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FROM CONFLICT TO COOPERATION IN THE MANAGEMENT OF TRANSBOUNDARY WATERS

THE NILE EXPERIENCE

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I. INTRODUCTION

Transboundary watercourses traversing different states present a challenge in terms of management as they constitute different states with different interests as per their national needs and different groups of people in the different states with different needs. The potential for conflict in such watercourses is great pointing to the need for co-operation between states as well as between basin users. International law provides a basis for negotiation of rules to govern transboundary watercourses. These international regimes have developed over time and in specific political-economic situations characterised by differing capacities of actors to negotiate. There is the argument that international law favours some actors at the expense of others.

Fresh water is increasingly become a scarce resources divided unevenly between nation states. The fact that water is scarce and non-substitutable makes it a potential cause for conflict. However, contrary to the long-held notion that the next world war will be fought over water resources, literature on the subject shows that there is more cooperation in the management of water resources than there is conflict.¹ This paper looks at cooperation in a river basin that has many conflicting users and interests. It traces the history of the Nile basin from colonial times to the present highlighting the collaborative efforts that have been designed to address potential conflicts. It specifically looks at the 1929 and 1959 Agreements and attempts made through the Nile Basin Initiative to revise these agreements which are perceived as unfair to upper riparian states. At a broader level, the paper underscores the centrality of resources deemed critical to the livelihoods of different actors in the decision to cooperate for mutual benefit. Whilst pointing out the challenges to cooperation, the paper suggests that the cooperation in the management of the Nile is a good catalyst for peace in the region.

II. BACKGROUND

The River Nile is one of the longest rivers in the world and is linked to the Lake Victoria basin which is the second largest body of fresh water by area in the world.² Burundi, Egypt, Ethiopia, Eritrea, Kenya, Rwanda, Sudan, Tanzania, Uganda, and Democratic Republic of Congo comprise the riparian states. Rwanda and Burundi are uniquely brought into the basin by the Kagera River, which drains into Lake Victoria. The Nile Basin, approximating about 3 million km², covers about ten per cent (10%) of the area of Africa, and 2.3% of the worlds land surface area.³ The Nile is the only drainage outlet from Lake Victoria.⁴ The tributaries of the Nile are united in Sudan and flow through a virtually rain free desert a few thousand kilometre to the Mediterranean. The Blue Nile is by far the largest tributary in terms of water flow. Its share of water that reaches Aswan in Egypt is 64%. The other main branches that originate from Ethiopian Highlands, Atbara and Sebat, being 21% of the water, whereas the contribution of the longest arm, the White Nile (upstream of Malaka, Sudan) is only 15%.⁵

The Lake Victoria and River Nile system constitute one basin, namely a watershed contributing to one principal river, stream, lake or other common terminus. While the Nile and its tributaries flow directly into the Mediterranean Sea, Lake Victoria drains directly into the Nile, thus contributing water to that one terminus.⁶ The Kagera basin covers approximately 59,800 km² of Burundi, Rwanda, Tanzania and Uganda. It contributes approximately 25% per cent of the annual discharge into Lake Victoria, averaging 184 million cubic metres per second at Kyaka. Approximately 85 per cent of that volume flows from Nyabarango and Akonyaru rivers from western and southern Rwanda. The rest flows from Burundi, which suggest that most of the rainfall in the region is in Rwanda.

1 Yoffe, S. et al, 'Conflict and cooperation over Freshwater Resources: Indicators of Basins at Risk, *Journal of the American Water Resources Association* (October 2003).

