainable management and development of the shared Nile waters.

Finally, I would like to assure you that Ethiopia remains committed to reaching a fair and win-win outcome.

*(Signed)* Gedu **Andargachew**  
Minister for Foreign Affairs

## Enclosure

### Aide Memoire Executive Summary

1. This *Aide Memoire* provides the accurate information regarding the negotiation between Ethiopia, Egypt and the Sudan on the Grand Ethiopian Renaissance Dam (GERD). It also rectifies factual and legal distortions disseminated on the matter.
2. Ethiopia contributes 86 percent to the Nile waters. The GERD is the first major hydroelectric dam, which Ethiopia is building on the Nile. Contrary to Egypt's allegation, as a hydroelectric dam, the GERD does not cause significant harm on downstream countries. Despite being the main source of the Nile, Ethiopia has not utilized this resource. The Dam is non-water consumptive and its objective is to ease the country's critical energy deficit, alleviate abject poverty and meet the dire needs of its people. The GERD will also provide substantial benefits to Egypt and the Sudan and facilitate regional integration.
3. Over 65 million Ethiopians do not have access to electricity. Ethiopia's total energy production is less than 4500 MW and rising energy demand is exacerbating its energy insecurity. Most of Ethiopia's energy is derived from biomass resulting in deforestation and environmental and land degradation.
4. Ethiopia does not possess a significant amount of groundwater resources or aquifers, and, as a landlocked country, it does not have access to sea water for desalination as Egypt does. Due to climate change, drought and erratic rains have become continuous phenomena in Ethiopia. As a result, famine is a constant threat and around 8 million people rely on annual emergency humanitarian assistance.
5. The Nile belongs to all basin countries. Hence, Egypt must recognize the fundamental rights of other riparian states to utilize this resource. Ethiopia has a legitimate right to develop and utilize its water resources. Egypt's insistence on maintaining unjust colonial based treaties is the overarching impediment to the equitable and reasonable utilization of the Nile waters. Ethiopia is not party to those treaties, which allocate no water share to upper riparian countries.
6. In the trilateral negotiation on the GERD with Egypt and the Sudan, Ethiopia is in full compliance with accepted principles of equitable and reasonable utilization of transboundary watercourses and the obligation not to cause significant harm and that of cooperation. On the contrary, Egypt has never accepted these principles while undertaking construction of grand water infrastructures on the Nile.
7. Ethiopia, in the interest of changing this unfair practice and in the spirit of building confidence with the downstream countries, has initiated, supported, facilitated and otherwise coordinated various trilateral mechanisms on the GERD. These include: The establishment of the International Panel of Experts (IPoE) on GERD, the Tripartite National Committee (TNC) on GERD, the adoption of the Declaration of Principles on GERD (DoP) and the establishment of the National Independent Scientific Research Group (NISRG) on GERD. Ethiopia has demonstrated its commitment to foster cooperation and attain a win-win outcome throughout the trilateral negotiations. Although Ethiopia could fill the dam in two years, factoring in downstream concerns, we agreed to fill the GERD in stages that could take four to seven years. This filling schedule was accepted by Egypt.
8. Regrettably, Egypt's responses to Ethiopia's good-faith initiatives have been but earnest and reciprocal. Egypt has been going through motions, first for dragging, stonewalling and delaying the process as far and as long as possible, and second for turning these consultation mechanisms as avenues for the ultimate direct and indirect endorsement of Egypt's hegemonic control over the utilization of the Nile waters.

9. Ethiopia strongly believes that there are avenues to address concerns that may arise in relation to the GERD. First, the ongoing trilateral negotiations can result in a successful outcome. Second, the option of mediation, conciliation or discussion between Heads of State and Government provided under the DoP on the GERD is yet to be utilized. Moreover, the Nile Basin Initiative (NBI) or the African Union could be resorted to for a regional remedy. Yet, any misinformation that negotiation is completed and mediation has taken place is far from the truth. Negotiation is not completed and no mediator was invited as the DoP requires. The US and the World Bank played only an observer role during the recent negotiations.

10. Egypt's position demanding Ethiopia to sign a document that was not agreed by the parties is not acceptable. Ethiopia remains committed to finding a lasting solution through a win-win negotiation and will not concede to an unjust and unreasonable deal. Ethiopia upholds the accepted principles on the utilization of transboundary water resources. Ethiopia also supports regional mechanisms involving all countries of the Nile Basin and stands ready to solve any dispute through negotiation.

