



AFRICAN NARRATIVES

The Nile Crisis and Ethiopian Claims: Deconstructing the Unilateral Narrative with Historical, Legal, and Hydrological Facts



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Executive Summary

The crisis of the Grand Ethiopian Renaissance Dam (GERD) represents one of the most complex geopolitical and hydrological disputes of the 21st century. It is driven not only by the scale of the project but by a political and diplomatic narrative adopted by the Ethiopian government to justify unilateral actions. This narrative frames Addis Ababa as a victim of "colonial" treaties and a state deprived of its natural rights, despite its significant contribution to the Nile's flow.

This report provides a comprehensive analysis to refute these claims, utilizing historical documents, hydrological data, and international legal

principles. The analysis demonstrates that the Ethiopian position often ignores the state's historical sovereign commitments, disregards the hydrological reality of "Green Water" abundance in Ethiopia versus "Blue Water" scarcity in Egypt, and contradicts the principles of international law regarding equitable utilization and the prevention of significant harm. Furthermore, the persistent refusal to sign binding agreements on drought mitigation suggests intentions that extend beyond electricity generation to potential hydro-hegemony.!

Chapter 1: Historical Context and Legal Status - Debunking the "Colonial Legacy" Myth

Ethiopian diplomacy heavily relies on the argument that Nile treaties are "colonial agreements" forced upon the region. However, historical records confirm that key agreements were concluded by Ethiopia as an independent, sovereign empire, or between fully independent downstream states.

1. The 1902 Treaty: An Imperial Commitment by a Sovereign State

Contrary to the narrative of colonial imposition, the 1902 treaty was concluded between two empires: the British Empire (administering Sudan) and the Ethiopian Empire under Emperor Menelik II.

- **Historical Context:** In 1902, Ethiopia was not a colonized state. Following its victory at the Battle of Adwa (1896), it was expanding its territory and consolidating its borders.
- **Land for Water:** The treaty was primarily a border delimitation agreement. Britain recognized Ethiopian sovereignty over the Benishangul region—where the GERD is currently located—in exchange for guarantees regarding water flow.
- **Legal Text:** Article III of the treaty is explicit: "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..." 3

Rebuttal: Ethiopia cannot selectively accept the border demarcation (which granted it the land for the dam) while rejecting the water obligations attached to that same land. Questioning Article III legally opens the door to questioning sovereignty over the Benishangul region itself.⁶

2. The 1959 Agreement: A Bilateral Pact Between Independent States

Ethiopia characterizes the 1959 Nile Waters Agreement as "colonial." Facts refute this:

- **Sovereignty:** The agreement was signed in November 1959 between Egypt (independent since 1922/1953) and Sudan (independent since 1956). It was an agreement between two independent African nations to manage their shared resource.⁷
- **Inclusivity Clause:** Contrary to claims of exclusion, Article 5 (Paragraph 2) of the agreement established a mechanism to address claims by other riparian states: "Since other riparian countries on the Nile... claim a share in the Nile waters, both Republics agree to study together these claims... If such studies result in the possibility of allotting an amount of the Nile water to one or the other of these territories, then the value of this amount as at Aswan shall be deducted in equal shares from the share of each of the two Republics." 9

3. The 1993 Cairo Declaration: Modern Recognition of Cooperation

In 1993, Ethiopian Prime Minister Meles Zenawi and Egyptian President Hosni Mubarak signed a "Framework for General Co-operation."

- **Significance:** This post-Cold War agreement reaffirmed both parties' commitment to the principles of international law and cooperation.
- **No Harm:** It explicitly stated that the parties would refrain from engaging in any activity related to the Nile waters that may cause appreciable harm to the interests of the other party. 11



Chapter 2: Hydrological Realities - Abundance vs. Scarcity

Ethiopia employs a misleading metric: "We contribute 86% of the water but use 0%." This ignores the distinction between "Blue Water" (river flow) and "Green Water" (rainfall/soil moisture), and the total available water resources.

1. Water Balance: Ethiopian Abundance vs. Egyptian Aridity

- **Rainfall (Green Water):** Ethiopia receives massive annual rainfall, estimated at 936 billion

cubic meters (BCM). This supports its massive livestock sector (largest in Africa) and rain-fed agriculture, which constitutes the backbone of its economy.

- **Dependency:** Egypt is a hyper-arid desert nation with negligible rainfall. It depends on the Nile for 97% of its renewable water resources. For Egypt, the Nile is a matter of biological survival; for Ethiopia, it is a developmental resource among many.