2 Mahmoud Abu Zeid. (2001) River of Hope and Promise, *United Nations Chronicle* 67 (2001/3).

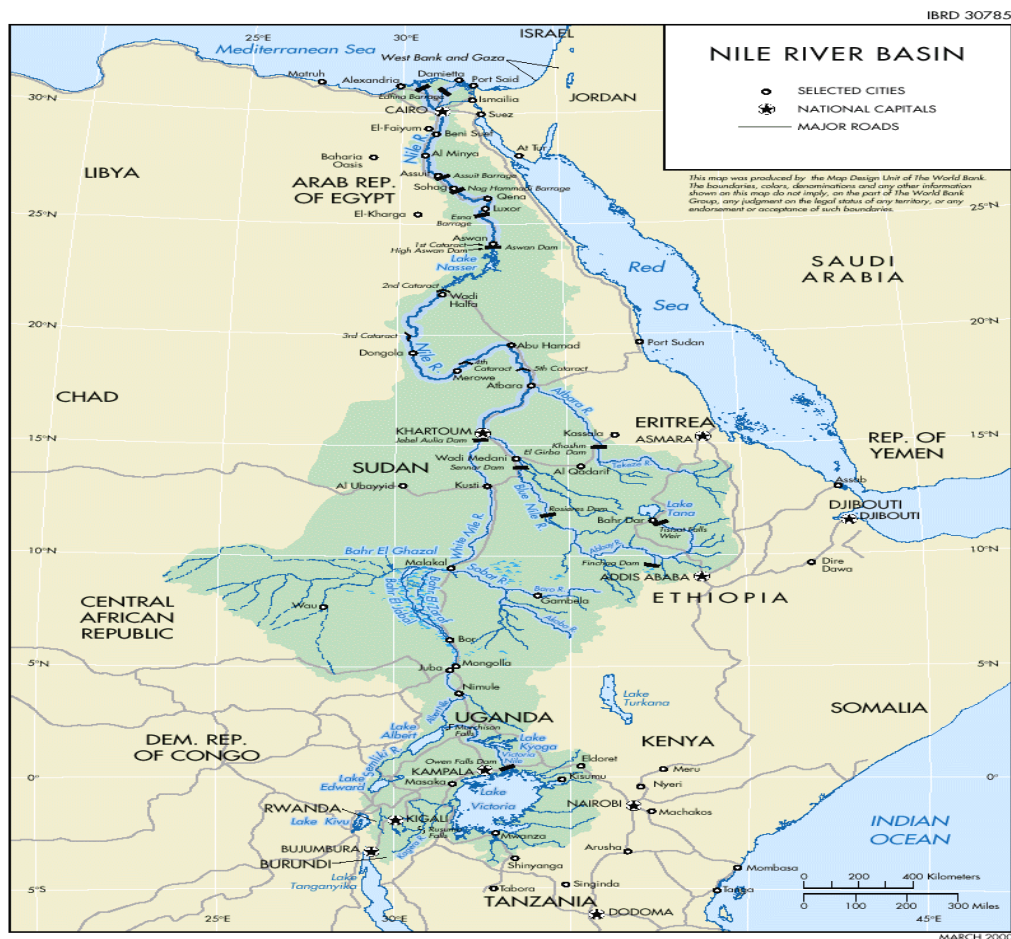
3 Hurst H.E. et al (1959) The Nile Basins, vol 1 The Hydrology of the Blue Nile and Akbara and the Main Nile to Aswan, with some Reference to the Projects Nile control Dept. paper 12. Government Printing office, Cairo.

4 Okidi C. (1994) *History of the Nile and Lake Victoria Basins through Treaties*, Cambridge University Press, 1994. pg. 6.

5 Hurst et al (1959), *supra* note 3.

6 Okidi C. (1994) *supra* note 4 pg. 9.

The Nile Basin



Approximately about 160 million people depend on the Nile River for livelihood and a total of about 300 million people live within the ten countries that share and depend on the Nile waters. Within the next 25 years, the region's population is expected to double, adding to the demand generated by growth in industry and agriculture and constant threat of droughts adds to the urgency of the problem. Water quality is also an issue. Erosion causes precious soil to wash out to sea, chemical run-off from industry and agriculture creates pollution, higher concentrations of salt affect irrigated soils, and water borne diseases like bilharzias and diarrhoea continue unchecked. In the tropical areas, water hyacinths choke off lakes, dams and other sections of the river, hindering fishing and navigation.⁶ Half of the Nile basin's countries are among the world's poorest nations yet somehow they must find the resources, skills and political will to overcome these challenges without descending into the conflict and controversy of the past.

III. NILE TREATIES

In the early 1900s, a relative shortage of cotton on the world market put pressure on Egypt and Sudan, then under British-Egyptian condominium rule, to focus on cotton cultivation, which required constant irrigation over the

⁶ Okidi C., 'Legal and Policy considerations for Regional Co-operation on Lake Victoria and Nile River', *Journal of Environmental Policy and Law in Africa*, 2001.

reliance on seasonal floods. The need for summer water and flood control guided an intense period of water development along the Nile, with conflicts focusing on the debate between upstream and downstream development involving supporters of Egyptian and Sudanese interests.⁷ With the end of World War I, it became clear that any regional development plans for the Nile Basin would have to be preceded by a formal agreement on water allocations.