11. It has been Ethiopia's consistent policy to recognize the right of all riparian countries to equitable and reasonable utilization of the Nile. Ethiopia's commitment to this principle has been amply demonstrated throughout the trilateral negotiation.

12. It is to be recalled that since the 1990s Ethiopia has been spearheading the establishment of a regional framework, in collaboration with all riparian countries of the River Nile, with financial and technical support from the international community. This was aimed at putting in place a new basin-wide water governance arrangement that would enable rules-based, equitable, sustainable, cooperative management and development of the Nile water resources. Such an arrangement would benefit all while promoting peace and security in the region. This was pursued through the NBI that supported the negotiations for a new Nile-Basin wide legal regime, namely the Agreement on the Nile River Basin Cooperative Framework (CFA).

13. This collective effort of the Nile riparian countries was not moving forward due to the persistent obduracy of Egypt. After thirteen years long negotiations on the CFA, Egypt demanded acceptance of its self-claimed 'historic rights and current uses' – euphemisms for complete control of the Nile waters and veto right over upstream projects – as a condition for signing onto the Agreement. Despite the unacceptable stance of Egypt, the six upstream countries signed the CFA. So far, four countries have ratified the agreement, hence, only two more ratifications are needed to establish a permanent basin Commission.

14. Ethiopia regrets the unwarranted escalation of the issues, disinformation campaign and over-politicization of what is a technical operation of a single water infrastructure built exclusively through the direct contributions of the poor citizens of Ethiopia with the hope to be uplifted out of an abject poverty.

15. Ethiopia as a nation with demonstrable history and present-day practice of multilateralism will pursue fraternal dialogue to address the remaining issues on the GERD through the ongoing trilateral negotiations.

To conclude:

- Ethiopia reiterates that all legitimate concerns relating to the GERD can be addressed through technical negotiations within the scope of the first filling and annual operation of the Dam as provided under the DoP.
- Ethiopia has a legitimate right to start impoundment of the Dam as per the stage-based filling plan that was shared with Egypt and the Sudan.
- Egypt should be encouraged to sign and ratify the CFA on the Nile and make an effort to strengthen regional mechanisms.

## **Aide Memoire May 2020**

1. This *Aide Memoire* provides the accurate information about the negotiations on the GERD. Ethiopia hereby proffers precise information on the status of utilization of the Nile and the real impediments for the trilateral negotiations on the GERD and basin wide cooperation.
2. The GERD is a national project currently under construction by the resources of the people and government of Ethiopia. Following the launching of the project in 2010, Ethiopia invited Egypt and the Sudan for consultations and initiated a series of platforms. However, progress in the negotiations has been hindered due to obstacles mounted by Egypt.
3. Egypt still seeks to impose, directly or indirectly, its self-claimed ‘historic right and current use’ on the Nile riparian countries. Egypt’s past and present-day water use is an outcome of colonial based water treaties to which Ethiopia is not a party. Ethiopia has repeatedly objected to these treaties and the water infrastructures constructed in Egypt without consulting and considering the water share of the upper riparian countries.
4. Ethiopia remains committed to complete the negotiations on the guidelines and rules for the first filling and operation of the GERD. It will also reinforce its efforts to strengthen the regional mechanism involving all the Nile Basin countries.

### **I. The Grand Ethiopian Renaissance Dam project**

5. The GERD is a hydropower dam. Construction of the Dam began in December 2010. Ethiopia began to plan to build a dam on the Blue Nile in the 1950s followed by studies in the 1960s and 1990s. More recently, in 2007, Egypt, Ethiopia and the Sudan conducted the prefeasibility study of the Dam as a Joint Multipurpose Project. An Egyptian expert led the joint study under the auspices of the Eastern Nile Subsidiary Action Program of the Nile Basin Initiative (NBI).
6. The current configuration of the Dam including its size and storage capacity of 74 billion cubic meters is a result of an optimization study based on Ethiopia’s energy needs, hydrology, and consideration of the impact of climate change. In 2013, the International Panel of Experts (IPoE) in which Egypt was represented declared “the dam size is consistent with the inflow at the GERD site.”
7. By complaining about the size of the GERD, Egypt is backtracking from its own attestations given over an official platform in the IPoE. In terms of reservoir size; GERD (with 74 billion cubic meter water storage capacity) is less than half of the storage capacity of Egypt’s High Aswan Dam (HAD) at Lake Nasser, one of the largest manmade lakes in the world (with 162 billion cubic meters water storage capacity). GERD is only the biggest hydropower project in Africa only when measured by its installed capacity.
8. GERD will benefit Ethiopia and the downstream countries in several ways. The Dam will: (i) improve Ethiopia’s energy availability (ii) regulate water flow that will enhance water management for irrigation and other water uses in Egypt and the Sudan (iii) allow enhanced sediment management thereby reducing cost of dredging irrigation canals and increase the life of downstream dams (iv) enable water saving and avoidance of water loss due to seepage and evaporation (v) uplift energy of existing power stations at Roseries, Sennar and Merowe dams in the Sudan (vi) serve as a buffer against climate change-induced extremes, including flooding and drought, and net reduction in Green House Gases emission (vii) strengthen regional



