Le Président du Conseil de sécurité présente ses compliments aux membres du Conseil et a l'honneur de leur transmettre, pour examen, le texte d'une **lettre datée du 22 juin 2020** adressée au Président du Conseil de sécurité **par le Représentant permanent de l'Éthiopie** auprès de l'Organisation des Nations Unies, ainsi que les pièces qui y sont jointes.

Cette lettre et les pièces qui y sont jointes seront publiées comme document du Conseil de sécurité sous la cote S/2020/567.

Le 22 juin 2020

The President of the Security Council presents his compliments to the members of the Council and has the honour to transmit herewith, for their information, a copy of a **letter dated 22 June 2020 from the Permanent Representative of Ethiopia to the United Nations** addressed to the President of the Security Council, and its enclosures.

This letter and its enclosures will be issued as a document of the Security Council under the symbol S/2020/567.

22 June 2020

PERMANENT MISSION OF THE FEDERAL DEMOCRATIC
REPUBLIC OF ETHIOPIA TO THE UNITED NATIONS

Date: **22 June 2020**

Ref. No: **NY-EPM/129/20**

Excellency,

Upon instructions from my Government, I have the honor to convey to Your Excellency the attached letter from H.E. Gedu Andargachew, Minister of Foreign Affairs of the Federal Democratic Republic of Ethiopia, regarding the trilateral negotiations between Ethiopia, Egypt and the Sudan on the Grand Ethiopian Renaissance Dam for the purposes of information to members of the Security Council.

I would be grateful if the Presidency could kindly circulate this letter and its attachments as a document of the Security Council.

Please accept, Excellency, the assurances of my highest consideration.

Taye Atske-Selassie Amde
Ambassador
Permanent Representative

Enclosure

H. E. Ambassador Nicolas de Rivière
President of the Security Council
United Nations
New York

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The Federal Democratic Republic of Ethiopia
Ministry of Foreign Affairs

22 June 2020

Excellency,

I regret to have to write another letter addressed to the Presidency in relation to the Grand Ethiopian Renaissance Dam (GERD). I am compelled to do so in light of the letter sent by the Foreign Minister of Egypt on 19 June 2020, requesting the intervention of the Security Council and erroneously portraying the GERD as a threat to international peace and security.

It might seem rather perplexing that Egypt is doing this while the tripartite negotiation is still ongoing. But we are not surprised at all, for it has been apparent for some time that Egypt had no intention of contributing to the success of the trilateral process. It has instead prioritized taking the matter to the Security Council – bypassing all regional mechanisms – with the view to internationalizing the GERD negotiations. But the hard facts are and this in its own admission, in the presence of observers, the tripartite negotiation has made notable progress over the last couple of weeks in addressing many of the technical issues on the first filling and annual operation of the Dam. The negotiation was only suspended because the Sudanese delegation sought to consult with its leadership.

Ethiopia expects to continue the negotiation to amicably resolve the remaining outstanding issues. It became difficult to move the negotiation process as quickly as we would have liked because of Egypt's insistence on "historic rights and current use." The notion of "historic rights and current use" is a reference to the 1959 colonial era Agreement between Egypt and the Sudan which divided the Nile waters between them, completely ignoring Ethiopia. Under this invalid and unfair deal, Egypt secured the Lion's share of the Nile waters.

It is impossible to overlook Egypt's disingenuous decision not to include a copy of the 1959 agreement in the annexes to its 19 June 2020 letter. Egypt knows that there is nothing more unilateral than apportioning the entire average annual flow of the Nile to Egypt and the Sudan at

55.5 and 18.5 billion cubic meters, respectively, excluding Ethiopia, which contributes 86 percent of the Nile waters. This, Excellency, is the crux of the matter and why we have not been able to achieve a breakthrough in the trilateral negotiation. In plain language, Egypt had made it a point to use the GERD negotiations to impel Ethiopia to endorse that unfair and unequal 1959 Agreement, which is anathema for Ethiopia, as it would be for any sovereign nation.

It is no accident that Egypt falsely accuses Ethiopia of not wanting to be bound by the guidelines and rules under negotiation. This comes from its latent motive of enforcing the guidelines as a water sharing agreement to block future upstream development. As we have made it abundantly clear, time and again, this is not a water sharing negotiation. If it were, then other riparian countries will have had every right to take part in the negotiation process since the three countries cannot decide on the rights of other riparian states. The ongoing negotiation is about addressing the concerns of downstream countries in relation to the GERD.

Ethiopia has been negotiating, in good faith, on the first filling and annual operation of the GERD. As the owner of the Dam, during long and painstaking negotiations on the guidelines and rules, Ethiopia has gone the extra mile in showing the necessary flexibility and compromise to narrow the differences. That is why there has been notable progress in the latest technical discussions. We have clearly indicated in the enclosed memorandum how much Ethiopia accommodated Egypt's demands at the expense of the optimal operation of the GERD and its own benefit. Egypt on the other hand has not been willing and ready to engage in good faith negotiations to reach a mutually beneficial outcome. It has instead been engaged in a dual-track approach – participating in the tripartite negotiation and making its case, while at the same time trying to scuttle the process so that it could bring the issue to the Security Council to exert unhelpful political and diplomatic pressure on Ethiopia. This whole effort has been calculated to mislead the Security Council. What is tragic is that this malicious mindset is not only bound to undermine the trust and confidence between the two countries, which is so critical for moving forward, but it will also have serious implications for the whole trilateral negotiation process which, Ethiopia believes, is the appropriate framework for addressing issues related to the GERD.

Ethiopia will abide by and faithfully implement the guidelines and rules on the annual operation of the GERD once an agreement is reached. However, it will not constrain its right to use the Nile waters for future development by the guidelines and rules or the quantified obligations contained therein.

Excellency,

I must also state frankly that Egypt's unilateral decision to bring this matter to the Security Council is contrary to the letter and spirit of the Declaration of Principles (DoP) that the leaders of the three countries signed on 25 March 2015. The DoP clearly sets out how the three countries should settle disputes through consultation or negotiation in accordance with the principle of good faith, failing which they may jointly request for conciliation, mediation or refer the matter for the consideration of their Heads of State and Government. It is also worth mentioning that we have our regional and continental mechanisms in place, and we have the possibility to resort to those in accordance with the principle of subsidiarity and with the spirit of finding African solutions to African problems. We have not yet exhausted all these options.

It is our firm conviction that finalizing the ongoing tripartite process based on transparency and good faith is the best way forward in resolving the outstanding issues. That is why we believe Egypt went overboard in requesting the involvement of the Security Council by falsely claiming that the issue constitutes a threat to international peace and security. Nothing can be further from the truth. Ethiopia is building the GERD to meet the dire needs of its people and it is well within its sovereign rights to do so. It needs no reminding concerning its international obligations. Its track record speaks for itself as a founding member of the United Nations and its role and contributions over the past seventy-five years in upholding the principles and purposes of the U.N. Charter.

Ethiopia finds it extremely hypocritical that Egypt continues to accuse Ethiopia of undertaking "unilateral measures." Needless to say, unilateralism is not in Ethiopia's national character or foreign policy practice. As I indicated in my previous letter, it was Egypt that built the High Aswan Dam without consulting Ethiopia. It was Egypt that ignored Ethiopia's protests in the years 1956, 1957, 1980 and 1997, objecting to the significant harm its water infrastructure would cause to Ethiopia and other Nile riparian states. It was also Egypt that decided to direct the Nile out of its natural course through the Peace and Toshka canals. Furthermore, it was Egypt that eventually rejected the region wide cooperative framework on the Nile River that was a result of decade-long dialogue and negotiation among the basin countries. I have enclosed herewith for your reference the relevant historical documents, including copies of the protest letters by Ethiopia, the unfair and unjust 1959 agreement signed by Egypt and the Sudan, as well as the Cooperative Framework Agreement (CFA).

Ethiopia is not taking any unilateral measures. We are spending so much time and energy engaging in the tripartite negotiation process to reach a mutually beneficial outcome. We believe we have come a long way in addressing most of the outstanding technical issues, but we still

have some work to do in narrowing the gaps on the legal issues. This requires the parties to demonstrate political will and commitment to finding amicable solution and show the necessary flexibility and compromise to achieve a win-win outcome. Ethiopia has been and will continue to demonstrate this in the negotiation and it is incumbent on the other parties to do the same. But if the negotiations are discontinued because Egypt wants to secure its maximalist demands by exerting political and diplomatic pressure, there is no reason why Ethiopia should take the blame for that.

Finally, I want to once again emphasize that the GERD does not cause significant harm to both Egypt and the Sudan. It is a hydroelectric Dam and the water stored in its Reservoir flows to the downstream countries after hitting the turbines. The dam is a national project which is designed to help extricate our people from abject poverty and is by no means a threat to peace and security, justifying the invocation of the mandate of the Security Council under Article 35 of the Charter. Egypt knows this fact very well but it is trying to politicize the issue to maintain its hegemonic status-quo over the Nile waters. In this day and age, this is untenable.

If there is in fact any threat to peace and security, in connection with the GERD, the responsible party would be Egypt, which has been engaged in saber-rattling and bellicose threats to use force. It is our hope that the Council would not be misled by Egypt's misrepresentation of the facts surrounding the construction of the GERD. Moreover, we also trust that it would reject Egypt's unwarranted demands which are designed to ensure that the unequal, colonial-era arrangements on the Nile remain unchanged and unaltered. It is this mindset which has been the main obstacle to achieving a negotiated outcome on the GERD. The Security Council should not give, even inadvertently, succor to a state which has so far abhorred a just, fair and a win-win outcome which is the only means of ensuring sustainable peace and security.

Please accept, Excellency, the assurances of my highest consideration.

Gedu Andargachew
Minister

Encl.

H.E. Ambassador Nicolas de Rivière
President of the United Nations Security Council
New York

MEMORANDUM

EXECUTIVE SUMMARY

1. The negotiation between Ethiopia, Egypt, and the Sudan is on the first filling and annual operation of the Grand Ethiopian Renaissance Dam (GERD). GERD is a hydroelectric dam that releases water to Sudan and Egypt after hitting turbines to generate electricity. GERD will be a source of clean and renewable energy that puts East Africa in clean energy pathway that advances sustainable development goals. It enhances water availability and better management in the Nile Basin. When completed, GERD will enhance human security in Ethiopia and in the region.
2. Under the Declaration of Principles (DoP), Ethiopia, Egypt and the Sudan undertook to agree on the Guidelines and Rules for first filling and annual operation of the GERD in parallel with the construction of the Dam. Many rounds of negotiations were held in the last nine years with the latest negotiation taking place on 09 – 17 June 2020. This negotiation has resolved the most prominent technical issues. As of the day of this submission, the Water Minister of Ethiopia is waiting for a message from his Sudanese counterpart who on the last negotiation meeting (17 June 2020) agreed to resume negotiation after consulting his Prime Minister.
3. Egypt's submission to the UNSC came in the middle of a negotiation. Insistence of Egypt to characterize the technical negotiation as a threat to international peace could only be a notice by the Government of Egypt for the international community that it intends to cause friction and disrupt international peace. Still, the major impediment for advancement in negotiations is Egypt's insistence to preserve its interests enshrined under the 1959 Treaty to which Ethiopia is not a party.

I. THE TRIPARTITE NEGOTIATION IS UNDERWAY

4. The negotiation over the GERD is not completed. The Guidelines and Rules are being negotiated within the framework of the Declaration of Principles on the GERD (ANNEX I). Principle 5 (a and b) of the DoP states the three countries will conduct impact assessment study and utilize the outcome to "*agree on guidelines and rules for first filling and annual operation*" in parallel with the construction of the Dam. The Study was not carried out due to the faltering stand of Egypt to use "existing use" established under the unacceptable 1959 Treaty as a baseline. Nevertheless, Ethiopia agreed to continue the negotiation to prepare the guidelines and rules on first filling and annual operation of the GERD.

5. It is a misrepresentation of facts to state that Ethiopia does not intend to be bound by the Guidelines and Rules under negotiation. Ethiopia will be bound by and faithfully implement the Guidelines and Rules as far as the GERD is concerned. The accusations from Egypt come from the latent motive of enforcing the Guidelines and Rules as a "water sharing agreement" to block future developments in Ethiopia and maintain colonial based privileges. Ethiopia will not accept such a proposition by Egypt as it will constrain Ethiopia`s legitimate and sovereign right to use the Blue Nile for future development and undermine its sovereignty.

II. ON ADJUSTMENT OF RULES

6. Principle 5 (b) of the DoP provides "the three countries …..will agree on Guidelines and Rules for the annual operation of GERD, **which the owner of the dam may adjust from time to time**". The DoP is an agreement signed by the leaders of all three countries in March. Ethiopia is not demanding more from the Guidelines and Rules.
7. The content of the Guideline and Rules and its implementation is highly impacted by variable factors including availability of water, demand for electricity, hydrological conditions etc. Operator of a dam must have flexibility to take into account these factors that are present in the operation of all dams. Therefore, Ethiopia as a dam owner and custodian of the Guidelines and Rules must be able to make the necessary adjustment whenever such is required. Egypt and the Sudan were aware of these circumstances and had agreed under Principle 5(b) of the DoP that the dam owner has the right to adjust the Guidelines and Rules from time to time. Egypt's change of mind and unwarranted exaggeration of a merely technical matter comes now when the GERD is near completion.