In 1920, the Nile Projects Commission was formed, with representatives from India, the United Kingdom, and the US. The Commission estimated that Egypt's water needs would be 58 billion cubic meters (BCM) per year of the river's average annual flow of 84 BCM per year. They also believed that Sudan would be able to meet irrigation needs from the Blue Nile alone. Recognizing that the Nile flow fluctuates greatly, the Commission attached its report with the suggestion that any gain or shortfall from the average be divided evenly between Egypt and Sudan. The Commission's findings were not acted upon.

During that same year, Britain published the Century Storage System, the most comprehensive scheme for water development along the Nile. It included designs for a storage facility on the Uganda-Sudan border, a dam at Sennar, Sudan to irrigate the Gezira region south of Khartoum, and a dam on the White Nile to hold summer floodwater for Egypt. The plan worried Egyptians and was criticized by nationalists because all major control structures would have been beyond Egyptian territory and authority. Many Egyptians saw the plan as British means of controlling Egypt in the event of Egyptian independence.⁸

A. 1929 Nile Waters Agreement

In 1925, a new water commission made recommendations based on the 1920 estimates, which led to the 1929 Egyptian-Sudanese Nile Waters Agreement. This was an agreement signed between Egypt and Britain on 7th May 1929 with Britain acting on behalf of Sudan. Article II of the agreement provided that 'save with the previous agreements of the Egyptian Government, no irrigation or power works or measures are to be constructed or undertaken on the river and its branches, or on the lakes from which it flows, so far as these are in the Sudan or in countries that are under British administration which would, in such a manner as to entail any prejudice to the interests of Egypt either reduce the quality of water arriving in Egypt, or modify the date of its arrival, or lower its level'.⁹

As the agreement is signed between Britain and Egypt it has no binding force on Ethiopia but has a binding force on countries that were under British administration.¹⁰ After attaining independence, Tanzania, Uganda and Kenya repudiated this agreement while Sudan had repudiated it in 1958. Sudan was allocated 4 BCM per year, while Egypt reserved the entire flow from January 20 to July 15 and 48 BCM per year.¹¹

B. Britain/Egypt Agreement of 1953 on the Owen Falls Dam

The agreement was signed between Egypt and Britain. Britain was acting on behalf of Uganda. The most important feature in this agreement was that Britain allowed Egypt to control and regulate Uganda's developmental needs. The dam was only to facilitate the generation of power for Uganda under Uganda electricity Board and Egypt was to control the flow of water according to Egypt's needs and create the century storage. The flow was to be supervised by Egyptian Engineers resident at the dam to ensure that all actions on the dam do not infringe the requirements as per the 1929 agreement between Egypt and Britain.

7 Wolf A.T., 'Middle East Water Conflicts and Directions for conflict resolution', IFPRI 2020 vision Brief 31 April 1996, p. 1.

8 *Ibid.* p. 2.

9 The agreement included the following terms: Egypt and Sudan utilize 4 billion cubic meters of the Nile flow per year, respectively; The flow of the Nile during January 20 to July 15 (Dry season) would be reserved for Egypt; Egypt reserve the right to monitor the Nile flow in the upstream countries. Egypt assured the right to undertake Nile River-related projects without the consent of upper riparian states.

10 Nyong'o A. P., 'The Implications of Crisis and Conflict in the Upper Nile Valley', in *Conflict Resolution in Africa*, Washington DC: Brookings institutions, 1991 p. 113.

11 Wolf, *supra* note 7, p. 2.

These agreements reflect the long term British interest in securing for Egypt and Sudan an agreement to construct major water storage in the upper reaches of the Nile. It is also important to note that nothing is mentioned about the future needs of water in other areas of production. Furthermore, all the facilities to construct the dam were channelled through Egyptian Government up to completion. Another issue worth noting is that Egypt was well set to use hydrological and meteorological data of the East African Lakes region well ahead of the countries within those catchment areas. The agreement also gave Egypt the right to take possession of the data and information that could guide their policy towards the catchments of Lakes Victoria, Edward, Albert and Kioga.