socio-economic integration (viii) increase regional water storage capacity by 60 billion cubic meters and increases the installed capacity of power by 5150 MW (ix) increase the safety of the High Aswan Dam against major consecutive floods. Hence, GERD is designated as one of the continental projects to strengthen regional integration under the Project for Infrastructure Development in Africa (PIDA).

9. The characterizations of the impacts from GERD are baseless and exaggerated with no attribution to Ethiopia's project. The claim that reduction of flow in the Nile due the GERD project translates into loss of agricultural land and economic gains in Egypt is fundamentally flawed and misleading. Moreover, the High Aswan Dam (HAD) was built to ensure sustainable water provision and overcome water shortage during low flow in the Nile River. Whenever there is river flow reduction, HAD provides water from its storage. During the droughts in the 1980s that led to the decrease in more than half of the average flow of the Nile, Egypt sustained negligible damage due to its reservoir at HAD. By contrast, over a million Ethiopians perished in famine that resulted from the droughts.

10. The alleged increase in soil salinity in Egypt arises from the water mismanagement and reliance on flood irrigation. It is also exacerbated by the effects of climate change and agricultural malpractices in Egypt. It cannot be attributed to the GERD.

11. More importantly, Egypt's current utilization of the Nile is based on unfair colonial treaties that eliminate the rights of upstream countries. It is to be noted that Ethiopia has never been a party to the treaties and repeatedly objected to water infrastructures constructed in Egypt. Ethiopia reiterates that the existing water use in Egypt will not have any bearing on Ethiopia's fair, legitimate and equitable share of the Nile waters.

**(A) Initial filling of the GERD**

12. Ethiopia has the right to fill and operate the GERD by complying with the principles of equitable and reasonable utilization and the obligation not to cause significant harm. Under principle V of the DoP, the three countries agreed to utilize the outcome of the two IPoE recommended studies on the guidelines and rules on the first filling and annual operation of the GERD in parallel with the construction of the Dam.

13. The DoP requires the countries to conduct the studies and agree on guidelines and rules on first filling and annual operation within fifteen months. When it became clear that these functions cannot be carried out within the allocated time because of Egypt's delaying tactics and inconsistent positions, Ethiopia could have cited the expiry of the timeline and halt the negotiations. Instead, in the spirit of cooperation and good neighborliness, Ethiopia continued the dialogue and proposed for the establishment of the NISRG to come up with scenarios for first filling and annual operation of the GERD. The NISRG did not succeed in its mission due to the continued disruptive approach of Egypt. The cooperative approach and good faith demonstration of Ethiopia should not be abused.

14. Egypt's interpretation of the DoP is inaccurate. The DoP states that the first filling of the Dam will be carried out in parallel with construction. The GERD is designed in a way that allows simultaneous administration of construction and filling. Hence, the filling of the Dam is part of the construction. The same had been communicated to Egypt during the IPoE process and it should be noted that Egypt concluded the DoP with full knowledge of this circumstance. Therefore, when the DoP provides for construction to be undertaken in parallel with the process of conducting studies and agreeing on guidelines and rules, it is recognizing the filling of the Dam is part of the construction during which the studies and guidelines for

filling had to be concluded. Thus, Ethiopia has the right to fill the Dam in compliance with the principles of equitable and reasonable utilization and not causing significant harm.

