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Sudan and the developing dynamics of Nile waters utilization

Context

Recent developments in the region and globally are significantly impacting the economic and political order of states in the Horn of Africa. Regionally, the Horn of Africa has witnessed intense challenges emanating from internal political disruptions, widespread state fragility, economic poverty and large-scale interventions by external actors, including Gulf States and global powers. These complexities manifest in worsening political realities in most countries of the sub-region, in the volatile inter-state relations among Horn countries and increasing competition over natural resource sharing and geo-strategic interests, the reinvigorated disputes over the utilization of the Nile waters included. These geo-political realities jam up regional politics whenever specific developments occur in the sub-region. Cases of local instability, bilateral tensions or even policy decisions to launch a development project with a capacity to transform regional economies can trigger region-wide complications.

Amidst these realities in the Horn of Africa, Sudan has increasingly found itself at the center of these dynamics, with the potential to tilt the balance one way or the other. Sudan’s eventual decisions and choices will determine its internal stability and its relations with its neighbors and potentially complicate developments in the sub-region. Current developments in the region as well as those originating elsewhere are significantly impacting Sudan, and could derail the transition taking place in the country. The absence of internal cohesion, weak governance structures, the failure to cascade the reform structures to the lowest levels of governance, a huge economic challenge, and the lack of an all-encompassing agreed roadmap in the current political transformation that all stakeholders jointly own, have made the country susceptible to foreign interference from both near and far.

The popular uprising and the subsequent act of the military that ousted the 30-year rule of President Omar Al-Bashir have placed Sudan in the middle of a difficult and complex transition. A three-year transition is well underway following the formation of a caretaker government that has been put in place through a compromise between the Forces for Freedom and Change (FFC) and the military. In the end, the country is expected to have undergone a process that will result in comprehensive and lasting democracy and the creation of a normal country in
the Horn of Africa. In effect, the people of Sudan and the country’s well-wishers are eagerly awaiting a positive outcome from this process. Still, the absence of a comprehensive settlement among the major political forces locally, the entrenched economic power centers of the previous regime and the capacity of those involved to undermine the transition, impacts of the role(s) of the Gulf actors and the complex GERD negotiations, which are testing its ability to prioritize its interest all combine to affect developments in that country’s handling of its internal affairs and external engagements.

Sudan’s future, therefore, depends on the transitional government’s ability to make rational decisions and Sudan maintaining its sovereign right to exercise both local governance and external relations free of any interference from outside. In case of inability to realize this right, the country simply exposes itself to the meddling forces near and far that may easily exploit existing fault lines to sway the state’s decisions in their favor. Although there were measures that the current leadership took in an effort to dislodge the political and financial bases of the previous regime up until the revolution, major stakeholders of that regime continue to dominate the economic arena. To be clear, the measures taken included disbanding the constitution, disallowing the National Congress Party (NCP), and even imprisonment of the president himself, and as a goodwill gesture (and to avoid a similar demand by the ICC of other officials who were accused but are still working in the government), not handing him over to the ICC in The Hague to be charged for war crimes allegedly committed in Darfur.

Equally, in an effort to get the US to lift its sanctions on the country, and particularly to remove it from the American list of State Sponsors of Terrorism (SST), the administration of Prime Minister Hamdok has agreed to comply with demands the US has put forward. The continuation of inclusion on the SST list would present a major obstacle for other countries to do business with the Sudan. To close this chapter, Sudan has already paid a down payment of 30 million USD as part of the settlement to the families of the 17 US Navy sailors of the USS Cole killed in the 2000 bombing off the shores of Yemen.

While denying its involvement, the Sudanese government says that the payment is intended to settle the historical allegations against the former regime and to meet the conditions set by the US administration for Sudan’s removal from the SST list, in a bid to normalize relations with the United States and the rest of the world. And now the Supreme Court in the US has decided that the Sudan pays billions of dollars in compensation to the terrorist
attacks in Kenya and Tanzania in 1998. This is huge, and is obviously buying Sudan’s transition to be a normal country, and a lesson for others not to repeat Sudan’s routes. But, getting the US to remove Sudan from the SST list is critical to allow the Sudan to access international finance and allow other countries to engage with the Sudan bilaterally. The Sudan is also trying to be cooperative in the US effort to facilitate negotiation between the Sudan, Egypt and Ethiopia on the GERD. The goodwill that the government in Khartoum is showing in all aspects appears to be working to an extent, putting the transition process on a positive trajectory, and creating conditions intended to help cure the country’s crippled economy.

Nonetheless, there are visible shortcomings as well, since some prominent elements critical to the ongoing political transformation in the Sudan were not effectively neutralized and have been left out of the process. Leaving out these actors, from the civilian opposition groups as well as the security apparatus, has the potential to undermine the process; if invited, these actors can tilt the balance within the coalition siding with major stakeholders within the government. Particularly the former military intelligence apparatus, the security establishment that melted into society and the NIF-based actors remain intact, with the lethal potential to derail the political transition.

In addition, the power struggle between the Transitional Military Council and the civilian coalition partner that Prime Minister Hamdok leads, if not handled carefully, might also take the government’s work into gridlock. There are also some claims of feuds within the Transitional Military Council leadership, in particular between those that control their own soldiers, their resources and arms and others in the military establishment. The fight is over absolute control of power in the Sudan, which is further enhanced through implicit alliances. It is these imperfections that expose Sudan to instabilities locally and generate fault lines liable to be exploited by external manipulations and interventions. It must be stressed Sudan’s susceptibility to outside manipulation has been legendary.

The economic challenge also allows external actors who own expendable resources, and those with power to control other’s resources, to invite themselves to play a critical role in determining the way the monies are used, inadvertently affecting the way resources are availed to the Sudan. In spite of these complexities, however, Sudan has the potential to remain active in the ongoing affairs of the region, as Sudan is the current Chair of IGAD. Moreover, Sudan has yet to cease its role in conflict situations in South Sudan, Chad, Central African Republic and even Libya. In parallel, Sudan faces
challenges in its relations with all of its neighboring countries, ranging from boundary related issues to ideological rifts related to policies of previous regimes. For instance, Sudan’s disputes with Egypt on the Halayib Triangle and on issues related to the Muslim Brotherhood and with Ethiopia related to the farmland in the border areas between the two countries could significantly impact Sudan’s relationships with these two countries. However, it is on the farmland issue that Sudan seems to be preoccupied now though it was on the Halayib that Khartoum had been worked up earlier, having brought the matter to the Security Council many times.