III. ON THRESHOLDS OF SIGNIFICANT HARM

8. The thresholds in the Guidelines and Rules trigger dam operation during special conditions. These quantified obligations in the GERD Guidelines and Rules reflect the extent of existing water use in Ethiopia. These thresholds are not permanent agreements on the definition of significant harm signifying a perpetual undertaking obliging Ethiopia to release the same volume of water.
9. Considering Ethiopia's right for future development over the Nile, the thresholds on the GERD Guidelines and Rules must be considered temporary committal of the waters of the Blue Nile. If Egypt seeks to establish a permanent water share allocation, it shall be willing to enter into a water allocation agreement. Ethiopia is ready to start the talks on this topic involving all the riparian countries of the Nile.

IV. ON DROUGHT MANAGEMENT RULES

10. In a trans-boundary water resource, drought management is joint responsibility of the riparian countries. Water use or dam operation rules are dependent on availability of water. Hence, operation rules must have special rules catering for different hydrological conditions, including drought. During the first stage filling that is carried out in two phases, Ethiopia agreed not to retain water in the GERD if inflow is less than 31 Billion Cubic Meter (BCM). In other stages of filling and operation, the three countries are discussing feasible and agreeable drought thresholds and mechanisms of cooperative drought management with shared responsibility. Note that Blue Nile flow has gone as low as 20 BCM in 1913 and 29 and 30 BCM in 1972 and 1984 respectively. More importantly, Ethiopia is highly prone to and immensely suffers from drought.

11. Admittedly, the GERD will enhance water availability in the basin. The impediment for progress in concluding the negotiation is Egypt's outward attempt to solidify the colonial treaty and implement it on Ethiopia in the name of drought mitigation measures. No free country and no international organization that is governed by principles of international law provided under the UN Charter will uphold this aggressive and unlawful approach.

V. FIRST STAGE FILLING OF THE GERD

12. Ethiopia, Egypt, and the Sudan agreed that the first stage filling will consist of two phases, with 4.9 BCM retention at the first phase and 13.5 BCM at the second. It is also agreed that Ethiopia will postpone filling at the second phase if the incoming flow is less than 31 BCM. Ethiopia decided to agree to the latter measure in the interest of cooperation and good neighborliness. The first stage filling would have been conducted without any condition.

13. This year is an opportune time to begin filling of the GERD. Currently, both the Blue Nile and White Nile have above normal flow. Lake Victoria is at a record high level. Egypt's High Aswan Dam is at about 180 meters above sea level (182 m being the full supply level) that is a record high for the past 30 – 40 years. In this prevailing circumstance, Egypt should have agreed to filling of GERD to its full supply level.

14. More importantly, construction and the filling are not two separate and different processes. In 2012, Ethiopia submitted to the two downstream countries over 150 documents that explain this design of the GERD. On this basis principle 5 of the DoP was carefully crafted in a way that facilitates simultaneous processes of construction and

filling on the one hand and conducting the two joint studies and agreeing on the Guidelines and Rules in 15 months on the other.

15. The Guidelines and Rules on first stage filling is one area of good progress in the ongoing negotiation. Objection against retention of 4.9 BCM has no credible foundation. Egypt's position and refusal to accept the intermediary solution forwarded by the Prime Minister of Ethiopia is due to its inaccurate and unsubstantiated position and interpretation of the DoP and obdurate stand to prevent the GERD from becoming a reality.

VI. ETHIOPIA'S EFFORTS TO ACCOMMODATE EGYPT

16. Ethiopia as an upstream country and a source of 86% of the waters of the Nile has the responsibility to ensure the equitable and reasonable utilization of the Nile and the obligation not to cause significant harm. Accordingly, it signed the DoP and the Agreement on the Nile River Basin Cooperative Framework (CFA) that incorporates these principles [ANNEX II]. Apart from undertaking to adhere to these principles, Ethiopia went the extra mile to involve Egypt and the Sudan in the preparation of the Guidelines and Rules in order to adress their concerns that may arise from filling and operation of the GERD.

17. Ethiopia agreed to fill the reservoir of the GERD within 4 - 7 years while the reservoir could be filled in 3 years without causing significant harm on Egypt and the Sudan. In addition, Ethiopia agreed to postpone the second phase of first stage filling if annual inflow is below 31 BCM while filling could have taken place with no condition. Ethiopia agreed to establish coordination mechanism and reciprocal data exchange. On the other hand, Egypt refused to provide Data and seeks to monitor Ethiopia's dam in a blatant disregard of Ethiopia's sovereign rights

18. Egypt demonstrated bad faith and contravened international law by seeking the following:

- Prohibit future use of the Blue Nile by Ethiopia;
- Acquire extra special treatment in a category of threshold it created (prolonged periods of dry years) to make sure Ethiopia's obligations coincides with its self-claimed water entitlement under 1959 Treaty;
- Rules that absolve Egypt from a responsibility in drought management;
- Right to manage Ethiopia's dam;
- Guidelines and Rules that prevent optimal operation of the GERD reservoir;
- Refuse to provide data on its reservoir level and release;

- Rules that makes the filling and refilling of the GERD over extended and burdensome

VII. ON AVAILABLE REMEDIES

19. Egypt insists that there is no remaining mechanism to address its concerns pertaining to the GERD. This is simply untrue. The tripartite negotiation is still underway. The negotiation is expected to resume once the minister of Sudan completes his internal consultation.

20. It is critical to note that the progress in the negotiation is a result of Ethiopia's efforts based on good faith. Egypt had, at the outset, set an ultimatum to end talks on 15 June 2020. Furthermore, it engaged in public relations and media campaign portraying the negotiation as faltering while, in fact, it was progressing well. This was done in preparation for Egypt's submission to the UNSC and to create a façade of exhausted remedies. The truth is the negotiation has only been suspended until one of the parties completed its internal consultation.

21. Moreover, Egypt did not resort to the dispute resolution clause under the DoP. The DoP provides for a peaceful dispute resolution mechanism that allows countries to bring their grievance on the interpretation and implementation of the DoP to heads of states, mediation or conciliation. This mechanism is not resorted to by Egypt. Therefore, the UNSC is being called upon to be seized with a matter that has absolutely nothing to do with peace and security and one that is still under negotiation between the three countries. It is also worthy of note that Egypt avoided any resort to regional mechanisms, including the African Union and the Nile Basin Initiative, or the countries on the Basin that serve as the most legitimate forums to resolve differences of this nature.

VIII. WATER RESOURCE OF ETHIOPIA

22. Ethiopia had shown the maximum effort towards cooperation despite its own extreme water scarcity that is predicted to worsen. Four of Ethiopia`s twelve basins are in the Nile system and generate more than two-third of the annual surface water of the country. Two of the country`s basins are entirely dry. The remaining six basins generate only less than 30 percent of the country`s surface water. Most of these rivers are also transboundary. Ethiopia's water is generated only in 4 months (June to September). Hence dam construction is important to provide economic water availability. Ethiopia as the largest landlocked country in the world with a growing 110 Million people does not have an advantage for desalination, a technology which is emerging to be a major breakthrough for availing future fresh water in abundance. On this basis, the World Bank publication of 2018

titled, "Promoting Development in Shared River Basins" puts Ethiopia in a more water stressed position than Egypt in 2030.

23. On the other hand, Egypt is a water rich country with abundant fresh groundwater in the Nubian Sandstone Aquifer System which is one of the largest aquifers in the world and estimates of more than 55,000 BCM. Egypt has also unlimited potential for seawater desalinization enhancing its potential for future water use. The real water scarce country is Ethiopia, and further foreclosing the existence of current and future generation with a wrong deal doesn't bring peace and security.

24. Ethiopia is engaged in environmental protection activities including green legacy afforestation program to plant 20 Billion trees to enhance rainfall that enhances water resources and water shed management. These efforts are the most sustainable and will greatly enhance water resources including in the Nile Basin. Ethiopia attempted to undertake rain harvesting in the 1990s, only for the progress to be interrupted due to financial constraints. Contrarily, Egypt continues to maintain wasteful mechanisms. More than 85% of the irrigation in Egypt is flood irrigation that is the most wasteful of irrigation systems. The real water scarce country is Ethiopia. Further foreclosing the existing and future generation from using the Nile with a wrong deal doesn't bring peace and security.

IX. ETHIOPIA'S EFFORTS TOWARDS COOPERATION

25. Ethiopia in 1956, made its position clear that it would undertake agricultural activities and produce power on the River Nile to meet the demands of its growing population. Again in 1957 when Egypt and Sudan were close to signing the treaty Ethiopia declared in a communiqué that it was not consulted and reiterated its position of 1956. (ANNEX III). In addition, in 1980 Ethiopia condemned the unilateral action of Egypt to divert the waters of the Nile outside its natural course to Sinai and reminded Egypt that its actions constituted *"flagrant violation of international law" by failing to give prior notice to and holding consultation with co-riparian states"* (ANNEX IV). Further Ethiopia underlined *"…that the measures taken by Egypt in regard to the use of the waters of the Nile will in no way affect its legitimate rights to the waters of the Nile and that the Egyptian Government will be held solely responsible for the consequences of its recent action*". In 1997 when Egypt engaged in the massive project to build the Toshka and Peace Canals – Ethiopia, reiterating its previous positions, communicated its objection to Egypt copying the UN, the then Organization of African Unity (OAU), the European Union, the World Bank and IGAD. In the same letter Ethiopia stressed that "*it is only appropriate for Ethiopia to call for setting up of a more effective forum addressing issues relating to equitable utilization of Nile waters among the watercourse states of the Nile*" (ANNEX V).

26. It is to be noted that with the view to fostering regional cooperation, Ethiopia with the other countries of the Nile Basin, initiated the establishment of the Nile Basin Initiative. Ethiopia also negotiated the CFA between 1997 and 2010, signed and ratified the instrument.

27. With the commencement of the construction of the GERD, Ethiopia engaged Egypt and the Sudan. It provided its design and study documents of its national project and established the International Panel of Experts, the Tripartite National Committee, and the National Independent Scientific and Research Group. In addition to the impact assessment studies it had conducted ahead of construction, Ethiopia agreed to conduct trans-boundary studies with Egypt and the Sudan in order to build confidence. The attempt to carry out the studies faltered due to Egypt's demand to use "historical right and current use" as a basis for impact assessment, and its unwillingness to provide data needed for the studies.

28. Ethiopia also agreed to involve observers in the tripartite negotiation. All the attempts to ensure cooperation and respect for international law on the part of Ethiopia faced Egypt's relentless tactic of disruption. Unlike in other river basins, where downstream countries seek active cooperation, in the Nile, it is the upstream states that have pleaded in favor of multilateralism.

29. There is only one modality of relation that Egypt would accept. This is an approach that subjects the source countries of the Nile to the whims and wishes of Egypt. This is not new, defying all standards of reason, the 1959 Agreement that involves none of the nine upstream countries of the Nile, grants the Joint Permanent Technical Commission of Egypt and the Sudan the power to determine the *"modus operandi for development and implementation of water works*" in other Nile riparian countries. Therefore, Egypt tolerates water development in other riparian countries as long as it has given its blessing to the project and can exercise control over it.

30. Furthermore, Egypt's track record of scuttling negotiations and terminations and withdrawals from Agreements has been evident throughout the years. Egypt is the only country, which terminated its membership and withdrew from the NBI. In addition, Egypt is the only member country to the Eastern Nile Subsidiary Action Program (ENSAP) that unilaterally terminated its obligations and withdrew from the Agreement signed on November 1999. Egypt also left Nile Equatorial Lakes Subsidiary Action Programme (NELSAP).

31. Egypt negotiated the CFA for thirteen years and signed agreed minutes of the negotiations. In fact the vote of thanks of the conclusion of the negotiations in 2007 was given by the then Minister of Water of Egypt. However, at the last minute Egypt declined to sign

the Agreement contesting one article on water security (Article 14 (b)). Egypt's rejection is based on its longstanding position to impose "historic right and current use" rooted in the 1959 Treaty. Therefore, Egypt has amply demonstrated its unwillingness to cooperate and upheld the norm that it continues to be committed to -- unilateralism.

32. The Treaty between Ethiopia and Great Britain (1902), by which the object and purpose was to demarcate the boundary between Ethiopia and the Sudan, the accurate copy of which is enclosed herewith [ANNEX VI], if it were considered to be valid is a demonstration of prudent and responsible approach on the part of Ethiopia. In 1902 before the introduction of the whole regime of international water course laws, Ethiopia agreed not to block the entire water flows to its neighbors. Contrarily, Egypt from 1950s up to now has engaged in activities that are in clear contravention of international law giving a blind eye to the rights and needs of its neighbors. It is contradictory on the part of Egypt to invoke equitable utilization of the water course on the one hand and argue against water use by Ethiopia by claiming full utilization for itself.

33. Similarly, the "Framework for General Cooperation between Ethiopia and Egypt" signed in 1993, provides for the agreement of the two countries to consider the issues on the use of the Nile in a technical discussion and not to cause significant harm on each other. Ethiopia lives by these principles.

X. STILL THE OVERARCHING IMPEDIMENT

34. Ethiopia sincerely seeks the understanding of the international community on one obviously unjust reality i.e. Ethiopia is negotiating with a country that had concluded an agreement called "Agreement for the full utilization of the Nile" without including nine of the source countries. The 1959 Agreement is conveniently excluded from the annexes Egypt availed in its submission. This Agreement is the chalice from which Egypt's untrue allegations and misguided policies are fetched from.