15. The platforms created to agree on the guidelines and rules for first filling and annual operation did not succeed due to Egypt's refusal to reach an acceptable settlement. Clearly, Egypt cannot get away with advancing contradictory positions, first by impeding progress of the negotiations and next by blocking the filling of the dam.

**(B) First stage filling of the GERD**

16. The trilateral negotiations on the GERD were interrupted by the COVID-19 global pandemic. In the meantime, the GERD has attained the stage where it has to implement first stage impoundment in the rainy season of 2020. Considering the inability to conclude the entire rules and guidelines in such a short time, Ethiopia on 10 April 2020 made an offer for Egypt and the Sudan to agree on first stage filling of the GERD (up to 595 meters above sea level). The proposal was made in line with the understanding reached with Egypt and the Sudan during the previous trilateral negotiations and in the spirit of good faith to pave the way for cooperation. Characteristically Egypt declined the offer.

17. The first stage filling will take two years to complete and it will allow the Dam Reservoir to retain 18.4 billion cubic meters of water. This storage is meant to begin testing of the power plant – effectively releasing the water downstream. Furthermore, the impoundment is carried out in two years with 4.9 billion cubic meters of water in the first year and 13.5 cubic meters of water in the second year. This volume of water taken from the average flow of 49 billion cubic meters of water of the Blue Nile causes no significant harm on downstream reservoirs. Moreover, the rules for first stage filling are not the creation of Ethiopia. Rather, they are taken from the non-controversial sections of the entire 'guidelines and rules' worked out by the three countries.

18. As shown above, Ethiopia does not have a legal obligation to seek approval of Egypt to fill the Dam. Furthermore, the impoundment of 18.4 billion cubic meters of water in two rounds causes no significant harm on Egypt. Therefore, Ethiopia is in full compliance with the DoP and made a remarkable and generous gesture in offering an agreement to Egypt.

**II. Ethiopia's water demand and resource**

19. Recurring drought and extreme water scarcity continue to cause severe damage to the livelihood, and the physical and psychological wellbeing of Ethiopians. Due to lack of sufficient water development infrastructures, Ethiopia's subsistence agriculture is fully dependent on erratic rains and the shortfall in grain production has forced the country to depend on foreign assistance. In Ethiopia, famine has traditionally followed periods of drought claiming millions of lives and exposing tens of millions for malnutrition.

20. Land degradation, deforestation, depletion of water resources, and infestation with insects that destroy farms of subsistence farmers are existential threats to Ethiopia. The underdeveloped water infrastructure severely tests Ethiopia's resilience in the face of climate change, population growth and urbanization. The dominantly agrarian and pastoralist population of Ethiopia are perennial victims of water insecurity.

21. Sixty-five million Ethiopians have no access to electricity while the entire population of Egypt enjoys such access. The energy demand in Ethiopia grows by 19% every year. The most feasible indigenous resource to meet this energy demand is the water resource of the country. Currently, Ethiopia's installed capacity is 4425 MW electric power. The GERD when completed will add 5150 MW installed capacity. Ethiopia must harness its available resource to expand its energy sector to attain energy security. Ethiopia's economic potential on which the survival of its people hinges may only be unlocked through the supply of sufficient energy to improve agriculture and realize structural economic transformation through industrialization.

22. Despite being the source of 86 percent of the waters of the Nile, Ethiopia is more prone to critical water scarcity and stress than Egypt. Over 60 percent of Ethiopia's surface area is dry land with no sustaining water resources. Ethiopia's population in 2040 will be 165 million with an estimated water availability of 685 cubic meters per capita per year. In the same year, the per capita water availability in the central and eastern part of Ethiopia will be less than 390 cubic meter per year.

23. Egypt by contrast is endowed with plenty of groundwater resources and has access to sea water which could be desalinated for use. Ethiopia is not only susceptible to impacts of climate change but also its underground water resources are not considerable. As a landlocked country, Ethiopia has no seawater that it can desalinate. Therefore, it is indispensable to develop the Nile basin, where more than two-thirds of Ethiopia's water resources are found to ensure water, food, and energy security.

24. Moreover, access to energy is necessary to the attainment of most of the Sustainable Development Goals (SDGs) and the African Union Agenda 2063, which makes the completion of GERD very critical.