The bickering of Gulf States as well as global powers seeking to acquire Sudan’s allegiance in their respective struggles to secure and advance their interests including economic ones in the region adds a lot of stress. The role of Israel in pursuing its detractors in this region should not be overlooked. The western world, particularly the US, is expected to gradually ease sanctions imposed on the country, concurrent with its wider strategy of influencing developments in the greater Horn of Africa region and the politics of the Middle East. On the other hand, the Gulf States are out in force to sway the Sudanese political elites in their favor, with the Saudi-UAE block in clear competition with a now weakened Qatar-Turkey alliance. At the same time, western actors want to manage and influence the financial resources that the Gulf actors bring. The role of Russia in developments in the Sudan should not be underestimated either, though they no longer occupy a meaningful strategic position in the country. But it would be foolish to count them out, as developments in Libya seem to indicate.

In this regard, one has to presume the possible chains of events that external forces might have instigated in the Sudan, recently distressing the transitional government. The assassination attempt on the Prime Minister, the UAE-Saudi threat to withdraw billions of dollars of their pledge to the transitional government, the US bid to maintain certain forms of sanctions in spite of Khartoum’s cooperation and compensatory payments to victims of terrorist attacks, Egypt’s promise to supply electric power to Sudan, the sudden thrust among Sudanese political forces towards raising the boundary issues with Ethiopia in an unprecedentedly emotional manner—all fit into the context of broader pressure put on the Sudan for others’ objectives. It will not be a surprise if all these external forces gradually force Khartoum to succumb to the above outlined demands. Sudan’s strategic position at the very heart of the Red Sea, which most of these forces are scrambling to control, draws global and regional powers. Moreover, the fact that Sudan was led by religiously organized actors until
recently draws other actors from elsewhere, further contributing to these contests, as those domestic actors continue to remain active and influential. Recent attempts by Russia and Turkey to establish military bases in the Sudan, following agreements with the government of Al-Bashir before the regime’s demise, come into the enhanced geo-political tensions. Pecuniary benefits that external actors offer might induce local political actors in the Sudan, being significantly weak and divided, to succumb in the process to simply become proxies for external actors and bigger power rivalries.

The Nile waters controversy

The demand for equitable utilization of the Nile waters from the riparian countries has regenerated tensions between Nile riparian states in the region, attracting interests from elsewhere. Colonial arrangements and active destabilization campaigns that some states of the neighborhood carried out were sustained in post-independence Africa, due to the Nile water “security interests.” These also preserved existing asymmetries in the use of the Nile waters for far too long. Prior attempts to modify these skewed arrangements provoked aggressive reactions from those who had enjoyed a monopoly over the use of the Nile. Intense diplomatic antagonisms continue to amply demonstrate the deep divides between riparian states.

So far, the status quo has singularly benefitted downstream riparian states, and Egypt in particular, has skillfully maximized its benefits from the existing regional and global political order. In this regard, the agreements of 1929 and 1959 were specifically designed to accommodate the interests of the Anglo-Egyptian Condominium during the colonial era and asserted Egypt’s upper hand in Sudanese affairs afterwards. Altogether, the long-prevailing arrangement was more or less a reward for the latter’s concession of strategic geo-political advantages to the powers-that-be at that time. Sudan had to comply with those arrangements before 1956 because it was under occupation.

Later, Sudan was coerced into the 1959 agreement through an organized coup d’état. Historical records attest to the fact that Sudan was forced to be an accomplice to Egypt’s strategic end-game with respect to the utilization of the Nile waters. Of course, Sudan did not totally lose out in the arrangements, compared to other riparian countries of the Nile, particularly Ethiopia from whose territory more than 85% of the water of the Nile originates but it whom not a drop of water was allocated.

Nonetheless, with a more robust and equitable arrangement, Sudan could benefit even more, given the huge capacity the Nile can provide both in agriculture and electricity generation.
simply through deploying improved technologies. Sudan’s previous government readily recognized these benefits and did not shy away to express its support, and it would be naïve to think that the current leadership would fail to understand this.

**Ethiopia’s awakening**

If one looks at the history of the Nile water utilization, all the Nile’s upstream states were denied their right to utilize the waters in any form, and those dominating the scene decided to maintain the status quo at the expense of others. It must be reiterated that Ethiopia, as the major contributor to the Nile waters that reach the Aswan Dam, with more than 85 percent of the water, for example, has had no share in the proceeds or voice in terms of water utilization. Moreover, the Nile issue has long proven a liability to the peace and security of Ethiopia, with the downstream states keen on keeping Ethiopia distracted and unable to utilize its natural resources for development purposes, as the Nile issue was looked at in Egypt through a security lens and not on the basis of an approach which prioritized win-win outcomes. It is the awakening of some of the upstream countries, particularly Ethiopia, commencing a concerted effort with the upper riparian states in the post-1990 period to demand equitability in the usage of Nile waters and eventually initiating the Comprehensive Framework Agreement (CFA) that introduced a new paradigm on the use of the Nile. The Nile Basin Initiative (NBI) of the late 1990s and the development of the CFA, which came into being in 2010, bolstered by Ethiopia’s mega-hydro-power project (the GERD) launched in 2012, began to force the initiation of change in the status quo, generating new dynamics in the push for equitable use of the Nile waters, demanding a change in the status quo.

Now there is a new reality demanding creative arrangements and a comprehensive solution to the problem. The NBI and CFA clearly exposed the inconsistencies of the state of affairs that has long dominated the utilization of the Nile waters. Ethiopia’s efforts to garner support for its development endeavors have encouraged the upper riparian states to come together in an unprecedented manner and start to lay out new terms of engagement on this issue. This effort not only showed the unsustainability of the existing arrangements, but also forced the introduction of new provisions for basin-wide collaboration. However, even all of this did not force changes in the countries’ utilization of the Nile waters, until the GERD came into being.