35. Egypt treats the Guidelines and Rules on the first filling and annual operation of the GERD as an instrument to pin its water share established by the 1959 agreement with the Sudan. The negotiators of Egypt explicitly stated "when there is need for a water use upstream of the GERD, Ethiopia has to get the consent of Egypt and the Sudan to amend the guidelines or else Ethiopia must plea its case before arbitration tribunal praying for its innate rights". It is the ultimate expression of injustice for a state to be subjected to the permission of another to exercise its inherent rights to use its natural

resource. Ethiopia in no other instance in its modern history has faced such a daunting affront to its sovereignty.

36. Egypt is a member of the UN that under Article 2 of its Charter upholds sovereignty and sovereign equality of all states. It is also a member of the African Union that under Article 4(a) of its Constitutive Act recognizes the same principle. Egypt signed the DoP that under Principle 9 restates the commitment of the countries to cooperate based on "sovereign equality, territorial integrity, mutual benefit and good faith". Egypt must respect this cardinal principle and employ it in its approach towards the Nile and the GERD.

CONCLUSION

There is no threat to international peace and security that emanates from the GERD. The matter under consideration concerns a single hydroelectric dam that is being built to ensure economic growth and poverty reduction. Moreover, Ethiopia, Egypt, and the Sudan are negotiating over the Guidelines and Rules to fill and operate the Dam. The Negotiation is of technical nature that has to be resolved by the three countries.

The excessive demands of Egypt are accommodated in the negotiations. For the attainment of a win-win outcome, Egypt must abdicate its illegitimate and unjust demands which Ethiopia cannot accept, as no self-respecting country would accept either. The UN Security Council should urge Egypt to continue the negotiation in good faith and with commitment to reach a workable outcome.

Ethiopia will fill and operate the GERD according to rules that comply with the principles of equitable and reasonable utilization of trans-boundary water resources and the obligation not to cause significant harm provided under the DoP. Egypt shall be encouraged to comply with the same cardinal principles it already committed to under the DoP.

ANNEX- I

Agreement on Declaration of Principles between The Arab Republic of Egypt, The Federal Democratic Republic of Ethiopia And The Republic of the Sudan On The Grand Ethiopian Renaissance Dam Project (GERDP)

Preamble

Mindful of the rising demand of the Arab Republic of Egypt, the Federal Democratic Republic of Ethiopia and the Republic of Sudan on their transboundary water resources, and cognizant of the significance of the River Nile as the source of livelihood and the significant resource to the development of the people of Egypt, Ethiopia and Sudan, the three countries have committed to the following principles on the GERD:

I. Principle of Cooperation

- To cooperate based on common understanding, mutual benefit, good faith, win-win, and principles of international law.

- To cooperate in understanding upstream and downstream water needs in its various aspects.

II. Principle of Development, Regional Integration and Sustainability

The purpose of GERD is for power generation, to contribute to economic development, promotion of transboundary cooperation and regional integration through generation of sustainable and reliable clean energy supply.

III. Principle Not to Cause Significant Harm

- The three countries shall take all appropriate measures to prevent the causing of significant harm in utilizing the Blue/Main Nile.
- Where significant harm nevertheless is caused to one of the countries, the state whose use causes such harm shall, in the absence of agreement to such use, take all appropriate measures in consultations with the affected state to eliminate or mitigate such harm and, where appropriate, to discuss the question of compensation.

IV. Principle of Equitable and Reasonable Utilization

- The three countries shall utilize their shared water resources in their respective territories in an equitable and reasonable manner.
- In ensuring their equitable and reasonable utilization, the three countries will take into account all the relevant guiding factors listed below, but not limited to the following outlined:

a. Geographic, hydrographic, hydrological, climatic, ecological and other factors of a natural character;

b. The social and economic needs of the Basin States concerned;

c. The population dependent on the water resources in each Basin State;

d. The effects of the use or uses of the water resources in one Basin State on other Basin States;

e. Existing and potential uses of the water resources;

f. Conservation, protection, development and economy of use of the water resources and the costs of measures taken to that effect;

g. The availability of alternatives, of comparable value, to a particular planned or existing use;

h. The contribution of each Basin State to the waters of the Nile River system;

i. The extent and proportion of the drainage area in the territory of each Basin State.

V. Principle to Cooperate on the First Filling and Operation of the Dam

- To implement the recommendations of the International Panel of Experts (IPOE), respect the final outcomes of the Tripartite National Committee (TNC) Final Report on the joint studies recommended in the IPOE Final Report throughout the different phases of the project.
- The three countries, in the spirit of cooperation, will utilize the final outcomes of the joint studies, to be conducted as per the recommendations of the IPoE Report and agreed upon by the TNC, to:-

a) Agree on guidelines and rules on the first filling of GERD which shall cover all different scenarios, in parallel with the construction of GERD.

b) Agree on guidelines and rules for the annual operation of GERD, which the owner of the dam may adjust from time to time.

c) Inform the downstream countries of any unforeseen or urgent circumstances requiring adjustments in the operation of GERD.

- To sustain cooperation and coordination on the annual operation of GERD with downstream reservoirs, the three countries, through the line ministries responsible for water, shall set up an appropriate coordination mechanism among them.
- The time line for conducting the above mentioned process shall be 15 months from the inception of the two studies recommended by the IPoE.

VI. Principle of Confidence Building

- Priority will be given to downstream countries to purchase power generated from GERD.

VII. Principle of Exchange of Information and Data

Egypt, Ethiopia, and Sudan shall provide data and information needed for the conduct of the TNC joint studies in good faith and in a timely manner.

VIII. Principle of Dam Safety

- The three countries appreciate the efforts undertaken thus far by Ethiopia in implementing the IPoE recommendations pertinent to the GERD safety.
- Ethiopia shall in good faith continue the full implementation of the Dam safety recommendations as per the IPoE report.

IX. Principle of Sovereignty and Territorial Integrity

The three countries shall cooperate on the basis of sovereign equality, territorial integrity, mutual benefit and good faith in order to attain optimal utilization and adequate protection of the River.

X. Principle of Peaceful Settlement of Disputes

- The Three countries will settle disputes, arising out of the interpretation or implementation of this agreement, amicably through consultation or negotiation in accordance with the principle of good faith. If the Parties are unable to resolve the dispute through consultation or negotiation, they may jointly request for conciliation, mediation or refer the matter for the consideration of the Heads of State/Head of Government.

This agreement on Declaration of Principles is signed in Khartoum, Sudan, on Monday the 23rd of March 2015, by the Arab Republic of Egypt, The Federal Democratic Republic of Ethiopia, and the Republic of Sudan.

For the
Arab Republic of Egypt:

Abdel Fattah El Sisi
President of the Republic.

For the
Federal Democratic Republic of Ethiopia:

Hailemariam Desalegn
Prime Minister of the Republic.

For the
Republic of the Sudan:

Omer Hassan A. Elbashir
President of the Republic.

ANNEX-II

Agreement on the Nile River Basin Cooperative Framework

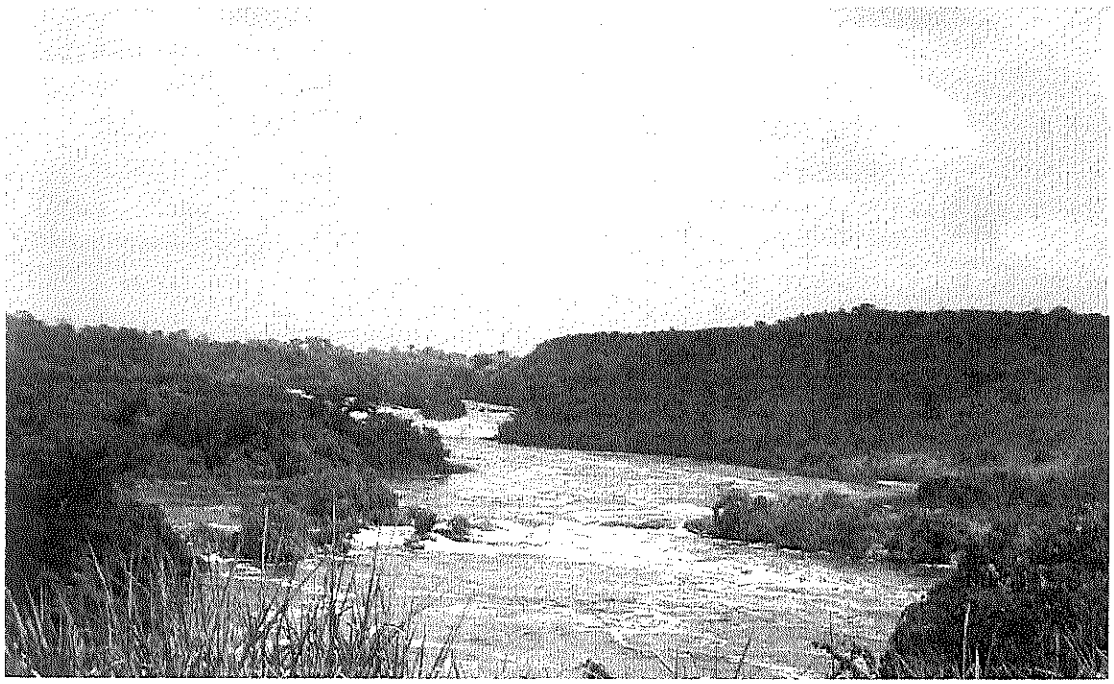
BURUNDI


D.R.CONGO


EGYPT

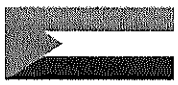

ETHIOPIA

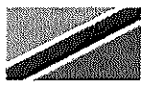

ERITREA




KENYA


RWANDA


SUDAN


TANZANIA


UGANDA

Agreement on the Nile River Basin Cooperative Framework

Accord-cadre Sur la Coopération dans le Bassin du Fleuve Nil

Accord-cadre sur la coopération dans le Bassin du Fleuve Nil

Préambule

Les Etats du Bassin du Fleuve Nil,

Affirmant l'importance du Nil pour le bien-être économique et social des peuples des Etats du Bassin du Fleuve Nil;

Soucieux de renforcer leur coopération ayant trait au Fleuve Nil dans la gestion du Nil, ressource naturelle essentielle et vitale, et ce pour le développement durable du Bassin du Fleuve Nil;

Reconnaissant que le Fleuve Nil, ses ressources naturelles et son environnement sont des biens d'une valeur immense pour tous les pays riverains;

Convaincus qu'un accord-cadre régissant leurs relations en ce qui concerne le Bassin du Fleuve Nil favorisera une gestion intégrée, un développement durable et une utilisation harmonieuse des ressources en eau du Bassin, ainsi que leur conservation et leur protection au profit des générations présentes et futures;

Convaincus également qu'il est de leur intérêt commun d'établir une organisation pour les assister dans la gestion et le développement durable du Bassin du Fleuve Nil au profit de tous;

Conscients des initiatives mondiales pour la promotion de la coopération en matière de gestion intégrée et de développement durable des ressources d'eau;

Sont convenues de ce qui suit:

Article 1

Champ d'application du présent Accord

Le présent Accord s'applique à l'utilisation, au développement, à la protection, à la conservation et à la gestion du Bassin du Fleuve Nil ainsi que de ses ressources et établit un mécanisme institutionnel pour la coopération des Etats du Bassin du Fleuve Nil.

Article 2

Définitions

Aux fins du présent Accord sur le Cadre de Coopération :

(a) ÿ le Bassin du Fleuve Nil Ÿ s'entend du secteur géographique déterminé par les lignes de partage du système des eaux du Fleuve Nil; ce terme est utilisé où est fait référence à la protection, à la conservation et au développement de l'environnement.

(b) ÿ le système du Fleuve Nil Ÿ s'entend du Nil, des eaux de surface et des eaux souterraines qui lui sont liées; ce terme est utilisé où est fait référence à l'utilisation de l'eau.

(c) ÿ Cadre Ÿ s'entend du présent Accord-cadre sur la Coopération.

(d) ÿ Etat du Bassin du Fleuve Nil Ÿ, ÿ Etat du Bassin du Fleuve Nil Ÿ ou ÿ Etat du Bassin Ÿ s'entend d'un Etat partie au présent Accord sur le territoire duquel est située une portion du Bassin du Fleuve Nil;

(e) ÿ La Commission Ÿ désigne la Commission du Bassin du Fleuve Nil créée par les dispositions de la partie III du présent Accord.

(f) ÿ Sécurité de l'eau Ÿ désigne le droit qu'ont tous les Etats du Bassin du Fleuve Nil à l'accès et à l'utilisation fiables du système du Fleuve Nil pour la santé, l'agriculture, les moyens d'existence, la production et l'environnement.

PARTIE I. PRINCIPES GÉNÉRAUX

Article 3

Principes Généraux

Le bassin du Fleuve Nil et le système du Fleuve Nil doivent être protégés, utilisés, conservés et développés selon les principes généraux suivants:

1. **Coopération**

   Le principe de coopération entre les Etats du Bassin du Fleuve Nil sur la base de l'égalité souveraine, de l'intégrité territoriale, du bénéfice mutuel et de la bonne foi, afin d'atteindre une utilisation optimale, une protection adéquate et la conservation du Bassin du Fleuve Nil et de promouvoir des efforts communs afin de réaliser le développement économique et social des Etats du Bassin du Fleuve Nil.

2. **Développement durable**

   Le principe du développement durable du Bassin du Fleuve Nil.

3. **Subsidiarité**

   Le principe de subsidiarité, en vertu duquel le développement et la protection des ressources en eau du Bassin du Fleuve Nil sont planifiés et mis en fl uvre à l'échelon le plus bas possible.

4. **Utilisation équitable et raisonnable**

   Le principe de l'utilisation équitable et raisonnable des eaux du système du fleuve Nil.