### **III. Trilateral consultations on the GERD**

25. Following the official launch of the Dam in April 2011, Ethiopia proposed setting up a tripartite committee, which later led to the establishment of the International Panel of Experts (IPoE). The Tripartite National Committee (TNC), the National Independent Scientific and Research Group (NISRG), Six Party meeting (ministers of foreign and water affairs) and Nine Party meeting (ministers of foreign and water affairs and heads of intelligence), tripartite summits of Heads of State and Government were formed, and the Declaration of Principles was signed to facilitate the trilateral dialogue over the GERD. It is Ethiopia's unprecedented initiatives that resulted in the formation of these trilateral platforms in the Basin.

#### **(A) The International Panel of Experts**

26. The IPoE was formed to review the design and study documents of the GERD; to provide transparent information sharing; and to solicit understanding on the benefits and costs accrued to the three countries and impacts, if any, of the GERD on Egypt and the Sudan. The aim was to build trust and confidence among all parties. The Panel was composed of two experts from each of the three countries and four international experts from Germany, South Africa, France and Britain. The Panel examined more than 150 design and study documents on the GERD provided by Ethiopia and submitted its final report on 31 May 2013 to the water affairs ministers.

27. In its final report adopted by consensus, the IPoE has concluded that the design and construction of the GERD is up to international standards. The Panel also recommended that Ethiopia, Egypt and the Sudan conduct two additional studies namely *hydropower/water resources simulation modeling at the Eastern Nile level*,

*and trans-boundary socio-economic and environmental impact assessment.* Contrary to the assertions of Egypt, the studies were recommended not because of the negative evaluation of the IPoE on the Dam. Rather the studies had the objective of assessing the impact of the Dam, if any, based on primary data collected from Egypt and the Sudan.

28. Ethiopia and the Sudan announced their acceptance of the IPoE report. On the other hand, after their experts adopted the report, Egyptian senior officials began issuing bellicose statements against the Dam, threatening to stop its construction. This delayed further consultations by five months.

29. Ethiopia, nevertheless, implemented the recommendations of the IPoE. As can be seen from Article VIII of the DoP, Egypt and the Sudan expressed their appreciation of Ethiopia for implementing the recommendations in good faith. Due to the EPC contract model (Engineering, Procurement and Construction) of the GERD project, recommendations of the Panel are implemented at different levels of design and construction. While this is the fact, Egypt continues to give a distorted interpretation of the IPoE report in a bid to undermine the GERD.

#### **(B) The Tripartite National Committee**

30. Despite Egyptian efforts to disrupt the trilateral process, Ethiopia continued its determination to build confidence and establish trust. The Tripartite National Committee (TNC) composed of 12 experts – four from each of the three countries – was established in August 2014. The TNC was tasked to guide and follow up on the conduct of the two IPoE recommended studies. Since its establishment, over 17 TNC and/or ministerial meetings were held on a rotational basis in Addis Ababa, Cairo, and Khartoum. However, progress was slow during the TNC process due to Egypt's continued delaying tactics at every juncture of the consultation processes.

31. During commissioning of the consultant to carry out the IPoE recommended studies, contrary to the agreed procedure, Egypt insisted on having a consultant of its own choice as a subconsultant. In a clear show of good faith, Ethiopia agreed to involve the consultant Egypt picked. Nevertheless, the consultant was not ready to work in accordance with the terms of reference and withdrew. Yet again, outside of convention, Egypt insisted on engaging another company as a sub-consultant. These unconventional and unilateral propositions of Egypt delayed progress by several months. Still, Ethiopia accepted Egypt's request with the intention of expediting the process.

32. After the commencement of the studies and submission of the consultant's draft inception report, Egypt again delayed the process by over two years by blocking transmission of the comments of the three countries to the consultant. This and preceding delays caused by Egypt disabled the TNC from carrying out its functions. In effect, the countries were prevented from conducting the joint studies.

33. Furthermore, Egypt insisted that the baseline for impact assessment shall be the current water uses of Egypt, which it claims constitutes the country's 'historic right.' This claim is built on colonial based treaties (1929 and 1959) to which Ethiopia is not a party. Ethiopia has no obligation to such Treaties and does not recognize them. Egypt had and continues to invoke 'historic rights and current water uses' – a mere assertion alien to international water laws. Since the 1950s Ethiopia persistently expressed its objection to the water development projects, which were built without consulting on its impact on the upper riparian countries. Therefore, Egypt's "existing water use" cannot be used as a baseline for the impact assessment study over the GERD.