Table 1: Comparative Water Resources

Indicator	Egypt	Ethiopia	Notes
Annual Rainfall	~1.5 BCM (Coastal)	> 900 BCM	Ethiopia possesses a "sea of rain"
Renewable Groundwater	Negligible	~30 - 40 BCM	Huge potential in Ethiopia 14
Nile Dependency	97%	< 5%	Nile is Egypt's sole source; Ethiopia has alternatives

2. The "Basin Area" Argument

Ethiopia often cites that it holds a larger percentage of the Nile Basin area to justify claims.

- **Fact:** Approximately 9.5% of the Nile Basin lies in Egypt, compared to about 11.5% in Ethiopia.
- **Context:** Egypt's 9.5% is its only habitable zone (Valley and Delta), supporting nearly its

entire population. In contrast, Ethiopia's basin area is just one part of a fertile, rain-rich highland system. The population in Egypt living within the basin depends entirely on the river's flow, whereas Ethiopia's population has access to rain-fed agriculture.

Chapter 3: International Law - "No Harm" vs. "Absolute Sovereignty"

The legal dispute centers on the interpretation of "Equitable Utilization" versus "No Significant Harm." Ethiopia attempts to prioritize the former (interpreted as equal shares) while eroding the latter.

1. UN Watercourses Convention (1997) Principles

Although not ratified by all, it reflects customary law:

- **Equitable Utilization (Art. 5):** Does not mean equal shares. It requires considering factors like population dependency, existing uses, and availability of alternative resources. By these metrics, Egypt's absolute reliance weighs heavily in any equitable allocation.¹⁶
- **No Significant Harm (Art. 7):** States must take all appropriate measures to prevent significant harm to other states. Ethiopia's unilateral

filling during drought years directly violates this principle.¹⁸

2. The CFA Controversy (Article 14b)

The "Cooperative Framework Agreement" (CFA) stalled over Article 14b regarding water security.

- **Ethiopian Position:** "Not to significantly affect the water security of any other Nile Basin State."
- **Downstream Position:** "Not to adversely affect the water security and current uses and rights of any other Nile Basin State."
- **Implication:** Ethiopia's refusal to acknowledge "current uses" reveals an intent to reallocate water currently used by millions in Egypt and Sudan, posing an existential threat.¹⁹



Chapter 4: GERD Negotiations - A Pattern of Evasion

For over a decade, negotiations have been marked by Ethiopian procrastination and a refusal to commit to binding conflict resolution.

1. Declaration of Principles (2015) Violations

The 2015 Khartoum Declaration required agreement on "guidelines and rules" for the first filling and annual operation (Article 5). Ethiopia violated this by executing the first, second, third, and fourth fillings unilaterally without such an agreement.²²

2. The Washington Agreement (2020): The Mask Falls

The US-brokered talks in 2020 produced a balanced draft agreement.

- **The Draft:** It included mechanisms for drought mitigation, ensuring Ethiopia would

release water if levels fell critically low.

- **Ethiopia's Exit:** Ethiopia refused to sign and withdrew at the last minute, claiming the deal infringed on sovereignty. This refusal to guarantee water release during drought contradicts the claim that the dam is solely for electricity generation.²⁴

3. Electricity vs. Consumptive Use

If GERD is purely for hydropower (non-consumptive), water must flow through turbines to downstream states. Ethiopia's refusal to sign binding commitments on flow suggests:

- 1. **Political Leverage:** Using the dam to control downstream water security.

- 2. **Hidden Agenda:** Future plans for irrigation or consumptive use that would permanently reduce the river's flow.²

Chapter 5: Regional Instability and Diversionary Tactics

The intransigence on the Nile file correlates with Ethiopia's internal crises. Analysts suggest a policy of "diversionary foreign policy," creating external enemies to unify a fractured domestic front.

- **Internal Crisis:** With conflicts in Tigray and Amhara, the GERD serves as a crucial nationalist rallying point. Compromise is framed domestically as treason.²⁸

- **Somaliland MoU (2024):** Ethiopia's recent Memorandum of Understanding with the breakaway region of Somaliland to secure sea access violated Somalia's sovereignty. This move was widely condemned (by the Arab League, EU, US) and mirrors the unilateralism seen in the Nile dispute—disregarding international law and the sovereignty of neighbors to achieve expansionist goals.³⁰



Conclusion

The evidence dismantles the Ethiopian narrative:

- 1. Historical:** Ethiopia was a sovereign partner in 1902 and 1993, not a colonial victim.
- 2. Hydrological:** Ethiopia is water-rich (Green Water), while Egypt is water-scarce (Blue Water).
- 3. Legal:** "Equitable utilization" supports Egypt's claim due to lack of alternatives and high dependency.
- 4. Political:** The refusal to sign binding agreements on drought mitigation and dispute resolution exposes an ambition for hydro-hegemony rather than cooperative development.

True cooperation requires adhering to international law and signing a binding agreement that protects the existential needs of downstream populations, rather than unilateral actions that threaten regional stability.

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