5. **Prévention de la survenance de dommages significatifs**

   Le principe de prévention de la survenance de tout dommage significatif au préjudice des autres Etats du Bassin du Fleuve Nil.

6. **Le Droit des Etats du Bassin du Fleuve Nil d'utiliser l'eau sur leur territoire**

   Le principe selon lequel chaque Etat du Bassin du Fleuve Nil a le droit d'utiliser, sur son territoire, les eaux du Bassin du Fleuve Nil d'une manière compatible avec les principes de base énoncés par le présent accord.

7. **Protection et conservation**

Le principe selon lequel les Etats du Bassin du Fleuve Nil prennent toutes les mesures appropriées, individuellement et, le cas échéant, conjointement, pour la protection et la conservation du Bassin du Fleuve Nil et de ses écosystèmes.

8. **Informations relatives aux mesures planifiées**

Le principe selon lequel tous les Etats du Bassin du Fleuve Nil échangent de lÊnformation sur les mesures planifiées par lÊntermédiaire de la Commission du Bassin du Fleuve Nil.

9. **Communauté d'intérêt**

Le principe de la communauté dÊntérêt des Etats du Bassin du Fleuve Nil dans le système du fleuve Nil.

10. **Échange de données et d'informations**

Le principe de lÊchange régulier et réciproque entre les Etats du Bassin du Fleuve Nil de toute donnée et information aisément accessible et pertinente sur des mesures existantes et sur la situation des ressources en eau du Bassin, si possible sous une forme qui facilite son utilisation par les Etats auxquels elle est destinée.

11. **Evaluation d'impact environnemental et audits**

Le principe dÊvaluation de lÊmpact sur lÊnvironnement et des audits

12. **Règlement pacifique des différends**

Le principe du règlement pacifique des différends.

13. **L'eau comme ressource limitée et vulnérable**

Le principe selon lequel lÊau douce est une ressource limitée et vulnérable, essentielle pour maintenir la vie, le développement et lÊnvironnement ; quÊlle doit être gérée dÊne manière intégrée et holistique, liant le développement économique et social à la protection et à la conservation des écosystèmes naturels.

14. L'eau a une valeur économique et sociale

Le principe selon lequel lÊau est une ressource naturelle ayant une valeur sociale et économique, qui doit être utilisée en priorité de la manière la plus économique, en tenant compte de la satisfaction des besoins de base de la population et de la sauvegarde des écosystèmes.

15. Sécurité de l'eau

Le principe de sécurité de lÊau pour tous les Etats du Bassin du Fleuve Nil.

PARTIE II. DROITS ET OBLIGATIONS

Article 4

Utilisation équitable et raisonnable

1. Les Etats du Bassin du Fleuve Nil utilisent les ressources en eau du système du Fleuve Nil dÊune manière équitable et raisonnable sur leurs territoires respectifs. En particulier, ces ressources en eau sont utilisées et développées par les Etats du Bassin du Fleuve Nil de manière à parvenir à une utilisation optimale et durable de ces eaux et à en retirer tous les bénéfices, tout en tenant compte des intérêts des Etats du Bassin concernés et en garantissant une protection adéquate de ces ressources en eau. Chaque Etat du Bassin a droit à une part équitable et raisonnable des utilisations utiles des ressources en eau du système du Fleuve Nil.

2. Pour sÊassurer du caractère équitable et raisonnable de leur utilisation des ressources en eau du système du Fleuve Nil, les Etats du Bassin du Fleuve Nil tiennent compte de tous les facteurs et circonstances pertinents, notamment:

   (a) des facteurs dÊordre géographique, hydrographique, hydrologique, climatique, écologique et autres facteurs de caractère naturel ;

   (a) des besoins sociaux et économiques des Etats du Bassin concernés ;

   (a) de la population dépendante des ressources en eau dans chaque Etat du Bassin ;

   (d) des effets de lÊutilisation ou des utilisations des ressources en eau dans un Etat, dans les autres Etats du Bassin ;

   (e) des utilisations éventuelles et existantes des ressources eneau ;

   (f) de la conservation, la protection, lÊéconomie, et du développement de lÊutilisation des ressources en eau et des coûts des mesures prises à cet effet ;

   (g) de lÊexistence dÊalternatives, de valeur comparable à une utilisation particulière prévue ou existante ;

   (h) de la contribution de chaque Etat du Bassin aux eaux du système du Fleuve Nil ;

   (i) de lÊampleur et de la proportion du secteur de drainage sur le territoire de chaque Etat du Bassin.

3. Pour lÊapplication des paragraphes 1 et 2 ci-dessus, les Etats du Bassin du Fleuve Nil concernés procéderont, en cas de besoin, à des consultations dans un esprit de coopération.

4. LÊimportance à donner à chaque facteur doit être déterminée en fonction de son importance par rapport à celle des autres facteurs pertinents. Pour définir une utilisation raisonnable et équitable, tous les facteurs pertinents doivent être considérés conjointement et une conclusion doit être tirée sur la base de lÊensemble de ces facteurs.

5. Les Etats du Bassin du Fleuve Nil doivent pour leurs territoires respectifs et conformément à leurs lois et règlements nationaux, évaluer le statut de leurs utilisations à la lumière de tout changement substantiel dans les circonstances et les facteurs pertinents.

6. Les Etats du Bassin du Fleuve Nil se conforment aux règlements et aux procédures établis par la Commission du Bassin du Fleuve Nil pour la mise en fl uvre dÊune utilisation équitable et raisonnable.

Article 5

Obligation de ne pas causer de dommages significatifs

1. LorsquÊils utilisent les ressources en eau du système du Fleuve Nil sur leurs territoires, les Etats du Bassin du Fleuve Nil prennent toutes les mesures appropriées afin de ne pas causer de dommages significatifs à dÊautres Etats du Bassin.

2. Néanmoins, lorsquÊun dommage significatif est causé à un autre Etat du Bassin du Fleuve Nil, lÊEtat dont lÊutilisation a causé ce dommage prennent, en lÊabsence dÊaccord concernant cette utilisation, toutes les mesures appropriées, dans le respect des dispositions de lÊarticle 4 ci-dessus, en consultation avec lÊEtat affecté, pour éliminer ou atténuer ce dommage et, le cas échéant, discuter de la question de lÊindemnisation.

Article 6

Protection et conservation du Bassin du Fleuve Nil et de ses écosystèmes

1. Les Etats du Bassin du Fleuve Nil prennent toutes les mesures appropriées, individuellement et, le cas échéant, conjointement, pour protéger, conserver et, en cas de besoin, réhabiliter le système le Bassin du Fleuve Nil et ses écosystèmes, à travers notamment:
   (a) la protection et lÊamélioration de la qualité de lÊeau dans le Bassin du Fleuve Nil ;
   (b) la prévention de lÊintroduction dÊespèces étrangères ou nouvelles, dans le système du Fleuve Nil susceptibles dÊavoir des effets dommageables sur les écosystèmes du système du Bassin du Fleuve Nil ;
   (c) la protection et la conservation de la diversité biologique dans le Bassin du Fleuve Nil ;
   (d) la protection et la conservation des zones humides dans le Bassin du Fleuve Nil ; et
   (e) la reconstitution et la réhabilitation des ressources naturelles de base dégradées.
2. Les Etats du Bassin du Fleuve Nil procèdent, par le biais de la Commission du Bassin du Fleuve Nil, à lÊharmonisation de leurs politiques relatives aux dispositions du présent article.

Article 7

Echange régulier de donnée et d'information

1. Dans le cadre de leur coopération relative à lÊutilisation, au développement et à la protection du Bassin du Fleuve Nil et de ses ressources en eau, les Etats du Bassin du Fleuve Nil échangent régulièrement des données et informations aisément accessibles et pertinentes sur des mesures existantes et sur la situation des ressources en eau du Bassin, si possible sous une forme qui facilite son utilisation par les Etats auxquels elle est destinée.
2. Si un Etat du Bassin du Fleuve Nil est sollicité par un autre Etat du Bassin afin de fournir à celui-ci des données ou des informations qui ne sont pas aisément disponibles, il usera de tous les moyens possibles pour satisfaire à la demande mais peut conditionner son accord au règlement par lÊEtat ayant sollicité lÊinformation des coûts raisonnablement nécessaires à la collecte et, le cas échéant, au traitement de ces données.

3. Dans lÊexécution des obligations qui leur incombent aux termes des paragraphes 1 et 2 ci-dessus, les Etats du Bassin du Fleuve Nil acceptent de se conformer aux procédures qui seront développées par la Commission du Bassin du Fleuve Nil.

Article 8

Les mesures planifiées

1. Les Etats du Bassin du Fleuve Nil sÊaccordent pour échanger de lÊinformation par lÊintermédiaire de la Commission du Bassin du Fleuve Nil.
2. Les Etats du Bassin du Fleuve Nil se conforment aux règles et aux procédures établies par la Commission du Bassin du Fleuve Nil pour lÊéchange dÊinformation relative aux mesures planifiées.

Article 9

Evaluation d'impact environnemental et audits

1. Les Etats du Bassin du Fleuve Nil, procèdent, préalablement à toute mesure susceptible dÊavoir des conséquences dommageables significatives sur lÊenvironnement, à une évaluation complète de ses conséquences pour leurs propres territoires et pour les territoires des autres Etats du Bassin du Fleuve Nil.
2. Les critères et les procédures pour déterminer si une activité est susceptible dÊavoir des conséquences dommageables significatives sur lÊenvironnement seront développés par la Commission du Bassin du Fleuve Nil.
3. Lorsque les circonstances lÊexigent, selon des critères qui seront développés par la Commission du Bassin du Fleuve Nil, tout Etat du Bassin du Fleuve Nil ayant mis en fl uvre des mesures du type de celles évoquées au paragraphe 1 procède à un audit des impacts de ces mesures sur lÊenvironnement. Cet Etat procède également à des consultations relatives à cet audit avec les Etats du Bassin du Fleuve Nil affectés par les mesures, si ceux-ci lui en font la demande.
4. La Commission adoptera des critères pour la mise en fl uvre dÊaudits des mesures existantes à la date de lÊentrée en vigueur du présent Accord, en tenant compte de la législation nationale des Etats du Bassin du Fleuve Nil.

5. Les Etats du Bassin du Fleuve Nil procèdent à des audits des mesures existantes à la date de lÊentrée en vigueur du présent Accord conformément à leur législation nationale et aux critères adoptés dans le cadre de cet Accord.

Article 10

Subsidiarité dans le développement et la protection du Bassin du Fleuve Nil

Pour la planification et la mise en fl uvre dÊun projet conformément au principe de subsidiarité énoncé à lÊarticle 3(3), les Etats du Bassin du Fleuve Nil:

(a) permettent à toutes les personnes sous la juridiction dÊun Etat qui seront, ou sont susceptibles dÊêre, affectés par un projet dans cet Etat, de participer dÊune manière appropriée au processus de planification et dÊexécution;

(b) mettent tout en fl uvre pour sÊassurer que le projet et tout accord qui y est relatif sont conformes au présent Accord.

Article 11

Prévention et réduction des situations dommageables

Les Etats du Bassin du Fleuve Nil, individuellement et, conjointement en mutualisant les coûts entre les Etats du Bassin susceptibles dÊêtre affectés, mettent tout en fl uvre pour prendre toutes les mesures aptes à prévenir ou à atténuer les situations liées au système du Fleuve Nil susceptibles dÊêtre dommageables pour dÊautres Etats du Bassin du Fleuve Nil, que ces situations résultent dÊactivités humaines ou de causes naturelles, telles que des situations dÊinondation, de présence des herbes envahissantes, de maladies dÊorigine hydriques, dÊenvasement, dÊérosion, de sécheresse ou de désertification. En mettant en fl uvre cette disposition, les Etats du Bassin du Fleuve Nil, tiennent compte des directives qui seront développées par la Commission du Bassin du Fleuve Nil.

Article 12

Situations d'urgence

1. Dans le cadre de cet article, « l'urgence » s'entend d'une situation qui cause, ou menace de causer de manière imminente un dommage sérieux aux Etats du Bassin du Fleuve Nil ou à d'autres Etats et qui résulte brusquement de causes naturelles, telles que des inondations, des éboulements ou des tremblements de terre, ou bien d'activités humaines, telles que des accidents industriels.
2. Tout Etat du Bassin du Fleuve Nil, prévient sans délai et par les moyens les plus rapides disponibles, les autres Etats potentiellement affectés et les organisations internationales compétentes de toute urgence prenant sa source sur son territoire.
3. Tout Etat du Bassin du Fleuve Nil sur le territoire duquel une urgence apparaît prend immédiatement toutes les mesures pratiques que les circonstances exigent afin de prévenir, d'atténuer et d'éliminer les effets dommageables de l'urgence, en coopération avec les Etats susceptibles d'être affectés et, le cas échéant, les organisations internationales compétentes.
4. Si nécessaire, les Etats du Bassin du Fleuve Nil développent conjointement des plans de secours afin de répondre aux urgences de manière coordonnée, le cas échéant, avec d'autres Etats potentiellement affectés et les organisations internationales compétentes.

Article 13

Protection du Bassin du Fleuve Nil et de ses infrastructures en période de conflit armé.

Le système du Fleuve Nil et les infrastructures, installations et autres ouvrages connexes, ainsi que les installations contenant des forces dangereuses dans le Bassin du Fleuve Nil sont protégés par les principes et les règles du droit international applicable en cas de conflit armé international et non-international, en particulier par les règles du droit international humanitaire, et ne doivent pas être utilisés en violation de ces principes et règles.