34. By seeking to protect the unjust status quo on the Nile Basin, Egypt is essentially preventing any water use by other riparian countries. It is a flagrant violation of international law and an absolute injustice that Egypt is committing by pushing a self-claimed ‘historic right and current use’ as a basis to determine the impact of the GERD.

**(C) The National Independent Scientific Research Group**

35. Given the lack of progress in the two IPoE recommended studies, (as enumerated above) Ethiopia proposed for the establishment of the NISRG composed of five scientists from Egypt, Ethiopia and the Sudan in a letter dated 05 February 2018. The NISRG was established effective 15 May 2018 by the decision of the Nine Party meeting in Addis Ababa. The Group was tasked to conduct and submit scientific studies to water affairs ministers in order to inform the first filling and annual operation of the GERD in line with the DoP.

36. After conducting four meetings and carrying out modeling and scenario-based analysis, the NISRG submitted its report to the Ministers of Water Affairs of the three countries in a meeting held on 25 September 2018 in Addis Ababa. The Ministers reviewed the report and resolved outstanding issues from the deliberations by technical experts of the three countries. An agreed minute of the meeting indicating the consensus of the Ministers on the first filling and annual operation of the GERD was jointly prepared. While Ethiopia and the Sudan were ready to sign, Egypt declined at the last minute citing the need to consult with the higher authorities in Cairo.

37. With the objective to resume the negotiations, Prime Minister Abiy Ahmed hosted a meeting with the Heads of State of Egypt (Abdel Fattah El Sisi) and the Sudan (Omar Hassen al Bashir) at his office on 10 February 2019. During this meeting, the three leaders instructed the NISRG to conduct the remaining meetings and called on the water affairs ministers to report back its outcomes.

38. Contrary to the guidance of the three leaders, on the 1st of August 2019, the Minister of Water Resources and Irrigation of Egypt delivered a document titled, “Egyptian proposal for technical aspects of the agreement on the filling and operations of the Grand Ethiopian Renaissance Dam” to his Ethiopian counterpart. Instead of building on the progress made by the NISRG, Egypt’s unilateral submission circumvents the ongoing cooperation mechanisms and their outcomes. It appended the process and laid bare Egypt’s lack of commitment to good faith negotiations.

39. In the submission, Egypt deliberately consolidated all the lopsided proposals that had been rejected at different levels in the negotiations. Among several other objectionable details, it contained rules maintaining natural flow (foreclosing any existing and future development upstream of the GERD), guaranteed release (despite hydrological variability), maintaining HAD at 165 meters above sea level (while Ethiopia has no control over factors that determine HAD level), and opening an office at the GERD for joint management (infringement of Ethiopia’s sovereignty). Egypt then embarked on extensive diplomatic and other campaigns to pressure Ethiopia to accept its submission. Despite Egypt’s efforts to curtail the process, the three countries had to return to the NISRG mechanisms. This disruptive action wasted the invaluable time for the negotiation.

40. During subsequent meetings in Cairo (15–16 September 2019) and Khartoum (30 September to 03 October 2019), Ethiopia and the Sudan made repeated efforts to move the process forward. Encouraged by the outcomes produced by the NISRG, Ethiopia and the Sudan wished to enable the scientific group to continue its work based on previously agreed points of discussion. However, Egypt’s stubborn approach of “agreement on all or no agreement” prevented the NISRG from analyzing issues

and developing scenarios for the first filling and annual operation of the dam. The Group was even unable to compile and submit the report of its work to the water affairs ministers. Eventually, Egypt's adamant demand to involve third parties interrupted the NISRG process.

41. Egypt is solely responsible for the delay and inefficacy in the trilateral dialogue. All the delays and difficulties faced during the negotiations are of Egypt's making.

**(D) Involvement of observers in the negotiations**

42. Egypt unilaterally requested the United States Government to get involved in the negotiation on the GERD. As the owner of the Dam, Ethiopia, in good faith and to show flexibility accommodated the persistent demands of Egypt and agreed to have the US and the World Bank as observers.

43. On 6 November 2019, the Foreign and Water Affairs Ministers of the three countries met in Washington DC with the US Secretary of the Treasury and the President of the World Bank and agreed to resume the four remaining NISRG meetings at the level of Ministers of Water Affairs with the "attendance of the US Government and the World Bank as observers."