Egypt refused to agree to recognize the CFA as an acceptable framework for cooperation, insisting that it impinges on its ‘historic’ rights to water security. Sudan, because of fear of Egypt’s wrath,
set out in opposition to the CFA too. But the new paradigm presented the possibility of a new arrangement, repudiating the notion that the clock could be turned back and the course reversed. Apparently, while events were progressing in this direction, albeit slowly, the status quo powers initiated new strategies to create new bumps along the way and further delay the riparian-wide initiative through what now appears to be a mechanism for upending the CFA and not a genuinely preferred strategy for a meaningful cooperation. It is impossible to be more generous about the tripartite arrangement whose fate is now hanging on the balance. One can refer to a number of steps and calculations that have contributed to the challenges the Nile basin faces. But the drive and goal can easily be reactivated. Probably insisting on the full realization of the CFA may be the best way forward, and would diminish the unnecessary influence some lower riparian states exercise.

**Egypt’s scramble**

Egypt’s recent scramble to salvage its claims over the Nile waters needs closer scrutiny. There appears to be an Egyptian campaign to present Egypt as an advocate of equitable utilization of the Nile waters since the beginning of the negotiation, and to insist that all it currently asks is for assurance that “no harm” be done that would infringe on its rights. Egypt’s alleged commitment to equitable utilization of the Nile waters and the bid not to cause significant harm is based on the assumption that existing water utilization provisions would be the baseline to begin the negotiation on future equitable utilization and not significant principles of international law. In other words, Egypt is employing the tactic of appearing to be advocating for principles-based engagement while simultaneously maintaining the provisions of the colonial agreements of 1929 and 1959, which will be instrumentalized to address the current complicated problems regarding utilization of the Nile waters.

Viewed from this perspective, Egypt’s recent accusation of Ethiopia as a unilateralist in the ongoing negotiation on the filling and operation of the GERD is no more than simple disinformation. There are even claims that Egypt has invited experts from upper riparian states to monitor the operation of the Aswan Dam and is demanding reciprocity to allow their Egyptian counterparts to be stationed at major projects along the Nile. It requires little imagination to see through this ploy. Egypt has continuously refused to share all meteorological information with the Nile riparian states. Egypt has been using the Nile waters for centuries in unfair manner and clearly wants to sustain this usage and ensure that it will not have to relinquish this monopoly of
utilization. Egypt changed the natural course of the Nile through the Toshka and Salam (Peace) canals. The country violated the principles that it is now trying to advocate a long time ago. Egypt now wants to use powerful states to impose those acts on other riparian states, while limiting their efforts to assert themselves and fight back. Egypt’s rejection of both the process and decisions of the CFA to date reveals its intentions and does not correlate with the ruse Cairo has recently been trying. Egypt coerced the Sudan to join its side regarding the CFA. Egypt is trying to do the same again now using Sudan’s current fragility. Certainly, Khartoum’s rejection of Ethiopia’s proposed agreement on the first filling of the GERD should be viewed in this context, noting that Hamdok is calling for a tripartite agreement with Cairo to be signed instead. And Sudan’s current fluid position due to uncertainties and internal fragility should be interpreted as a last-ditch effort launched by Egypt in an effort to exploit the fault lines and suspicions in upper riparian states.

The GERD a symbol of renaissance a windfall for Sudan

The Great Ethiopian Renaissance Dam challenges the long-prevailing dynamics in the utilization of the Nile waters but in a way that adhered to principles to a fault. The launching of the GERD in 2012 was an awakening call for all riparian states to envisage national projects of their own on the river. As far as their rights to utilization of the Nile are concerned, why should the upper riparian states seek Egypt’s permission or blessing to envision or execute irrigation and hydroelectric projects, as they were never consulted when Egypt installed all of its huge projects? Definitely, these countries should endeavor to obtain only an equitable share and should not do significant harm. But they should not give a veto to upper riparian countries. Sudan has recognized all of this over the years.

In all fairness to these states, however, they have consistently advocated for the principle of equitable utilization of the waters without endangering Egypt’s reliance on the Nile. All along they have been advocating for a principles-based and win-win situation. Unfortunately, Egypt endeavored to impede the progress of the initiative by insisting on preliminary recognition of its historic rights during the negotiation phases of the NBI and CFA through a bizarre “water security” concept, and later on by throwing up intermittent technical hurdles and employing skewed diplomatic maneuvers in the negotiation process and implementation of the CFA. Given the public record of the NBI and CFA initiatives, there is no question that Egypt’s efforts were clearly known and the evidence available to the public.

Ethiopia’s plan to build the GERD adjacent to Sudan’s border and the
diplomatic efforts it has made have had a decisive effect on its relations with Sudan. Developments in the post-1991 period also contributed to the relative accord that has prevailed between the two countries. Both countries have recognized the mistakes they made in the long-prevailing mutual phases of destabilization which ultimately led to the weakening of Ethiopia and Sudan. Both bravely engaged in constructive dialogues when their relations faced hiccups in the mid-1990s and eventually accepted regional and global realignments, which necessitated revision in their policy orientations. Realities on the ground gradually facilitated mutual cooperation on matters beneficial for the political forces in power in Addis Ababa and Khartoum.

However, this in turn has to crystallize again as both countries are going through readjustments following their political transitions in their internal and external affairs. The cordial relationship Sudan had with Eritrea, which was associated with the liberation, came to an abrupt end after 1994 following the accusations of Sudanese support for jihadist groups in Eritrea. Sudan’s relations with Eritrea deteriorated afterwards since Eritrea closed Sudan’s embassy and gave it to be used as an office for opposition forces. The 1995 assassination attempt on Hosni Mubarak in Ethiopia triggered a retaliation from Ethiopia as the latter felt that Sudan had undermined the country’s sovereignty. Ethiopia’s effort to get the Sudan punished through the UN Security Council did not succeed, as countries in the UNSC acted in their own interests and declined to impose sanctions on the Sudan. Indeed, Egypt tried to use the assassination attempt to put pressure on the Sudan, so even Cairo opposed possible sanctions on Khartoum. Egypt’s actions pushed Ethiopia to change its strategy of confrontation with Khartoum, and a serious dialogue with Bashir’s regime helped mend fences. The effort brought a paradigm shift in the Ethiopia Sudan relations.