Article 14

Sécurité de l'eau

Tenant dûment compte des dispositions des articles 4 et 5, les Etats du Bassin du Fleuve Nil reconnaissent lÊimportance capitale de la sécurité de lÊeau pour chacun dÊentre eux. Les Etats reconnaissent également que la gestion et lÊaménagement coopératifs des eaux du système du Fleuve Nil faciliteront lÊobtention de la sécurité de lÊeau ainsi que dÊautres avantages. Les Etats du Bassin du Fleuve Nil conviennent, dans un esprit de coopération,

(a) dÊfluvrer ensemble afin que tous les états obtiennent et maintiennent la sécurité de lÊeau par tous les Etats ;

(b)* ...

L'Article 14(b) est annexé au présent accord. Il sera résolu par la Commission du Bassin du Fleuve Nil endéans six mois dès sa mise en place conformément à la décision prise lors de la Réunion Extraordinaire du Conseil des Ministres tenue au mois de Mai 2009 à Kinshasa, RD Congo.

PARTIE III. STRUCTURE INSTITUTIONNELLE

SECTION A. LA COMMISSION DU BASSIN DU FLEUVE NIL

Article 15

Création

Il est créé entre les Etats du Bassin du Nil une organisation denommee Commission du Bassin du Fleuve Nil par les Etats du Bassin du Fleuve Nil.

Article 16

Objet

Le but et lÊobjet de la Commission sont :

(a) de promouvoir et de faciliter la mise en fl uvre des principes, droits et obligations prévus par le présent Accord;

(b) de servir de cadre institutionnel à la coopération des Etats du Bassin du Fleuve Nil pour lÊutilisation, le développement, la protection, la conservation et la gestion du Bassin du Fleuve Nil et de ses eaux;

(c) de faciliter une collaboration étroite des Etats et des peuples du Bassin du Fleuve Nil dans les domaines sociaux, économiques et culturels.

Article 17

Organes

La Commission est composée de :

(a) la Conférence des chefs dÊEtat et de Gouvernement ;

(b) le Conseil des Ministres ;

(c) le Comité consultatif technique ;

(d) les Comités consultatifs sectoriels ;

(e) le Secrétariat.

Article 18

Siège

Le siège de la commission sera situé à Entebbe en Ouganda.

Article 19

Statut Juridique

1. La Commission est une organisation intergouvernementale et jouit de la personnalité juridique internationale et de la capacité juridique nécessaire pour lÊexécution de ses fonctions, en particulier, de la capacité de contracter, de contracter des obligations, de recevoir des donations, dÊester en justice activement et passivement.
2. La Commission et son personnel bénéficient, sur le territoire de chaque Etat du Bassin du Fleuve Nil, des privilèges et des immunités nécessaires pour lÊexécution des fonctions qui leur incombent aux termes du présent Accord.
3. Les privilèges et les immunités visés à cet article seront détaillés dans un protocole à cet Accord.

SECTION B. LA CONFÉRENCE DES CHEFS D'ETAT OU DE GOUVERNEMENT

Article 20

Structure et procédures

1. La conférence des chefs dÊHat et des gouvernements (ÿ la Conférence Ÿ) sera composée des chefs dÊEtat ou de Gouvernement des Etats du Bassin du Fleuve Nil.
2. La conférence établit son propre règlement et ses procédures.

Article 21

Fonctions

La conférence est lÊorgane suprême de décision de la Commission.

SECTION C. LE CONSEIL DES MINISTRES

Article 22

Structure

Le Conseil des Ministres (ÿ le Conseil Ÿ) sera composé des Ministres des Ressources en Eau de chaque Etat du Bassin du Fleuve Nil et dÊautres Ministres en fonction de lÊordre du jour de la Commission.

Article 23

Procédures

1. Sauf exception, le Conseil établit son propre règlement et ses propres procédures.
2. Le Conseil se réunit une fois par an en session régulière et en session spéciale à la demande de tout Etat du Bassin du Fleuve Nil.
3. ¤ moins quÊil nÊen décide autrement, le Conseil se réunit en session régulière successivement dans chacun des Etats du Bassin du Fleuve Nil selon lÊordre alphabétique, en anglais. Le lieu de chaque session spéciale est identique à celui de la session régulière précédente.
4. Une session régulière sera présidée par lÊEtat sur le territoire duquel elle sera tenue. Une session spéciale sera présidée par lÊEtat qui a assumé la direction de la session régulière précédente.
5. Les décisions du Conseil sont prises par consensus.
6. Les décisions du Conseil sont contraignantes pour tous les Etats du Bassin du Fleuve Nil.

Article 24

Fonctions

1. Le Conseil est lÊorgane directeur de la Commission. Il peut renvoyer des questions à la Conférence des chefs dÊEtat pour décision.
2. Le Conseil sert de forum de discussion pour les questions relevant de ses fonctions et du présent Accord.
3. Le Conseil surveille lÊexécution efficace de cet Accord.
4. Le Conseil peut établir, et assigner des responsabilités à tous les comités ad hoc quÊil considère nécessaires pour la réalisation de ses fonctions.
5. Le Conseil adopte, revoit et, le cas échéant, met à jour, les plans pour la gestion et le développement coordonnés, intégrés, et durables du Bassin du Fleuve Nil.
6. Le Conseil approuve les programmes de travail annuels de la Commission.
7. Le Conseil assure la durabilité financière de la Commission.
8. Le Conseil approuve le règlement et les procédures régissant le fonctionnement du Comité consultatif technique, des Comités consultatifs sectoriels, et du Secrétariat, ainsi que son programme de travail et les règles relatives à la gestion financière et au personnel de la Commission.
9. Le Conseil nomme le Secrétaire Exécutif et les autres cadres supérieurs de la Commission.
10. Le Conseil suit de prêt la structure organisationnelle du Secrétariat et son personnel.
11. Le Conseil adopte, revoit et, le cas échéant, met à jour les règlements, procédures, directives et critères pour la mise en fl uvre des dispositions de cet Accord.
12. Le Conseil examine et prend des décisions définissant lÊutilisation équitable et raisonnable de lÊeau dans chaque pays riverain en prenant en compte les facteurs visés à lÊarticle 4, paragraphe 2.

13. A la demande des Etats concernés, le Conseil examine les questions et les différences dÊopinion pouvant sÊélever parmi les Etats du Bassin du Fleuve Nil au sujet de lÊinterprétation ou de lÊapplication de cet Accord. Il peut faire des recommandations aux Etats concernés en ce qui concerne ces questions ou différences dÊopinion.
14. Le Conseil favorise lÊapplication complète et effective de cet Accord.
15. Le Conseil établit une échelle pondérée des contributions des Etats du Bassin du Fleuve Nil au financement du budget de la Commission, et approuve le budget de la Commission.
16. Le cas échéant, le Conseil établit des formules pour le partage entre les Etats du Bassin du Fleuve Nil, des coûts et des bénéfices liés à des projets communs particuliers dans le Bassin du Fleuve Nil.
17. Le Conseil remplit les autres fonctions qui lui semblent nécessaires à la réalisation des buts de la Commission..

SECTION D. LE COMITÉ CONSULTATIF TECHNIQUE

Article 25

Structure et procédures

1. Le Comité consultatif technique (le ÿCCTŸ) sera composé de deux membres nommés par chaque Etat du Bassin du Fleuve Nil qui sont des hauts fonctionnaires de lÊEtat. Les délégués peuvent se faire accompagner dÊautres experts aux réunions du CCT, selon les besoins, pour traiter de questions spéciales.
2. Le CCT peut établir des groupes de travail spécialisés pour traiter de sujets relevant de ses compétences.
3. Le CCT se réunit deux fois par an en session régulière, et en session spéciale à la demande du Conseil, exprimée par son président. Sauf décision contraire, les sessions se tiennent au siège de la Commission.
4. Le CCT propose à lÊapprobation du Conseil ses propres règlements et procédures.

Article 26

Fonctions

1. Le CCT prépare et soumet au Conseil des programmes de coopération pour la gestion et le développement intégrés et durables du Bassin du Fleuve Nil.
2. Sur la base de rapports du secrétariat, le CCT fait des recommandations au Conseil au sujet des programmes de travail annuels et du budget de la Commission.
3. Le CCT propose au Conseil les règlements, procédures, directives et critères prévus dans le présent Accord.
4. Le CCT fait des recommandations au Conseil sur la mise en fl uvre des dispositions de cet Accord.

5. Le CCT fait des recommandations au Conseil sur les décisions définissant l'utilisation équitable et raisonnable de l'eau dans chaque pays riverain, en prenant en compte les facteurs visés à l'article 4, paragraphe 2.
6. Le CCT conseille le Conseil sur les sujets techniques relatifs à l'utilisation, au développement, à la protection, à la conservation et à la gestion du Bassin du Fleuve Nil et du système du Fleuve Nil, notamment la protection contre la sécheresse et les inondations.
7. Le CCT fait des propositions au Conseil pour la nomination du Secrétaire Exécutif et du personnel technique du secrétariat ; il supervise le secrétariat.
8. Le CCT fait des recommandations au Conseil au sujet des règlements et procédures régissant le fonctionnement du secrétariat, ainsi que de son programme de travail.
9. A la demande du Conseil, le CCT fait des recommandations à celui-ci au sujet de la modification de l'Accord ou de l'élaboration de protocoles annexes.
10. Le CCT remplit les autres fonctions qui lui sont, le cas échéant, confiées par le Conseil.

SECTION E. COMITÉS CONSULTATIFS SECTORIELS

Article 27

Structure et procédures

1. Des Comités consultatifs sectoriels (ÿCCSŸ) peuvent être créés par le Conseil afin de traiter de sujets sectoriels spécifiques relevant de la compétence de la Commission.
2. Sauf décision contraire du Conseil, un CCS est composé dÊun membre nommé par chaque Etat du Bassin du Fleuve Nil, expert dans le domaine dÊactivité du CCS concerné.
3. Les règlements et procédures applicables au CCT sont applicables, *mutatis mutandis*, aux CCS.
4. Le Conseil peut mettre en place un CCS chargé dÊétablir la liaison entre les organisations couvrant une partie seulement du Bassin du Fleuve Nil et la Commission.

Article 28

Fonctions

Les CCS remplissent les fonctions qui leur sont assignées par le Conseil.

SECTION F. LE SECRÉTARIAT

Article 29

Structure

1. Le secrétariat est dirigé par un Secrétaire Exécutif nommé par le Conseil pour trois ans.
2. Le Secrétaire Exécutif rend des comptes au Conseil, à travers le CCT.
3. Le Secrétaire Exécutif et le personnel du Secrétariat Bénéficient des privilèges et immunités nécessaires à l'exercice de leurs fonctions dans les Etats du Bassin du Fleuve Nil.
4. Le Conseil décide du personnel et de la structure du secrétariat selon le principe d'une distribution géographique équitable et sur recommandation du CCT.
5. Le bureau du secrétariat est situé au siège de la Commission.

Article 30

Fonctions

1 Le Secrétaire Exécutif représente la Commission dans les matières indiquées dans les règlements et procédures régissant son fonctionnement et en particulier dans les relations de celle-ci avec les institutions internationales et bilatérales [SIC] d'assistance et avec toutes les institutions ou arrangements couvrant une partie seulement du Bassin du Fleuve Nil.

2. Le secrétariat assure le secrétariat des réunions de tous les organes de la Commission.
3. Le Secrétaire Exécutif est responsable de l'administration et des finances de la Commission.

4. Le Secrétaire Exécutif prépare et soumet au CCT des rapports relatifs aux programmes de travail annuels de la Commission ; il tient compte pour cela des informations qui lui sont fournies par les institutions de référence pour le Nil au sein de chaque Etat.

5. Le Secrétaire Exécutif établit le budget prévisionnel de la Commission et le soumet au CCT.

6. Le Secrétaire Exécutif est responsable de la mise en fl uvre dÊétudes et dÂautres activités proposées par le CCT et autorisées par le Conseil. Le Secrétaire Exécutif peut, avec lÊaccord du CCT, engager des consultants afin de lÊassister dans ces tâches.

7. Le secrétariat assiste le CCT dans la préparation dÊun plan pour la gestion et le développement coordonnés, intégrés, et durables du Bassin du Fleuve Nil.

8. Le secrétariat assiste tous les organes de la Commission, à leur demande, dans lÊexercice de leurs fonctions.

9. Le secrétariat rassemble les données et les informations disponibles et coordonne la surveillance de toute information relative au Bassin du Fleuve Nil, notamment les informations relatives aux ressources en eau, à lÊenvironnement et aux problèmes socio-économiques ; il passe en revue et synthétise ces informations dans lÊoptique de leur intégration dans des bases de données couvrant lÊensemble du Bassin et de la création de normes ; il développe des mécanismes permettant lÊéchange régulier dÊinformations dans les domaines pertinents

10. Le secrétariat reçoit les rapports dÊorganisations couvrant une partie seulement du Bassin et les transmet au CCT.

11. Le secrétariat remplit toutes les autres fonctions qui lui sont assignées par le CCT.

SECTION G.

SUCCESSION DE LA COMMISSION DU BASSIN DU FLEUVE NIL À L'INITIATIVE DU BASSIN DU NIL

Article 31

Succession

A lÊentrée en vigueur du présent Accord, la Commission succédera à lÊInitiative du Bassin du Nil (IBN) pour tous les droits, obligations et patrimoine.