44. Four Ministerial level technical meetings were conducted in Addis Ababa (15–16 November 2019), Cairo (2–3 December 2019), Khartoum (21–22 December 2019) and Addis Ababa (8–9 January 2020). Although Egypt insisted that the meetings after 6 November 2019 must begin afresh (with no reference to the previous discussions and outcomes), agreement was reached to continue from where the technical deliberations left off.

45. Initially, the participation of the observers helped the meeting to be focused. The three parties also reached consensus on the two principles of filling, i.e. a) Filling during July and August, and up to September during wet years b) Stage-based filling on the basis of Ethiopia's filling schedule. The ministers signed the minutes of their meeting at Addis Ababa (15–16 November 2019) and agreed to use the outcome of the meeting as a working document in upcoming discussions.

46. Nevertheless, following the second meeting in Cairo on 2–3 December 2019 Egypt, consistent with its previous practice, refused to sign the minutes of the meeting that was signed by both Ethiopia and the Sudan. As a result, no significant progress was made in the negotiations.

47. The Ministers of Foreign Affairs and Water Affairs met again on December 9, 2019 and January 15 at the office of the US Treasury Secretary. Further, two meetings were held in Washington, DC on 28–31 January 2020 and 12–13 February 2020. However, at the end of the meetings in Washington DC, a number of issues remained outstanding that required the continuation of the negotiations between the three countries.

48. During the last meeting held in Washington DC from 12–13 February 2020, the observers proposed to formulate the "legal text on guidelines and rules on the first filling and annual operation of the GERD." Ethiopia declined the offer on both procedural and substantive grounds and officially communicated the same to the observers.

49. Despite Ethiopia's request to postpone a meeting that was scheduled for 27–28 February 2020, consultations were held with Egypt and the Sudan in the absence of Ethiopia. Ethiopia has learned that Egypt has initialed a document prepared by the observers. It is critical to note that there is no agreed legal document. Ethiopia rejected the outcome of the 27–28 February 2020 meeting.

50. In the previous meetings, there were outstanding differences on matters of fundamental importance that have far reaching consequences for the interest of Ethiopia and contravening the DoP. These include: First, severely limiting the capacity of the dam to generate electricity; second, forming rules that are impractical for dam filling and operation which defy accepted practices; third, going beyond the scope of the negotiations on the GERD and inhibiting the rights of the present and future generations by curtailing upstream development; fourth, undermining Ethiopia's sovereign right to operate its own Dam; and fifth, proffering water sharing agreement sidelining the CFA and ignoring the rights of other Nile riparian countries with combined population of over 250 million.

#### **IV. Ethiopia continues to uphold multilateralism**

51. As the only African member of the League of Nations, a founding member of the United Nations, Organization of the African Unity, African Union and several other regional and international organizations, and the largest troop contributor to the UN Peacekeeping operation, Ethiopia is the paragon of multilateralism.

52. On the Nile Basin, Ethiopia has been consistently working with the other riparian countries to strengthen cooperation and establish a basin wide regional mechanism. Ethiopia was on the forefront for the establishment of the NBI in 1999. The NBI was established with a goal to "achieve sustainable socio-economic development through the equitable utilization of, and benefit from, the common Nile Basin water resources." While the NBI is the only multilateral body that aims to bring all Nile riparian countries together for common development, Egypt withdrew from its membership in 2010. Egypt is also relentless in blocking international assistance to the NBI.

53. Ethiopia is a state party to the CFA on the Nile Basin. The CFA is signed by six and ratified by four riparian countries. CFA enshrines the cardinal principles for the utilization of the Nile River and establishes the Nile River Basin Commission. An outcome of a thirteen years negotiation that involved Egypt, the CFA is the only multilaterally negotiated Framework Agreement on the Nile Basin. Egypt is yet to sign the CFA, which is awaiting two more ratifications for entry into force.

54. In relation to the GERD, the DoP that was signed on 23 March 2015, is the only instrument that provides the basis for the tripartite consultations on the GERD. In addition, trilateral platforms of cooperation, including the IPoE, the TNC, the Six Party Meeting, the Nine Party Meeting and the NISRG were all established demonstrating Ethiopia's commitment for cooperation.

55. Ethiopia advocated for, and made a relentless effort to create and strengthen, a regional mechanism over the Nile and a platform of consultation particular on the GERD. It is critical to note that Ethiopia is not following the Egyptian approach of unilateralism that denied other riparian countries of their fundamental rights. Egypt in keeping its unilateral approach ignored Ethiopia's objections in 1956, 1957, 1980, and 1997 to a water allocation treaty that excluded Ethiopia and wasteful water development infrastructures, including transfer of the Nile waters out of its Basin.