SPLM/A’s reorganization and reengagement militarily with Khartoum in 1996 and 1997 following the assassination attempt on Hosni Mubarak, and SPLM’s victory on the ground in the south created a new reality and helped the IGAD peace process move forward. For the first time the government in Khartoum allowed secularism and self-determination in the Declaration of Principles for South Sudan to be accepted, although both parties agreed to work together to making unity attractive. Although the Sudan had refused to accept those principles in 1994, it accepted them at the end of the decade, and this eventually resulted in the Comprehensive Peace Agreement (CPA). Ethiopia, Eritrea and other members of IGAD made a huge effort towards this peace agreement under the leadership of the late Kenyan President Daniel Arap Moi.
Madness in 1998 offers a new opportunity

In 1998 the war that broke out between Ethiopia and Eritrea put the Sudan in a comfortable position, forcing Ethiopia and Eritrea to handle Khartoum very carefully so that Sudan would not establish an alliance with the adversary. But since the Sudan had been weakened, it could not continue to resist South Sudan’s quest for independence. Ethiopia scored a decisive victory against Eritrea, and the Ethiopian leadership quickly changed Ethiopia’s economic trajectory following the 2005 election. Eventually, Ethiopia and the Sudan created a relationship on the basis of trust as the Ethiopian leadership was active in defending Al-Bashir with regard to the ICC and even pestered the US to ease sanctions on the Sudan. Ethiopia was instrumental in ensuring peaceful relations between South Sudan and the Sudan, supporting the AU High Level Panel that former President Mbeki leads and of course singlehandedly deploying UN forces in Abiye under UNISFA. That was the heyday of Ethiopian diplomacy in the region symbolized by the two bitter enemies on the question of Abiye insisting that the peacekeeping force be composed of only of Ethiopian forces.

Egypt-Sudan relations were challenged following the National Islamic Front’s takeover in 1989. In the early 1990s Hassan Al-Tourabi, the ideologue of the NIF, challenged publicly the 1959 agreement on the Nile and suggested a revision. Eventually, President Bashir’s strong NIF party and its tight control over the political economy of Sudan contributed to the relatively independent foreign policy engagement, which effectively deterred Egypt’s traditional manipulations in Sudan. Subsequent cooperation between Ethiopia and the Sudan helped the countries develop trust. Ethiopia and the Sudan even created a framework of cooperation on how to develop the border areas jointly. When Ethiopia announced the plan to construct the GERD, Sudanese political leaders soon came to the realization that the dam is ultimately beneficial to their country in multiple ways and expressed full support.

Transitions bring new dynamics

But now, following the changes in the Sudan, a new reality is putting a strain on the Sudan on one side and Ethiopia-Sudan relations on the other, as Egypt is pushing Sudan into a corner, forcing Khartoum to rally behind Egypt’s position at Sudan’s own expense. There is no doubt that the Sudan may face challenges if it stands by the side of either Ethiopia or Egypt. Irrespective of the mutual empathy and goodwill in the pre-2018 period, the Sudan is now saying that the current deadlock might be of Ethiopia’s making and hence Sudan should not be blamed for taking a position that is difficult to sustain and
securing the country’s interests. Before this year, Sudan was of the view that Ethiopia had always refused to allow third parties a role on the issue of the Nile. But somehow Addis Ababa accepted a Third Party without proper consultation with Sudan. Previously, there was a common position that third parties should not be allowed to have a role. But recently, apart from allowing third parties to mediate, Ethiopia participated in four meetings and only declined to attend a fifth after several issues were discussed and major concessions made. Hence, they insist, no one should blame the Sudan for the situation the GERD negotiation finds itself in now. No doubt, one can also credibly argue that the Sudanese argument is a smokescreen for the vault face they have made motivated largely by their political weakness.

It is understandable that in all these developments over the last two years Sudan and Ethiopia have significantly altered the preexisting arrangement where both states enjoyed cohesion and had limited fault lines. This is no longer true. The weaknesses of both have left a void and confusion on the way forward. Interaction modalities as well as structural and policy orientations that informed their cordial interactions in the pre-2018 period have changed, and new fault lines have been created. While still maintaining a certain amount of cooperation and accord, the new administrations in Khartoum and Addis are trying to find their footing, locally as well as in their international relationships. Challenges have been encountered along the way, and there have been some significant contributions made in assisting one another in finding a way out of bottlenecks. Their seemingly divergent approaches to the filling and operation of the GERD stand out as a major point only recently. For both countries, what remains now is to reexamine the challenges and opportunities going forward.

It should be understood that Sudan is fragile and is striving to be a normal state. It wants to escape crippling sanctions and therefore has more critical issues to sort out with Washington: being removed from the SST list; lifting of all the sanctions that have been put in place over the years, related to ideology and Sudan’s previous links to suspected terrorist groups in the 1990s. Although Sudan’s officials know that there is something wrong with Washington’s ongoing mediation on the GERD, they should not be expected to confront the US at this critical juncture and abandon the Washington dialogue or undermine its outcomes. There is no doubt that Sudan has to tread very carefully, given the sensitivity of antagonizing the US. Al-Bashir’s regime was in a much better situation in terms of its foreign policy on the Nile as the country was not put in the difficult situation that the current coalition
government faces. The Sudan knows what Egypt is up to. Egypt still occupies Halaib Triangle, which the Sudanese argue is theirs. The Sudan would definitely like the 1959 agreement revised so that Sudan will be able to benefit equitably from the Nile waters, and leaders in Khartoum know very well that the GERD will in no way undermine this aspiration. The Sudan also knows that the GERD is theirs for all intents and purposes, for it offers many advantages to the Sudan. The reality that GERD creates will have a multiplicity of benefits: enabling the Sudan to farm three or more times as much land or even more as flooding will no longer occur. The Sudan will have more arable land and the potential to serve as a food security belt for the Horn and the Gulf, and will be able to effectively improve on existing Sudanese dams to generate huge amounts of electricity once the GERD is done through a coordinated operation. All this without in anyway causing significant harm on Egypt.