PARTIE IV. INSTITUTIONS SUBSIDIAIRES

Article 32

Organisations et accords des sous-bassins

1. Les Etats du Bassin du Fleuve Nil reconnaissent lÊutilité des organisations et des institutions couvrant les sous-bassins du Nil.
2. Les parties au cadre qui sont également membres dÊorganisations, ou parties à des accords, couvrant une partie seulement du Bassin sÊassurent que les buts, les fonctions et les activités de ces organisations et accords sont conformes à ceux de la Commission du Bassin du Fleuve Nil et avec les principes et les règlements élaborés ou adoptés dans le cadre du présent Accord.
3. Les parties à cet Accord qui sont également membres dÊorganisations, ou parties à des accords, couvrant une partie seulement du Bassin sÊassurent également que ces organisations ou accords fonctionnent en collaboration étroite avec la Commission du Bassin du Fleuve Nil.
4. La Commission du Bassin du Fleuve Nil maintiendra un contact régulier et coopérera étroitement, avec toute organisation ou institution liée à un accord couvrant une partie du Bassin.

Article 33

Institutions nationales point focal du le Nil

1. Chaque Etat du Bassin du Fleuve Nil crée ou désigne une institution nationale point focal du Nil et en informe la Commission.
2. Les institutions nationales point focal du Nil ont pour fonction de servir de points de référence nationaux pour la Commission pour les problèmes relevant de la compétence de celle-ci.

PARTIE V. DISPOSITIONS DIVERSES

Article 34

Règlement des différends

1. En cas de différend entre deux Etats ou plus du Bassin du Fleuve Nil concernant lÊinterprétation ou lÊapplication du présent Accord, les Etats concernés règlent leur différend par des moyens pacifiques et conformément aux dispositions suivantes, sauf convention contraire :

   (a) Si les Etats concernés ne parviennent pas à conclure un accord par la voie de négociations initiées par lÊun dÊeux, ils peuvent solliciter conjointement les bons offices, la médiation ou la conciliation de la Commission du Bassin du Fleuve Nil ou dÊun autre tiers ; ils peuvent, alternativement, convenir de soumettre le différend à lÊarbitrage, conformément aux procédures adoptées par le Conseil, ou à la Cour internationale de Justice.

   (b) Si à lÊécoulement dÊun délai de six mois à compter de la demande de négociations visée au paragraphe 2, les Etats concernés ne sont pas parvenus à résoudre leur différend par le biais de négociations ou de tout autre moyen visé au paragraphe 2, le différend est soumis, à la demande de la parties la plus diligente, à une procédure impartiale dÊétablissement des faits, conformément à lÊannexe au présent Accord, sauf accord contraire des Etats concernés.

Article 35

Conventions complémentaires

1. Les Etats du Bassin du Fleuve Nil peuvent conclure des conventions bilatérales ou multilatérales complétant le présent Accord relativement à certaines parties du Bassin du Fleuve Nil ou du système du Fleuve Nil, tels que des sous-bassins et des affluents, ou relativement à des projets spécifiques ou à des programmes en rapport avec le Bassin du Fleuve Nil, le système du Fleuve Nil, une portion de ce Bassin ou une portion de ce système.
2. Les conventions complémentaires visées au paragraphe 1 mettent en fl uvre les principes posés par le présent Accord dans les domaines concernés.
3. Les Etats du Bassin du Nil sÊengagent à ne pas conclure dÊaccord ou de convention incompatible avec les dispositions du présent Accord..
4. Des conventions complémentaires peuvent être adoptées par consensus par les Etats du Bassin du Fleuve Nil sous la forme de protocoles au présent Accord.

PARTIE VI. CLAUSES FINALES

Article 36

Amendement du cadre ou des protocoles

1. Toute partie au présent Accord peut y proposer des amendements. Les Amendements aux protocoles peuvent être proposés par toute partie au protocole concerné.
2. Les amendements au présent Accord sont adoptés lors dÊune réunion des parties. Les amendements à un protocole qui y est annexé sont adoptés lors dÊune réunion des parties au protocole concerné.
3. Les articles 1, 2, 3, 4, 5, 8, 9, 14, 23, 24, 34, 35, 36 et 37 du présent Cadre ne peuvent être amendés que par consensus. Quant aux propositions dÊamendements à lÊAccord ou à un protocole,les parties mettent tout en fl uvre pour parvenir à un consensus. En cas dÊéchec, la proposition dÊamendement peut être adoptée, en dernier recours, par une majorité des deux tiers des parties à lÊinstrument concerné présentes et votantes, puis soumises par lÊautorité dépositaire à toutes les parties pour ratification, acceptation ou approbation.

Article 37

Adoption et amendement des annexes

1. Les annexes au présent Accord ou à tout protocole qui lui est annexé font partie intégrante dudit accord ou dudit protocole. Sauf précision contraire, toute référence au présent Accord ou à ses protocoles annexes constituera dans le même temps une référence à toutes leurs annexes. Ces annexes concernent exclusivement des problèmes dÊordre procédural, scientifique, technique ou administratif.

2. Sauf disposition contraire dÊun protocole pour ce qui concerne ses propres annexes, la proposition, lÊadoption et lÊentrée en vigueur de nouvelles annexes au présent Accord ou aux protocoles respectent la procédure suivante :

   (a) les annexes au présent Accord ou à tout protocole sont proposées et adoptées conformément à la procédure prévue à lÊarticle 36. En particulier, toute annexe relative à lÊun des articles cités au paragraphe 3 de lÊarticle 36, laquelle ne peut être amendée que par consensus, doit être adoptée par consensus.

   (b) Toute partie signifie à lÊautorité dépositaire son éventuel refus de la proposition dÊannexe à lÊAccord ou à un protocole, par écrit et dans un délai dÊun an à compter de la notification de lÊadoption de lÊannexe par lÊautorité dépositaire. LÊautorité dépositaire transmet sans délai lÊinformation de cette déclaration de refus à toutes les parties. Une partie peut à tout moment retirer sa déclaration de refus et les annexes rentrent alors immédiatement en vigueur conformément au sous-paragraphe (c) ci-dessous ;

   (c) A lÊexpiration dÊun délai dÊun an à compter de la notification par lÊautorité dépositaire de lÊadoption de lÊannexe, lÊannexe entre en vigueur pour toutes les parties au présent Accord ou au protocole concerné, sous réserve que ces parties nÊaient pas émis la déclaration de refus visée au sous-paragraphe (b) ci-dessus.

3. La proposition, lÊadoption et lÊentrée en vigueur des amendements aux annexes au présent Accord ou à un protocole sont soumises à la même procédure que la proposition, lÊadoption et lÊentrée en vigueur des annexes elles-mêmes.

4. Si une annexe supplémentaire ou un amendement à une annexe est lié(e) à un amendement au présent Accord ou à un protocole spécifique, il (elle) nÊentre pas en vigueur avant lÊentrée en vigueur de lÊamendement concerné.

Article 38

Relation entre le présent Accord et ses protocoles annexés

1. Un Etat ne peut devenir partie à un protocole annexe au présent Accord que sÊil est, ou devient à la même occasion, partie au présent Accord.
2. Les décisions prises dans le cadre dÊun protocole annexé au présent Accord sont prises par les parties à ce protocole exclusivement. Tout Etat du Bassin du Fleuve Nil nÊayant pas ratifié le protocole concerné peut participer en tant quÊobservateur à toute réunion des parties à ce protocole.

Article 39

Réserves

Aucune réserve ne peut être faite au présent Accord.

Article 40

Retrait

1. Les parties au présent Accord peuvent sÊen retirer à tout moment, par avis écrit adressé à lÊautorité dépositaire, après lÊécoulement dÊun délai de deux ans à compter de lÊentrée en vigueur de cet Accord à leur égard.
2. Le retrait est effectif à lÊexpiration dÊun délai dÊun an à compter de la réception par lÊautorité dépositaire, ou à une date ultérieure indiquée dans la notification du retrait, jusquÊà quoi lÊEtat concerné continue à être tenu par le présent Accord.
3. Le retrait dÊune partie du présent Accord entraîne retrait de tous les protocoles annexés et annexes à celui-ci.
4. Toute partie doit, avant de se retirer, liquider lÊensemble des obligations qui lui incombent aux termes de cet Accord.
5. Les dispositions de cet article sÊappliquent au retrait des protocoles annexés au présent Accord.

Article 41

Signature

Le présent Accord est ouvert à la signature de tous les Etats sur le territoire desquels est située une partie du Bassin du Fleuve Nil, du 14 mai 2010 au 13 mai 2011 à Entebbe, Ouganda.

Article 42

Ratification ou adhésion

Tous les Etats sur le territoire desquels est situé une partie du Bassin du Fleuve Nil peuvent ratifier le présent Accord ou y adhérer. Les instruments de ratification ou dÊaccession sont déposés auprès de lÊUnion Africaine.

Article 43

Entrée en vigueur

Le présent Accord entre en vigueur le soixantième jour suivant la date du dépôt du sixième instrument de ratification ou dÊaccession auprès de lÊUnion Africaine.

Article 44

Textes authentiques, autorité dépositaire

LÊoriginal du présent accord, dont les textes anglais et français font également foi, est déposé auprès de lÊUnion Africaine, qui en fait parvenir des copies certifiées conformes aux Parties contractantes.

Article 45

Fonctions de l'autorité dépositaire

LÊautorité dépositaire, en particulier, informe les parties :

(a) du dépôt des instruments de ratification ou dÊaccession, ou de toute autre information, de déclarations ou dÊautres instruments prévus dans le présent Accord ;

(b) de la date de lÊentrée en vigueur du présent Accord.

EN FOI DE QUOI : les plénipotentiaires soussignés, à ce dûment autorisés, ont signé le présent Accord.

Fait à Entebbe, Ouganda.

Nom: NIBIRANTE Jean-Marie
Fonction: MINISTE OF WELUP
Date: 28/02/2011
République du Burundi

Nom:
Fonction:
Date:
République Démocratique du Congo

Nom:
Fonction:
Date:
République Arabe d'Egypte

Nom: ASFAW DINGAMO
Fonction: MINISTRE, MOWR
Date: 14-05-10
République fédérale démocratique d'Ethiopie

Nom: CHARITY K. NGILU
Fonction: MINISTER OF WATER & IRRIGATION
Date: 19 May. 2010
Etat d'Erythrée

Nom:
Fonction:
Date:
République du Rwanda

Nom: MARK JAMES KWANDOSKA
Fonction: MINISTER OF WATER AND IRRIGATION
Date: 14 May 2010
République Unie de Tanzanie

Nom:
Fonction:
Date:
République du Kenya

Nom: Isaac Isanga Musumba
Fonction: Minister (State) Foreign Affa
Date: 14th may 2010
République du Soudan

Nom:
Fonction:
Date:
République de l'Ouganda

Annexe 1

[Article 14b]: La Commission d'établissement des faits

1. Une Commission d'établissement des faits est créée. Elle est, composée d'un membre nommé par chaque Etat concerné et d'un membre n'ayant la nationalité d'aucun Etat concerné, ce dernier étant choisi par les membres nommés pour siéger en qualité de Président de la commission.

2. Si les membres nommés par les Etats ne parviennent pas à s'entendre sur la nomination d'un Président dans les trois mois suivant la requête de constitution de la Commission, tout Etat intéressé peut inviter le président de la Commission de l'Union Africaine (UA) à nommer un Président qui n'aura la nationalité d'aucune des parties au différend, ni d'aucun des Etats du Bassin du Fleuve Nil concernés. Si l'un des Etats ne nomme pas le membre qu'il doit désigner dans les trois mois de la requête initiale visée au paragraphe 2 de l'article 33 ci-dessus, tout Etat intéressé peut inviter le président de la Commission de l'UA à nommer trois personnes qui n'auront la nationalité d'aucune des parties au différend, ni d'aucun des Etats du Bassin du Fleuve Nil concernés.

3. La Commission fixe sa propre procédure.

4. Les Etats concernés ont l'obligation de fournir à la Commission les informations qu'elle exige et de lui permettre, à sa demande, d'avoir accès à leur territoire respectif et d'inspecter toute installation, usine, équipement, construction ou élément naturel pertinent dans le cadre de son enquête.

5. La Commission adopte à la majorité des voix un rapport qu'elle soumet aux Etats concernés et qui contient ses conclusions, les motifs de ses conclusions ainsi que les recommandations qu'elle juge appropriées pour permettre la résolution équitable du différend. Les Etats concernés étudient de bonne foi le rapport de la Commission.

6. Les dépenses de la Commission sont équitablement réparties entre les Etats concernés.

[Article 14b]: Annexe

Aucun consensus nÊayant été trouvé à la fin des négociations sur lÊArticle 14(b) qui stipule : „*de ne pas affecter considérablement la sécurité de l'eau de tout autre Etat du Bassin du Fleuve Nil.*"

Tous les pays [Burundi, RD Congo, Ethiopie, Kenya, Ouganda, Rwanda, Tanzanie] ont accepté cette proposition sauf lÊEgypte et le Soudan.

A cet effet, lÊEgypte a proposé que lÊArticle 14(b) soit reformulé comme suit : „*de ne pas affecter défavorablement la sécurité de l'eau ainsi que sur les usages et droits actuels de tout autre Etat du Bassin du Fleuve Nil.*"

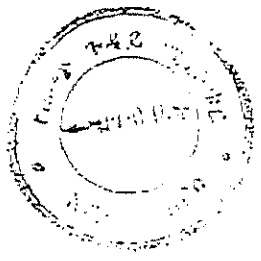
La réunion extraordinaire du Conseil des Ministres du Nil tenue le 22 mai 2009 à Kinshasa, République Démocratique du Congo, a décidé que lÊArticle 14(b) soit annexé et résolu par la Commission du Bassin du Nil endéans six mois dès son installation.