#### **V. The overarching impediments**

56. The GERD negotiation pertains to technical aspects of filling and operation of the Dam. It is not a negotiation for a water allocation treaty. The absence of a basin wide framework treaty on water allocation makes the technical negotiations complicated. This problem may only be solved if all riparian states are committed to

reach a just deal based on accepted principles on the use of transboundary watercourses as clearly enshrined under the CFA.

57. Ethiopia has made extraordinary efforts to accommodate Egypt's unending demands and unpredictable behavior. However, Ethiopia cannot accept the unjust proposition of 'historic right and current uses' advanced by Egypt. This concept is not recognized under international water laws. Moreover, it denies the upper riparian countries the right to use the waters of the Nile.

58. It should be recalled that Ethiopia objected to the massive water developments in Egypt, which proceeded with no consultation with upper riparian countries of the Nile. The communications sent to Egypt and the international community in 1956, 1957, 1980, and 1997 fell on the unheeding ears of Egyptian Government officials. In the letter sent to Egypt on March 1997 copied to the UN Secretary General, the OAU and The World Bank, Ethiopia made it clear that "*...In the same way as it does not recognize the 1959 agreement as having any bearing on its share on the Nile waters, so does Ethiopia, in the most categorical manner, not recognize the Toshka Project and the Peace Canal as having any consequence to what is and will always be its fair, legitimate and equitable share of the Nile waters.*"

59. The refusal and unwillingness of the Government of Egypt to reach an agreement, attempts to block other riparian countries from getting finance for water development projects, the unabated campaigns of misinformation and the attempt to weaken the Nile Basin Initiative all are rooted in Egypt's absolute desire to preserve its monopoly over the Nile. The delays and obstacles against carrying out the joint studies and agreeing on the guidelines and rules for first filling and annual operation of the GERD have their source in the efforts to preserve the "historic right and current use" of Egypt.

60. Egypt will become a valuable partner in the regional mechanism if it embraces fairness by abandoning its self-claimed 'historic rights and current use', that allocate 'zero shares' to upper riparian countries, including Ethiopia.

## **VI. Agreement on the Nile River Basin Cooperative Framework**

61. A sustainable solution to the problems associated with the utilization of the Nile River can only be achieved through a basin wide treaty that ensures the mutual benefit of all the riparian countries. Ethiopia is a state party to the Agreement on the Nile River Basin CFA that is signed by six riparian countries. CFA enshrines the cardinal principles for utilization of the Nile River and establishes the Nile River Basin Commission.

62. Following two more ratifications (Ethiopia, Rwanda, Tanzania, and Uganda have already ratified) the Basin Countries will be able to agree on all-inclusive water utilization arrangements. Ethiopia is dedicated to the success of this multilateral endeavor. Although Egypt negotiated the CFA, it declined to sign the Agreement as the document does not recognize colonial based treaties that allocated the entire flow of the Nile to Egypt and the Sudan.

63. The Nile has a tremendous potential to become a river of regional economic cooperation and integration. Egypt has a historical responsibility to join the CFA and conclude a fair water allocation agreement. Egypt should also play a constructive role towards the maximization of flow of the river for the common and sustainable benefits of the basin countries and their peoples.



## VII. Conclusion

64. Ethiopia reiterates its firm commitment to the accepted principles of equitable and reasonable utilization and not to cause significant harm. It is Ethiopia's legitimate right to fill its hydropower dam in accordance with the stage-based filling plan that was shared with Egypt and the Sudan.

65. Underscoring the unparalleled opportunities for cooperation and to address outstanding issues through dialogue, Ethiopia calls upon the international community to encourage the Arab Republic of Egypt to:

- Continue the tripartite negotiation on the guidelines and rules for the first filling and annual operation of the GERD in the spirit of good faith and reach a mutually beneficial agreement.
  - Abandon its insistence to preserve its self-claimed 'historic rights and current use' and desist its relentless efforts to politicize and internationalize the remaining technical negotiations.
  - Sign and ratify the CFA in order to forge a genuine cooperation for equitable and reasonable utilization of the Nile waters for common benefits of all the basin countries.
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