Irrespective of all this, one should not expect Sudan to trade its stability and security. That is why the Sudan appears noncommittal on what exactly should happen—for obvious reasons—trying to please both sides: Egypt and Ethiopia, but now more and more Egypt than Ethiopia. Some attribute Sudan’s position to the cumulative effects of Ethiopia’s moves on regional issues, Ethiopia’s unilateral decision to mend ties with Eritrea without consulting Khartoum, the acceptance, as already indicated, of third parties to mediate the Nile issue against an understanding that was made between leaders of the two countries. There are also other issues associated with changes in the region that altered the dynamics. Sudanese political elites appear to be worried about whether Ethiopia will finish the GERD as planned and have been wishing for Ethiopia to expedite the work, since the GERD is as much about the Sudan as Ethiopia. The GERD means that the Sudan will determine what happens to the Nile waters most of all eventually, given its capacity to prosper and develop. In the ongoing negotiation the Egyptians want Ethiopia to guarantee an amount of water that the Sudan could not ever touch. The Sudanese know this. At the same time, the Sudan will not indicate whether Ethiopia has regained Sudan’s trust or not so as to avoid Egypt’s wrath.

Apart from this, Egypt is creating the narrative that Cairo has all along been cooperative and would like to see equitable utilization and protect against the infliction of significant harm through due diligence. This argument is constructed on the assumption that existing use would be the baseline for future negotiation. Egypt knows very well that it has altered the natural flow of the Nile extending it through the Toshka Canal to irrigate parts of the Western Desert and through the Peace
Canal towards the Sinai desert. Egypt also argues that it signed the Declaration of Principles (DOP) in 2015 precisely to ensure that these principles would be enshrined in the CFA, although it is well-known that Egypt signed the DOP in order to try to undermine the CFA that does record not only the fundamental principles but also accommodates the views of most upper riparian states, but does not recognize the colonial treaties that Egypt insists must be respected.

Apart from the issue of the Nile waters, there are other matters that are driving Egypt to put pressure on the Sudan. As noted previously, Egypt’s “security interests” related to the Muslim Brotherhood movement are another point of contention, adding to Egypt’s pressure. Sudan’s current fragility could be perceived as an opportunity, which the political machinery in Cairo is keen to exploit. There are others who also argue that South Sudan might be pulled into the problem eventually, and the way the leaders in Juba were trying to benefit from the crisis might have led this view to emerge.

In geographical terms, South Sudan is in the White Nile drainage area, which contributes 15 percent of the waters that reach Aswan. Nonetheless, the most sensitive issue of the Nile is not the White Nile but rather the Blue Nile, because of the risks posed by its size and the water contribution involved. Studies have shown that if the upper riparian states of the White Nile were to withdraw 10 bl.cm$^3$ of water from the river, its impact at Aswan would be less than 1bl. cm$^3$. This is because much of the water carried from Lake Victoria is lost in the marshes of South Sudan. In this context, South Sudan can be relevant to the issue of the Jonglei Canal, and if the issue of draining the marshes is resurrected. This is an environmental issue for South Sudan and Ethiopia, because part of the rainfall for Ethiopia’s South-Western region and most areas of South Sudan comes from those marshes. As long as South Sudan refrains from taking any adventurous position on the Nile disputes, its impact on Nile water politics will remain minimal. So far Egypt’s strategy of isolating Burundi and the DRC following the finalization of the CFA in terms of the legislative processes achieved its objectives. Juba’s fragile geo-political and economic realities equally necessitate neutrality. But if local political situations and geo-strategic considerations force South Sudan to assume a new position, then its role will require more scrutiny as far as the Nile waters disputes and possibilities of proxies are concerned. Egypt might be enticed into using Juba’s actors as a proxy. But Ethiopia will have a lot of instruments to play a more constructive role in this context.

Hence, most of the sensitivity remains with Sudan’s role and political stand.
Obviously, as a country sharing strategic interests with Ethiopia and Egypt, the Sudan can make decisions rationally, an option that advances its advantages unilaterally, independent of any pressure or manipulation from its significant neighbors. But Egypt will definitely oppose this rational choice, since Cairo continues to advance irrational demands that keep the skewed Nile water utilization as is. Egypt believes that the Sudan has to stick to the 1959 Agreement as if the agreement was optimal and engraved in stone. Everybody understands that the agreement tilts hugely towards Egypt as Sudan doesn’t have the capacity not only to ask for a more equitable share, but also to use what is provided for in the 1959 Agreement, as seasonal floods hamper the country’s capacity to benefit from the Nile waters. The GERD will eliminate the seasonal floods, allowing the Sudan not only to use all of the water that the 1959 Agreement purports to provide, but also to increase the efficiency of its dams in using the permanent flow.

Many historical precedents demonstrate the fact that both Ethiopia and Egypt have endeavored to encourage the Sudanese leaders and political elites to engage reasonably in their respective ways, and conversely, the Sudan has tried to navigate through the contestations to secure gains and ensure its own survival along the way. Often Sudan’s lines of association with Ethiopia and Egypt correspond to party, ideology and sometimes religious affiliations in the Sudan, and at times rational decisions and choices are made accordingly. One can refer to the initial Khatimiyya-Mahdiyyah discord in choosing either Egypt or Ethiopia as a strategic ally, respectively. Along these lines, Egypt often prefers to cultivate allies in the Sudanese army while Ethiopia works well with elected political leaders, as may be observed at present. Given the predominance of the military in the current political life of the Sudan, and taking into account the numerous coups that have defined Sudanese history, one can understand Cairo’s relative upper hand currently. This has been part of the reality since Sudan’s independence in 1956.

Apart from who assumes control over the critical decision making in Khartoum and the country’s policy orientations, the colonial legacy, religious disposition of the ruling elite, regional and global geo-political realities all play a role in determining the nature and scale of Sudan’s external interactions—with Ethiopia and Egypt in particular. But there is an identifiable trend showing that major decisions disadvantageous to Ethiopia have been made when those who controlled Khartoum clearly favored Egyptian interests. Sudanese leaders remain mindful of Egypt’s wrath and retaliation and hence have allowed Egypt more sway than Ethiopia in the affairs of the Sudan for quite some time.
Beyond cultural attachments, geo-strategic considerations and regional affiliations as well as personal networks, financial inducements and the capacity to deploy huge infrastructure around the Sudanese bureaucracy give Egypt its upper hand. It has also been relatively easier for Egypt to rally pan-Arab sentiments in Sudan and keep Sudanese leaders in the loop within the framework of Arab/Islam solidarity.