ANNEX - III

AIDE-MEMOIRE

The Imperial Ethiopian Government has ascertained the fact that certain discussions have been taking place concerning the division of the waters of the Nile. Ethiopia alone supplies 84% of these waters, as well as the immense volume of alluvium fertilizing the lower reaches of the Nile. In view of this fact and the overwhelming importance which such waters and soils represent with reference to the total water and other resources of Ethiopia, the Imperial Ethiopian Government finds it important once again to make clear the position and rights of Ethiopia in this matter and would, in this connection, invite attention to the official communiqué published on this subject, by the Ministry of Foreign Affairs on 6th February, 1956.

Just as in the case of all other natural resources on its territory, Ethiopia has the right and obligation to exploit the water resources of the Empire and indeed, has the responsibility of providing the fullest and most scientific measures for the development and utilization of the same, for the benefit of present and future generations of its citizens, in peace with the anticipation of the growth in population and its expanding needs. The Imperial Ethiopian Government must, therefore, reassert and reserve now and for the future, the right to take all such measures in respect of its water resources and particular, as regards that portion of the same which is of the greatest importance to its welfare, namely, those waters providing so nearly the entirety of the volume of the Nile, whatever may be the measure of utilization of such waters sought by recipient states situated along the course of that river.



The Imperial Ethiopian Government must naturally draw the necessary consequences and conclusion and assert the full measure of its freedom of action as regards discussions being pursued concerning the waters flowing from its territory and as to which, unlike the discussions pursed in the period between 1924 and 1951, it has not been consulted. Under these circumstance, Ethiopia, alone the source of nearly the entirety of the waters involved must, once again, make it clear that the quantities of the waters available to others must always depend on the over increasing extent to which Ethiopia, the original owner, in and will be required to utilize the same for the needs of her expanding population and economy.

As in the case of all other natural resources on her territory, the utilization by Ethiopia of her resources in water, will be effected strictly in accordance with the present and projected needs of her expanding population and economy as determined by scientific studies undertaken and constantly pursed by the Imperial Ethiopian Government.

Following satisfaction of her national requirement, Ethiopia will count it a privilege to be able to contribute through her natural resources and measures for the conservation of the same, to the welfare of the inhabitants of a neighboring sister nations on the banks of the Nile.

September 23, 1957
Addis Ababa

Addis Ababa, Tuesday, February 6, 1956

Communiqué released by the Ministry
of Foreign Affairs of Ethiopia

The Imperial Ethiopian Government noted that extensive International discussion have been taking place concerning the utilization of the waters of the Nile to which Ethiopia make so significant a contribution.

On the other hand it should be noted that the impressive growth of the Ethiopian economy in recent years through increased population, and the enormous expansion of internal and foreign trade, has, for some time, made it apparent that the opening up of new agricultural regions, and of sources of power is imperatively required. For some years, therefore numerous engineering enterprises and specialists, engaged by the Imperial Ethiopian Government, have been analyzing the considerable mass of technical data already available concerning the utilization of the vast irrigation and hydro-electric potential of Ethiopia, and amassing additional technical information to that end.

As distinguished from other areas in the region of the Nile, the large volume and number of water-sources and the variety of engineering projects envolved in Ethiopian have required a sustained program of analysis and coordination by the Imperial Ethiopian Government. The greatly accelerated pace at which those technical studies have been proceeding during the past twelve months testifies to the progress achieved in the technical and administrative fields.

In conformity with the program already outlined in the light of the technical specifications already elaborated, the Imperial Ethiopian Government expects shortly to call for a series of international bids for the various irrigation and hydro-electric projects now under preparation. In the allocation of bids, financing terms and conditions will be taken into consideration.

ANNEX - IV

M E M O R A N D U M

The Provisional Military Government of Socialist Ethiopia has noted with deep concern the fact that the Egyptian Government has diverted the waters of the River Nile to the Sinai through six tunnels each one of which has six 480 meter aqueducts with a capacity of 1.5 million cubic meters daily.

This is yet the latest in the series of unilateral acts of the Egyptian Government in unduly appropriating the waters of the River Nile for its own use with no regard to the legitimate rights of the co-riparian states over the resources of the Nile and their interest in the establishment of a regime that would ensure rational, fair and equitable sharing of these resources.

Ethiopia, where 84% of the waters of the Nile originate, attaches singular significance to its own legitimate rights over the use of these waters and, as such, is strongly opposed to the latest Egyptian move as it was opposed to similar moves on several occasions in the past. In this connection, the Provisional Military Government of Socialist Ethiopia wishes to recall the official communique and aide-memoire issued on the subject by the Ministry of Foreign Affairs on 8 February 1956 and 23 September 1957 respectively.

A riparian state which intends to proceed with the execution of works of a magnitude such as that presently undertaken by Egypt is duty bound under international law to give notice to and consult with the other riparian states.

.../ 2

In view of the foregoing, it is abundantly clear that Egypt has acted in flagrant violation of international law in diverting the waters of the River Nile to the Sinai without giving prior notice to and holding consultations with the coriparian states.

The high handed manner with which Egypt goes about appropriating to itself the waters of the River Nile and thereby flouting the community of interest of the co-riparian states, does not augur well to the friendly relations and good neighbourliness that should exist between Egypt and the other countries directly concerned with the matter. By its action Egypt is clearly sowing the seed of further dispute over the use of the waters of the Nile. This Egyptian attempt at pre-empting the appropiration of the waters of the River Nile will in no way be allowed to prejudice the legitimate rights of the co-riparian states.

The Provisional Military Government of Socialist Ethiopia wishes to state, once again, that the measures taken by Egypt in regard to the use of the waters of the Nile will in no way affect its legitimate rights to the waters of the Nile and that the Egyptian Government will be held solely responsible for the consequences of its recent action.

May 7, 1980

Ministry of Foreign Affairs

of Socialist Ethiopia

ADDIS ABABA

My delegation would, therefore, like to place on record that Ethiopia views such developments with grave concern. Any arrangements undertaken without regard to the interests of all concerned, and in the absence of due consultations with and agreement of all the reparian states will have no legitimacy and binding force.

ANNEX - V

17327

የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
የውጭ ጉዳይ ሚኒስቴር

Federal Democratic Republic of Ethiopia
MINISTRY OF FOREIGN AFFAIRS

ቀን Date 20th March 1997

ቁጥር No. 3-14/2/67/42

Excellency,

I am pleased to write to Your Excellency for the purposes of drawing your attention to a Note Verbale dated 20th March, 1997, from the Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia addressed to the Foreign Ministry of the Arab Republic of Egypt.

This self-explanatory Note, a copy of which is enclosed herewith, is being sent to you so that Your Excellency as well as the World Bank can be aware of and follow closely the very important issue addressed in the Note and so that the Ethiopian position on this crucial matter would be recognized and taken into account by the World Bank.

Please accept, Excellency, the assurances of my highest consideration.

SEYOUM MESFIN
Minister of Foreign Affairs

H.E. Mr. James Wolfensohn
President of the World Bank
Washington D.C

Encl.

ፋክስ ቁጥር Fax No. 51 43 00 ☏ 393 ☎ 51 73 45 ቴሌክስ ቁ. Telex No.
አዲስ አበባ ኢትዮጵያ
Addis Ababa Ethiopia

የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
የውጭ ጉዳይ ሚኒስቴር

Federal Democratic Republic of Ethiopia
MINISTRY OF FOREIGN AFFAIRS

ቀን Date 20th March 1997

ቁጥር No. 3-14/2/1661/92

The Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia (FDRE) presents its compliments to the Ministry of Foreign Affairs of the Arab Republic of Egypt and has the honour to communicate the following in connection with the plan under way by Egypt to irrigate part of the western desert of its country through the use of what is called the Toshka Canal as well as with the earlier project by Egypt with regard to the Peace Canal.

While by no means surprised by this latest project in Egypt which again amounts to a unilateral decision on the use of the waters of a river shared by many countries, including most importantly by Ethiopia, the Government of the FDRE nonetheless deems it essential that it pronounces itself on the matter officially for the purposes of clarifying a number of important issues that bear on present conditions as well as on future developments, most particularly in connection with the equitable allocation of the waters of the Nile for which purpose Ethiopia and Egypt, among others, have sooner or later to sit down and negotiate.

In this regard, the Foreign Ministry of the FDRE wishes to underline the following points.

As it should be recalled and as the two documents copies of which are enclosed herewith would show, Ethiopia had at the appropriate time made it absolutely clear that it does not recognize the 1959 Agreement between the Arab Republic of Egypt and Sudan on the sharing between the two of all the waters of the Nile. That Agreement was based neither on justice nor on reason. In any case, Ethiopia, from whose territory 86% of the waters of the Nile originate, does not feel and will never be made to feel obligated to respect that Agreement.

ቴሌክስ ቁጥር Fax No. 51 43 00 ፖ.ሣ.ቁ 393 ☎ 51 73 45 ቴሌግራም Telegram 21055

In this connection, it is while Ethiopia has been in the process of looking into ways and means of rectifying this historical injustice through talks that Egypt has begun to take steps which from all indications and apart from diverting the waters of the Nile from their natural course, seem to be designed to make the unjust status quo irreversible, to make it even more unjust and permanent and to render all future attempts at negotiations futile and meaningless through a *fait accompli*

Accordingly, Ethiopia will in no way recognize whatever utilization of increased water of the Nile is entailed by the Toshka project, as well as the Peace Canal as factors or considerations in the determination of Ethiopia's share. In the same way as it does not recognize the 1959 Agreement as having any bearing on its share to the Nile water, 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.

The Ministry of Foreign Affairs of the FDRE wishes to make it clear that the Government of the FDRE is convinced that unilateral actions on Nile issues or on any other issue are counterproductive. The upper watercourse countries of the Nile, most particularly Ethiopia, have continued for a very long time to witness unilateral action after unilateral action being taken by Egypt and others on the utilization of the waters of the Nile, among which, to mention just a few, are the 1959 Agreement, the Peace Canal and now the Toshka project. A stop needs to be put to this act of not taking the legitimate interest of others into account. Instead what should take place is a just and equitable sharing of the Nile waters among its riparians on the bases of justice and of principles of international law. In the meantime, Ethiopia wishes to be on record as having made it unambiguously clear that it will not allow its share to the Nile waters to be affected by a *fait accompli* such as the Toshka project, regarding which it was neither consulted nor alerted.

It should be obvious that the principle of maximum and unilateral utilization of Nile waters which appears to be the preferred policy of Egypt will only lead to undermining the basis for co-operation among countries that are bound by the river Nile, because it will naturally force similar acts by others, especially in the absence of a legal framework among the reparian countries on the

utilization of the Nile waters Under these circumstances, it is only appropriate for Ethiopia to call for the setting up of a more effective forum for addressing issues relating to the equitable utilization of Nile waters among the watercourse states of the Nile.

The Ministry of Foreign Affairs of the Federal Democrat Republic of Ethiopia avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Arab Republic of Egypt the assurances of its highest consideration.

Encl.: *1 Aide-Memoire - 2 pages*
2 Communique released by the Ministry of Foreign Affairs of Ethiopia - 1 page

To: The Ministry of Foreign Affairs
of the Arab Republic of Egypt
Cairo

C C To H E Mr Kofi Annan,
Secretary-General of the UN
New York

To H E. Dr Salim Ahmed Salim
Secretary-General of the OAU
Addis Ababa

H.E Mr James Wolfensohn
President of the World Bank
Washington D C

H.E. Mr. H A.F.M O van Mierlo
Chairman. Council of Ministers of the European Union,
Minister of Foreign Affairs of the
Kingdom of the Netherlands
The Hague

To H E Dr Tekeste Gebray
Executive Secretary of IGAD
Djibouti

ANNEX - VI

TREATY SERIES. No. 16.

1902.

TREATIES

BETWEEN THE

UNITED KINGDOM AND ETHIOPIA,

AND BETWEEN THE

UNITED KINGDOM, ITALY, AND ETHIOPIA,

RELATIVE TO

THE FRONTIERS BETWEEN THE SOUDAN, ETHIOPIA, AND ERITREA.

Signed at Adis Ababa, May 15, 1902.

[*Ratifications delivered at Adis Ababa, October* 28, 1902.]

[WITH A MAP.]

Presented to both Houses of Parliament by Command of His Majesty.
December 1902.

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TREATIES BETWEEN THE UNITED KINGDOM AND ETHIOPIA, AND BETWEEN THE UNITED KINGDOM, ITALY, AND ETHIOPIA, RELATIVE TO THE FRONTIERS BETWEEN THE SOUDAN, ETHIOPIA, AND ERITREA.

Signed at Adis Ababa, May 15, 1902.

(Signed also in the Amharic text.)

[*Ratifications delivered at Adis Ababa, October* 28, 1902.]

His Majesty Edward VII by the Grace of God, King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India, and His Majesty Menelek II, by the Grace of God, King of Kings of Ethiopia, being animated with the desire to confirm the friendly relations between the two Powers, and to settle the frontier between the Soudan and Ethiopia, and His Majesty King Edward, having appointed as his Plenipotentiary Lieutenant-Colonel John Lane Harrington, a Commander of the Royal Victorian Order, His Majesty's Agent at the Court of His Majesty Menelek II, King of Kings of Ethiopia, whose full powers have been found in due and proper form, and His Majesty the Emperor Menelek, negotiating in his own name as King of Kings of Ethiopia, they have agreed upon and do conclude the following Articles, which shall be binding on themselves, their heirs, and successors:

ARTICLE 1.