At the same time, until 1991 Ethiopia’s government officials had difficulty courting meaningful elements that would consider Sudanese interests in a rational way, except the officials of the UMMA party and the Ansar segment of Sudanese society, because of its historic aversion to Egyptian domination of Sudan. This contributed a great deal to the Ethiopia-Sudan relationship, for these elements took into account Ethiopia’s interests as a counter-balance to Egypt’s clout in their country. And Egypt’s relative monopoly over the affairs of the Sudan is being challenged of late due to the emergence of middle powers and ambitious Gulf powers that have invested in the Sudan. The influence of Ethiopia’s leaders who have worked cleverly to accept the changes in the Sudan and secure the trust of the street and now the civilian component of the government plays a huge role in this context. One wonders however whether that has already proven a short-term phenomenon that has produced no significant benefit to Ethiopia as the situation evolved.

There are plenty of historical precedents confirming the fact that Ethiopia and Sudan can engage in fostering friendly relations and thereby usher in a period of close interactions in the fields of peace, security and mutual development. Both have suffered as a result of their tit-for-tat actions as well as external interventions and pressures, including those coming from Egypt. Both have made changes and there is a need to eliminate all this for good. Sudan and Ethiopia should determine not to function as a playground for others from the region and beyond, including Egypt.

Irrespective of other issues, the utilization of the Nile waters remains central in determining the relations between the three countries: Ethiopia, Egypt and the Sudan. Egypt was confident that the status quo on the utilization of the Nile waters would hold for years to come. It made assumptions that Ethiopia would remain embroiled in internal crisis, and even in the event that these challenges could be addressed, would be permanently preoccupied with disputes with its immediate neighbors. No stone was left unturned to ensure that this would be so.

In the final analysis, Egypt decided, Ethiopia would not be able to afford to dedicate financial resources to
infrastructure projects like the GERD that would challenge the status quo, even from internal finance institutions, as Egypt has a more or less decisive position in the personnel and geopolitical realities of international financial institutions. Egypt also controls the narrative in the Arab peninsula, making it appear like the Nile was an Arab river as well, and denying the possibility of securing financing from there. There was a lot of disinformation campaigns to counter the pressure on Egypt’s refusal to be fair and equitable regarding other riparian states, rather than impose its monopoly in the use of the Nile waters.

It was not easy for Ethiopia to get the support of Khartoum for quite some time. Even in the recent past when there were uncharacteristically good relations between Addis Ababa and Khartoum as Ethiopia defended the Sudan and its leadership regarding the ICC and bilateral relations with close consultations at the highest level were framed, getting public consent from Sudan on the Nile waters was challenging and it took a lot of work to get commitment on the GERD.

Currently, Egypt’s government has consolidated its upper hand and fault lines and gaps within the state have narrowed. The institutions operate in a coordinated way and the country’s diplomatic campaign is leaving its footprints everywhere, making any other effort from Ethiopia difficult indeed.

Although Ethiopia has an inalienable right to build the GERD, Egypt is playing the victim card to secure sympathy from others. Egypt is also trying to use the 1997 Convention on the Law of Non-Navigational Uses of International Watercourses to argue its case. It should be understood that the UN Watercourses Convention starts with the premise that all riparian states are the custodians of the waters of international watercourses that pass through their territories, and that they have the right to equitable but not equal use and share of the water resources.

The Convention does not specify “no harm,” but requires that any specified harm be appreciable and “significant.” Now a definition of appreciable harm is open for negotiation. But these principles are accepted by every one of the riparian countries except Egypt, as observed during the CFA negotiations. The problem starts when Egypt says it has full control over the Nile, a stance that conveys the following message, if not in so many words: “If you need the waters, you should get my permission to use them.” Egypt wanted this to be included in the CFA. But Ethiopia and the other riparian countries have refused to ask for permission, or obligate themselves to do so in the future. Geography indicates that Ethiopia is not building the GERD for irrigation; it is clear that Addis Ababa wants a win-win situation for the
downstream countries. Unless Egypt agrees with that premise, there cannot be an agreement. Ethiopia’s decision to go ahead and begin the first phase of filling the dam is the only approach left that has any hope of bringing a paradigm shift in the way Egypt looks at the whole Nile issue.

Meanwhile, Sudan continues to carefully craft a position of ostensible neutrality during the ongoing GERD negotiations, hoping that will somehow serve its strategic interests. In the process, it means that the war remains between Ethiopia and Egypt, and the Sudan can wait and try to appear disinterested. Khartoum recognizes that the GERD provides immense benefits to the Sudan, starting with the regulated flow of the Nile waters throughout the year which will allow Sudanese farmers to cultivate multiple times and enable Sudan’s dams to operate more efficiently, and providing cheap electricity with minimal investment if the flow is regulated and coordinated. As it imports electricity from Ethiopia, Sudan will definitely get additional electricity directly from the dam. All of this should have kept Khartoum from capitulating entirely to Egypt during the negotiations, since the completion and full functioning of the GERD is strategically important for the Sudan. Although the relationship between Egypt and the Sudan transcends hydro-politics, Sudan’s brave decision to distance itself from the Arab League drama that Egypt concocted should be appreciated. Sudan’s later position regarding the Washington talks and subsequent developments is understandable, since Sudan’s posture emanates not from any desire to hurt Ethiopia’s interests but from its own difficult position. When the current government of Sudan led by PM Hamdok offers to mediate between Ethiopia and Egypt, the difficulty it finds itself in should be clear.

What next

In the ongoing trilateral discussions on the Nile waters in general and the GERD in particular, dialogue remains the most important instrument to keep things under control. Ethiopia’s refusal to sign the Washington proposal in its current form is understandable and the Sudan appears to recognize that. Egypt is actually making the Washington proposal more toxic by insisting that it should be endorsed as a final and binding document, which Ethiopia and the Sudan must sign. It has now become evident that Cairo’s primary goal is to frustrate Ethiopia's plan to commence with the filling of the reservoir in July. In this regard, either Ethiopia's operational determination or Egypt's design to put a hold on the process altogether will determine the fate of the GERD, eventually affecting the broader riparian-wide battle over the utilization of the Nile waters.
In this process, Sudan’s position is predominantly determined by its own internal dynamics, the fault lines between actors and how cohesive the government remains in leading the political transition in the country, and the extent to which the process remains independent of stress, including from Egypt, is critical. Competing political actors, ranging from elements of the military to the civilian sectors, are keen to utilize the financial, military and political assistance that the unrestrained external actors generate. Tensions within the civilian groups and between the civilians and the Transitional Military Council are the soft underbelly, susceptible to manipulation from third parties in Sudan and elsewhere.

This may mean that whoever manages to alter the situation in Sudan’s political transition could be in a good position to reap the benefits by securing Khartoum’s support. Cairo’s recent effort to internationalize the Nile and GERD issue and pressure Sudan into accepting the Washington proposal as the talking points might corner the latter, forcing Sudan to endorse Egypt’s terms. Yet Sudan refused to sign the draft agreement tabled in Washington and the recent Arab League Resolution, showing that the country is capable of resisting intimidation and unfair pressure. Given the critical role the Emiratis and the Saudis have played in solidifying the current political settlement in Sudan, refusing a resolution that they supported must have been difficult.

It is imperative to probe Sudan’s own national interest and the strategic policy orientation guiding its approach to both the trilateral and riparian-wide negotiations on the Nile. Though relatively minimal compared to its significance for Egypt, the Nile remains a major resource for the Sudan, and the GERD multiplies that resource exponentially. Almost all of Sudan’s agricultural activities, large-scale irrigation projects and hydroelectric generation plants rely on the Nile waters, and with the GERD they will become more effective. So far, one way or another, the status quo has not harmed the Sudan, since the floods are the most significant problem. But when the GERD becomes functional, the Sudan will understand that the 1959 colonial agreement remains unfair, since the Sudan will be in a position to further extend its strategic gains. The country’s growing population, the deteriorating ecological conditions, the need to sustain the agricultural sector, the mega-irrigation projects along the massive plains along the Nile river, the desire to generate more electricity and thereby secure self-sufficiency—all necessitate a position which should center on Sudanese interests. The Sudan government could also put itself in a better position if it could campaign on the basis of the joint success of the GERD, as it will effectively guarantee
regulated year-long water flow, prevent flooding and save lots of the water which is currently lost to evaporation in Egypt. This is in addition to the added economic benefit of large-scale irrigation prospects for Sudan, as well as cheap electricity for both countries. No doubt, Egypt would also be benefiting in many ways. Nonetheless Egypt will continue to exert diplomatic pressure on the already fragile political arrangement in the Sudan, including through proxies in the military and intelligence units. The disgruntled ones may easily reactivate their relatively unscathed capabilities to force the leaders of the transitional government into a corner. This doesn’t mean that Egypt has no sympathy among sections of the civilian and academic communities in the Sudan. This may relate to the doomsday scenario of total blockage of the Nile waters and the loss of Egypt’s historic rights that Cairo presents as the impending result of the GERD. All this is downright fiction but because it is adroitly crafted has managed to bamboozle quite a few.

Any claim to historic rights over the Nile, in this regard, therefore amounts to a hegemonic view of the utilization of the waters. Egypt has long claimed sole ownership rights over the water that originates in and flows through a number of widely disadvantaged African countries. Undoubtedly, these riparian states require utilization of the Nile waters for their development. But before getting to this, it is critical to see that the status quo denies them their natural and historic rights. Obviously, no single state, let alone the mere recipient of this gift, can dictate and impose its terms unilaterally. That era is over. Rather, the times require a principle-based arrangement taking into account the interests and aspirations of all parties.

Any attempt to portray the impacts of the GERD in negative terms is simple mischaracterization of the project’s overall meaning and purpose in the Nile waters dynamics. The dam and its ripple effects cannot even begin to be compared to the situation to date that has effectively deprived Ethiopia and the other riparian states of their rights. The GERD should be understood as a project that has brought about a paradigm shift and begun to produce justice. The negotiations on the Nile waters utilization that started decades back were stuck because Egypt felt that it was the sole custodian of the river and others could get access to the water only through the grace of those in power in Cairo. So, Egypt insisted that it had veto power as to what project could be implemented in any country. That was not acceptable. It was not acceptable even when the British Empire controlled the whole world. This is the 21st century. Riparian countries could not agree to that. The NBI and CFA simply underscored the desire and need to change the preferential arrangement
that has long deprived them of their rights over the Nile waters. That is the first point that should be understood. Secondly, with regard to Ethiopia, one can remove the Sudan from the equation as it remains hostage to Egyptian intimidation rather than an independent actor on the Nile. The contest remains between Ethiopia and Egypt. Egypt has been doing what it has done all along, trying to stop Ethiopia from using the water. But that has changed for good with the realization of the GERD.

Current realities in the political economies of the three countries and the nationalistic pride that has been put to the fore further complicate the situation going forward with the Nile waters negotiations. Egypt, Sudan and Ethiopia are undergoing political transformations, hence making concessions might have political costs. Egypt’s military is consolidating the power that it assumed upon replacing Muhammed Morsi’s government in July 2013. The current government disbanded the 2012 constitution and then began to rule through a series of states of emergency. But it cannot be assumed that the leadership in Cairo has consolidated power though compared to the situations in Ethiopia and the Sudan, there might be less political uncertainty in Egypt.

This is why Egypt, as a relatively well positioned actor, dominated the proceedings of the Washington talks, starting from the planning phase and continuing through the whole process. Some argue that negotiators of Ethiopia just stumbled on something unknown in the process of the negotiation and did not expect a challenging proposal affecting the future generation of Ethiopia might emerge from the “observers”. Sudan joined the talks amidst confusion as to whether Ethiopia had joined the process willingly. As a result, Ethiopia and Sudan were trapped, unable to decline the invitation, while Egypt was having a field day with the regional and global matrix working in its favor.

Given this context, and the fact that the observers who soon assumed the role of mediators rushed the whole process with political consequences for some of the parties, there is no wonder that the Washington talks ended in a deadlock. The Ethiopian decision not to sign the document was wise and appropriate.