The frontier between the Soudan and Ethiopia agreed on between the two Governments shall be: the line which is marked in red on the map annexed to this Treaty in duplicate, and traced from Khor Um Hagar to Gallabat, to the Blue Nile, Baro, Pibor, and Akobo Rivers to Melile, thence to the intersection of the 6th degree of north latitude with the 35th degree longitude east of Greenwich.

ARTICLE II.

The boundary, as defined in Article I, shall be delimited and marked on the ground by a Joint Boundary Commission, which shall be nominated by the two High Contracting Parties, who shall notify the same to their subjects after delimitation.

ARTICLE III.

His Majesty the Emperor Menelek 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 Tsana, or the Sobat which would arrest the flow of their waters into the Nile except in agreement with His Britannic Majesty's Government and the Government of the Soudan.

ARTICLE IV

His Majesty the Emperor Menelek, King of Kings of Ethiopia, engages himself to allow His Britannic Majesty's Government and the Government of the Soudan to select in the neighbourhood of Itang, on the Baro River, a block of territory having a river frontage of not more than 2,000 metres, in area not exceeding 400 hectares, which shall be leased to the Government of the Soudan, to be administered and occupied as a commercial station, so long as the Soudan is under the Anglo-Egyptian Government. It is agreed between the two High Contracting Parties that the territory so leased shall not be used for any political or military purpose.

ARTICLE V.

His Majesty the Emperor Menelek, King of Kings of Ethiopia, grants His Britannic Majesty's Government and the Government of the Soudan the right to construct a railway through Abyssinian territory to connect the Soudan with Uganda.

A route for the railway will be selected by mutual agreement between the two High Contracting Parties.

The present Treaty shall come into force as soon as its ratification by His Britannic Majesty shall have been notified to the Emperor of Ethiopia.

In faith of which His Majesty Menelek II, King of Kings of Ethiopia, in his own name, and Lieutenant-Colonel John Lane Harrington, on behalf of His Majesty King Edward VII,

King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Sea, Emperor of India, have signed the present Treaty, in duplicate, written in the English and Amharic languages, identically, both texts being official, and have thereto affixed their seals.

Done at Adis Ababa, the 15th day of May, 1902.

(L.S.) JOHN LANE HARRINGTON,
Lieutenant-Colonel.

(Seal of His Majesty the Emperor Menelek II.)

Note.

Annex to the Treaty of 10th July, 1900, regarding the frontier between Ethiopia and Eritrea, and the Treaty of 15th May, 1902, regarding the frontier between the Soudan and Ethiopia.

Nota.

Aggiunta al Trattato del 10 Luglio, 1900, per la frontiera fra Etiopia ed Eritrea ed al Trattato del 15 Maggio, 1902, per la frontiera fra Sudan ed Etiopia

His Majesty the Emperor of Ethiopia, Menelek II, Major Ciccodicola, Italian Minister in Ethiopia, and Lieutenant-Colonel Harrington, His Britannic Majesty's Agent in Ethiopia, have mutually agreed that:

Di comune accordo fra S. M. l'Imperatore di Etiopia, Menelik II, il Maggiore Comm. Ciccodicola, Ministro d'Italia in Etiopia, ed il Tte. Colonnello Harrington, Agente Diplomatico del Governo Britannico in Etiopia, è stato convenuto quanto segue:

ARTICLE I.

The frontier Treaty between Ethiopia and Eritrea, previously determined by the line Tomat-Todluc, is mutually modified in the following manner:

Commencing from the junction of the Khor Um Hagar with the Setit, the new frontier

ARTICOLO I.

Il Trattato di frontiera fra l'Etiopia e la Colonia Eritrea, determinato finora dalla linea Tomat-Todluc, di comune accordo viene modificato nel seguente modo:

A cominciare dalla confluenza del Khor-Um-Hagar col Setit, la nuova frontiera segue questo

follows this river to its junction with the Maieteb, following the latter's course so as to leave Mount Ala Tacura to Eritrea, and joins the Mareb at its junction with the Mai Ambessa.

The line from the junction of the Setit and Maiateb to the junction of the Mareb and Mai Ambessa shall be delimited by Italian and Ethiopian delegates, so that the Canama tribe belong to Eritrea.

fiume fino alla confluenza del Maiteb, si tiene lungo il corso di esso lasciando alla Eritrea il Mte. Ala-Tacura, e si dirige al Mareb alla confluenza de Mai Ambessa.

La linea compresa fra la confluenza del Maiteb col Setit e quella dei Mai Ambessa col Mareb sarà determinata sul terreno da oppositi delegati, Italiani ed Etiopi, in maniera che la tribu dei Canama rimanga alla Colonia Eritrea.

ARTICLE II.

The frontier between the Soudan and Eritrea, instead of that delimited by the English and Italian delegates by the Convention of the 10th April, 1901, shall be the line which, from Sabderat, is traced viâ Abu Jamal to the junction of the Khor Um Hagar with the Setit.

ARTICOLO II

La frontiera fra il Sudan ed l'Eritrea, invece di essere quella delimitata dai delegati Inglese ed Italiano con la Convenzione del 16 Aprile, 1901, sarà la linea che da Sabderat per Abu-Gamal va alla confluenza del Khor-Um-Hagar col Setit.

The present Agreement shall come into force as soon as its ratification by the British and Italian Governments shall have been notified to the Emperor of Ethiopia.

Gli accordi sopraindicati accettati da S. M. l'Imperatore d'Etiopia, Menelek II, avranno esecuzione quando questa Nota sarà stata ratificata dai Governi Inglese ed Italiano.

In faith of which His Majesty the Emperor of Ethiopia, Menelek II, in his own name and that of his successors; Major Ciccodicola, in the name of His Majesty Victor Emmanuel III, King of Italy, and his successors; and Lieutenant-Colonel Harrington, in the name of His Majesty Edward VII, King of the United Kingdom of Great Britain and Ireland and of the British Dominions

In fede di quanto sopra, S. M. l'Imperatore di Etiopia, Menelek II, per se e pei suoi successori; il Comre. Maggiore Ciccodicola, Ministro d'Italia in Etiopia, in nome di S. M. Vittorio Emanuele III, Re d'Italia, per lui e pei suoi successori; ed il Tte. Colonnello Harrington, in nome di S. M. Edoardo VII, Re dei Regni Uniti di Gran Brettagna ed Irlanda, dei dominii Britannici d'oltre mare, Imperatore

beyond the Seas, Emperor of India, and his successors, have signed the present Note in triplicate, written in the Italian, English, and Amharic languages identically, all texts being official, and have thereto affixed their seals.

dello Indie, per lui e pei suoi successori, hanno sottoscritta questa Nota, scritta in 3 copie, in lingua Inglese, Italiana, ed Amarica, identicamente e dello stesso valore, e vi hanno apposti i loro sigilli.

Done at Adis Ababa, this 15th day of May, 1902.

Scritta nella città di Addis Ababa, il 15 Maggio, 1902.

(L.S.) JOHN LANE HARRINGTON,
Lieutenant-Colonel.

(L.S.) MAGGIORE FEDERICO CICCODICOLA.

(Seal of His Majesty the Emperor Menelek II.)

ንጉሠ፡ ኤድዋርድ፡ ፯ተኛው፡ በ
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ው፡ የእንግሊዝ፡ ግዛት፡ ንጉሠ፡
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በሙሉ፡ ሥልጣን፡ ተሹሞ፡ በሚገ
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፯ተኛ፡ ሆኖ፡ ዳግማዊ፡ ምኒልክ፡
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ሥታቸው፡ ሆነው፡ ሁለቱ፡ በዚህ፡
ቃሎ፡ ይተዳደሩ፡ ውን፡ ውል፡ ተስ
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ቻቸው፡ ከ ኋላ፡ በኋላ፡ ለሚነሣ

TREATY between GREAT BRITAIN and ETHIOPIA.

His Majesty EDWARD VII, by the Grace of GOD, King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty MENELEK II, by the grace of GOD, King of Kings of ETHIOPIA, being animated with the desire to confirm the friendly relations between the two powers, and to settle the frontier between the SOUDAN and ETHIOPIA, and His Majesty King EDWARD having appointed as his plenipotentiary Lieutenant-Colonel John Lane Havvington, Commander of the Royal Victorian Order, His Majesty's Agent at the Court of His Majesty MENELEK II, King of Kings of ETHIOPIA, whose full powers have been found in due and proper form, and His Majesty the Emperor MENELEK negotiating in his own name as King of Kings of Ethiopia, they have agreed upon and do conclude the following Articles which shall be binding on themselves, their heirs and successors.

Article I.

The frontier between the Soudan and Ethiopia agreed on between the two Governments shall be :- the line which is marked in red on the map annexed to this treaty in duplicate and traced from Khor Um Hagar to Gallabat, to the Blue Nile, Baro, Pibor and Akobo rivers, to Melile thence to the village situated on the 6th degree north latitude with the 35th degree longitude East of Greenwich.

Article II.

The boundary as defined in Article I shall be delimited and marked on the ground by a Joint Boundary Commission, which shall be nominated by the two High Contracting Parties, who shall notify the same to their subjects after delimitation.

ከተበጀለት፡ በኋላ፡ ይገራቸው፡
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ቀጁ፡ ለሕዝባቸው፡ ያስታውቃሉ፤

፫ተኛ፡ ክፍል፡

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ማሙ፡፡ ወንዝ፡ ተዳር፡ እዳር፡ የ
ሚደፍን፡ ሥራ፡ እንዲያሰሩቀወ
ይም፡ ወንዝ፡ የሚደፍን፡ ሥራ፡
ለማሠራት፡ ለማንም፡ ፈቃድ፡ እ
ንዳይሰጡ፡ በዚህ፡ ውል፡ አድርገዋል፤

፬ተኛ፡ ክፍል፡

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ሆን፡ ፬፻ታ፡ የንግድ፡ ከተማ፡ እን
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የሚገኘ፡ ለዕዮች፡ የእንግሊዝ፡ መ

Article III.

His Majesty the Emperor MENELEK 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 Tsana or the Sobat, which would arrest the flow of their waters into the Nile except in agreement with His Britannic Majesty's Government and the Government of the Soudan.

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His Majesty the Emperor Menelek, King of Kings of Ethiopia engages himself to allow His Britannic Majesty's Government and the Government of the Soudan, to select in the neighbourhood of Itang on the Baro river, a block of territory having a river frontage of not more than 2000 metres, in area not exceeding 400 hectares, which shall be leased to the Government of the Soudan

ማሥት፡ሱዳን፡እስከለቆ፡ድረስ፡
በሱዳን፡ማዘቻ፡ሥራት፡ተዳንቶ
ው፡ይናራሱቅይህኝም፡የተጥ
ሱትን፡ቦታ፡ለጦርና፡የፖለቲካ፡ነ
ገር፡እንዳይገቡበት፡ሁለቱ፡መ
ንግሥት፡ውል፡አድርገዋል።

ቍ፭ተኛ፡ክፍል፡

ዳግማዊ፡ምኒልክ፡ንጉሠ፡ነገሥ
ት፡ዘኢትዮጵያ፡ለእንግሊዝ፡ን
ጉሠ፡መንግሥትና፡ለሱዳን፡መ
ንግሥት፡የሱዳንና፡የዑጋንዳን፡
የምድር፡ባቡር፡ለማገጠም፡በኢ
ትዮጵያ፡ግዛት፡ላይ፡የምድር፡
ባቡር፡መንገድ፡ለመዘርጋት፡ፈ
ቃድ፡ሰጥተዋል፡ነገር፡ግን፡
ባቡሩ፡የሚዘረጋበትን፡መሬት፡
፪ቱ፡መንግሥት፡ተስማምተው፡
ይመርጡታል።የብሪታንያ፡ንጉሠ
ነገሥት፡ወደዚሁ፡ይጸና፡ብለው፡
ለኢትዮጵያ፡ንጉሠ፡ነገሥት፡ያ
ስታውቁ፡ከስተውቀበት፡ቀ
ን፡ጀምሮ፡ውሉ፡ይረጋል።ይ
ህንንም፡ውል፡ዳግማዊ፡ምኒልክ፡
ንጉሠ፡ነገሥት፡ዘኢትዮጵያ፡ከ
ለመንግሥታቸው፡ሆነው፡ወይዘ

to be administered and occupied as a commercial station as long as the Soudan is under the Anglo Egyptian Government. It is agreed between the two High Contracting Parties that the territory so leased shall not be used for any political or military purpose.

Article V.

His Majesty the Emperor MENELEK, King of Kings of Ethiopia grants His Britannic Majesty's Government and the Government of the Soudan the right to construct a railway through Abyssinian territory to connect the Soudan with Uganda. A route for the railway will be selected by mutual agreement between the two High Contracting Parties.

The present Treaty shall come into force as soon as its ratification by His Britannic Majesty shall have been notified to the Emperor of Ethiopia.

In faith of which His Majesty MENELEK

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[illegible] በግንቦት፡ በ፯ቀን፡
በ፲፰፻፺፬፡ ዓመተ፡ምሕረት፡፡ አዲ
ስ፡ አበባ፡ ከተማ፡ ተጻፈ።

I, King of Kings of Ethiopia, in his own name and Lieutenant Colonel John Lane Harrington on behalf of His Majesty King Edward VII, King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India have signed this present Treaty, in duplicate, written in the English and Amharic languages, identically, both texts being official and have thereto affixed their seals.

Done at Adis Ababa, the 15th day of May, 1902.

John Lane Harrington
Lt. Col.