COVID-19 has further injected new complications, making it difficult to conduct normal interaction. Egypt appears to have lost momentum as a result, and Sudan has got a respite to rethink its position. Ethiopia, for its part, can reexamine its stance on the GERD and the tripartite negotiations as well as strengthen its bargaining power by taking the building and filling of the dam one step further. If the initial filling of the reservoir and the operationalization
of the two turbines are realized as scheduled in the next few months, then the whole dynamics of the trilateral negotiation changes. In what direction it proceeds, who ultimately benefits from the process, and to what extent Washington entertains the changing dynamics remains to be seen. But wisdom seems to suggest all three would benefit and none would lose. In the meantime, Egypt has informed the Security Council about the matter. Ethiopia has also explained its position. But most argue that Egypt’s effort is just cluttering up the agenda in the international community as the issue is not a matter of international peace and security unless Egypt wants to make it one.

Already there is an expressed desire from the three sides for continuing dialogue and to look for a comprehensive solution to the deadlock. So far Ethiopia, Sudan and Egypt have laid out their bargaining positions, plans and expectations on the utilization of the Nile waters. The Washington talks can be presumed successful in this regard. Now is the time to contemplate the way forward, seeking to guarantee the rights and encourage the aspirations of all parties involved in this complex situation. But for this to happen the countries involved need to be realistic.

Negotiations on the Nile waters have been going on for a long time, way before the Washington meetings. Closer scrutiny of proceedings, at least since the signing of the Declaration of Principles in Khartoum in 2015, clearly shows that it was Egypt that continuously stalled progress and repeatedly shunned a signing of binding agreements. Still, ample progress has been registered on the guidelines and rules of filling and annual operation of the GERD. Before that Ethiopia readily cooperated to ease the concerns of Egypt and Sudan with regard to the dam’s feasibility and its ecological and environmental impacts, allowing third-party scrutiny of the design and progress of the construction of the GERD. Ethiopia genuinely accepted the
legitimacy of the concerns and cooperated.

Sudan was content with the proceedings, while Egypt intentionally chose to disregard these realities. The desire has been to indefinitely frustrate Ethiopia’s effort to construct the dam and engage all involved parties in protracted talks. More interesting in Foreign Minister Shoukry’s latest letter to the Security Council is the total omission of any mention of Sudan, but with an implied message to Khartoum that impartiality on the matter will have consequences. In other words, the international community has to pressure Ethiopia not to begin to fill the dam in July, and Sudan should act accordingly. It is up to Khartoum to decide on its policy options, to be crafted based on the immediate advantages of the GERD. Sudan is capable enough to formulate policies that will help it achieve its medium- and long-term interests through the dam built close to its borders.

There is no option other than to reactivate the tripartite talks and envision a way forward beyond the stalemate. All the cards are on the table, and Ethiopia, Egypt and Sudan should concentrate on finding an amicable solution to the impasse. No international law or prior commitment forbids Ethiopia from constructing the dam and making it fully operational.

Egypt appears determined to create obstacles to the filling of the reservoir, securing a say on the technical and operational aspects of the project. Ethiopia considers this to be an interference in the internal affairs of a sovereign nation. Cairo should realize the bare fact that the status quo in the utilization of the Nile waters has changed for good. The GERD is only the first initiative in this regard.

In all of these dynamics, Sudan can play a significant role. As a country well positioned to assuage the interests and concerns of Ethiopia and Egypt, Sudan’s recent offer to mediate between the two might help lessen the tension and bring the estranged parties to the negotiating table again. Of course, any attempt to drag third parties into this, including the US administration and the World Bank, will not work. By now involved parties are expected to realize the futility of this arrangement, and given the complications this arrangement has created, should not fall for a similar ploy. Sudan can point to the modalities of the tripartite negotiations, reactivating the 2015 Declaration of Principles as a starting point.

Involving third parties always generates geo-political complexities. In this regard, any given power from the region or beyond would have difficulty becoming an impartial mediator or facilitator if the parties insisted on sticking to unrealistic positions. If there is an urgent desire for
third-party moderation/facilitation, as African countries, the three parties can engage multilateral continental organizations such as the African Union. Sudan more than any of the three contending parties to the negotiation process understands the validity of this approach. As a country that is grappling with internal political problems, Sudan can't afford to bear external pressures as well. Similarly, it can project its experience of internal experimentation of consensus building and seeking a compromise in settling complex situations into the negotiations on Nile waters utilization. This, Sudan has to carry on both for its own sake as well as out of fraternal consideration for the lasting peace and stability of the region. Egypt's appeal to the UNSC is the last lap of its recent campaign to politicize and internationalize the Nile issue in general and the GERD in particular. All its efforts are pinned on avoiding honest discussions on technical and legal aspects of the basin-wide equitable sharing of the Nile resources, and assert its monopoly. In this way Cairo endeavors both to permanently divert the attention of the international community and to twist aspects of the dynamics and in the process corner the negotiating parties, forcing them to agree to pre-existing arrangements beneficial to Egypt. The GERD has simply exposed the imperfections of the previous arrangement. Ethiopia has not only resolved to remedy this through asserting its right to equitably utilize the Nile waters for its development purposes, but in the process has awakened the remaining riparian states to seek comprehensive solutions to the problem.

None, other than Egypt, has unilaterally benefitted from the status quo. Sudan has been no more than an obedient accomplice to Cairo’s games. Though relatively well-off compared to the rest of the riparian states, still the benefits Sudan has acquired are a trifle compared to the potential the Nile and the GERD hold. Obviously, Egypt is dependent on the Nile. But this doesn't mean that it should be permitted to veto everything that happens in the other riparian states. Nor should Cairo meddle in the affairs of these states so as to frustrate their efforts to claim their rights to the Nile waters. Unfortunately, there are many past incidents of conflict and insecurity in the Horn of Africa that have occurred directly and indirectly at the behest of Egypt. All this should change. A new paradigm in which all the riparian states equitably benefit must be forced into being.

The GERD has unlocked the process that challenges the status quo. The CFA signatories underscored the validity of this new turn in the overall dynamics in the utilization of the Nile waters. Egypt may have temporarily caused a pause in the basin-wide initiative of the CFA through the tripartite framework, or by managing to bring third-party mediators
into the process. Ethiopia has now learned the hard way why it was resisting third-party intervention all along. But the GERD has become a phenomenon that no country’s intimidation or coercion can stop. The best option for Egypt is to work within the new reality, respecting the rights of others. Sudan can play a significant role in reducing tensions and becoming a voice for reason.