The Aswan Dam, with a projected storage capacity of 1.56 BCM per year, was proposed in 1952 by the Egyptian government. Debate arose concerning whether construction would be a unilateral Egyptian project or a cooperative project with Sudan, which prevented Sudan from entering discussions until 1954. Subsequent negotiations, in the background of Sudan's struggle for independence, focused on each country's legitimate allocations and on concerns regarding whether the dam would serve the most efficient method of utilizing the Nile. Negotiations were often interrupted, producing indecisive results. Furthermore, Ethiopia, which had not been a major player in Nile hydro politics, served notice in 1957 that it would pursue unilateral development in the Nile water resources within its territory. In 1958, resultant from futile negotiations, Egypt sent an unsuccessful mission into Sudanese territory, threatening to transform peaceful negotiations into military conflict.¹² Despite Sudanese independence in 1956, the Egyptian government waited to assume a more conciliatory approach to negotiations with the Sudanese military regime that gained power in 1958. Their strategies were in large part due to the urgency for a riparian agreement to obtain funding for the Aswan Dam.

C. Agreement for the Full Utilisation of the Nile Waters of 1959

This was signed in 1959 between Egypt and Sudan. Its most important feature was the acceptance by Sudan of the principle of Egypt's established rights on the Nile water not included in the 1929 agreement that only regulated a partial use of the natural rivers but did not cover the future conditions of a fully controlled river supply. Egypt and Sudan determined that the combined needs of other riparian would not exceed one to two BCM per year. Any claims for additional allocations would be discussed under a unified Egyptian-Sudanese position.

Due to evaporation and discharge, 74 BCM per year were to be divided between Egypt and Sudan. Of this total, Egypt was allocated 48 BCM and Sudan 4 BCM. The remaining benefits of 22 BCM per year were divided by a ratio of 7.5 BCM per year for Egypt and 14.5 for Sudan. Total allocations for Egypt equaled 55.5 BCM per year and, for Sudan, 18.5 BCM per year. Further, any increases in average yield would be divided equally; a technical committee would discuss any significant decreases and Egypt agreed to pay Sudan 15 million Egyptian pounds in compensation for flooding and relocations.¹³

The provisions of the Treaty have been adhered to since its implementation. Under the arrangement, any country south of Egypt must get Egypt's approval for irrigation or hydroelectric projects so that those projects don't cause a drop in Egypt's water level. This has pitted Egypt against countries such as Tanzania and Kenya, which plan to use Lake Victoria for drinking water and irrigation initiatives. It is noteworthy that, the 1959 Nile waters was the first bilateral agreement between Egypt and Sudan. The agreement also constitutes an acceptance by the two states that they had a unique local interest that could be posted against others. Such a move opened the way for consideration of a corresponding arrangement among upper riparian states, which may identify their common interest. The Kagera Basin organization that was formed by Uganda, Tanzania, Rwanda, and Burundi though not focused on water allocation may be a case in point.

¹² History of the Nile Basin Initiative', Nile Basin Initiative online at www.nilebasin.org/nbhistory.htm.

¹³ Wolf, *supra* note 7 at p. 3.

IV. NILE BASIN INITIATIVE (NBI)

A. The Impetus for Cooperation

The net effect of the Nile treaties was to deny the upper riparians rights to use the waters of the Nile without prior approval of Egypt. The rights of Egypt and Sudan to the waters of the Nile are not impacted on by rising populations in other riparians states. Not surprisingly, other riparian states have objected to this state of affairs. There is agreement in principle that things should change. However, the nature of change in terms of rights to the water has not been agreed on. Legal principles such as 'equitable use' and obligation not to cause harm enunciated in the 1997 Convention on the Non-Navigational Uses of International Watercourses have not been of much help as they place upper and lower riparian states in diametrically opposing sides.¹⁴

The need for international agreements over water cannot be gainsaid because of the increasing possibility for water-induced conflict owing to scarcity and degradation, which pose a continual threat to local, state, regional, and international stability. Individual states, armed with sovereign rights to territorial resources, use water to serve political, economic, and social goals. Scholars agree that conflict has the greatest potential to emerge when the downstream (most-vulnerable) nation is militarily stronger than the upstream (water-controlling) nation and it feels its interests are threatened, as in the case of the Nile River.¹⁵ Internationally shared bodies of water create political, social, and economic tensions and disputes concerning the distribution and use of resource management.

Furthermore, when a resource base extends across a political border, misunderstandings or lack of agreement about allocations are more likely.¹⁶ The increased potential for conflict intensifies threats to state stability and national security. For example, Richard Ullman providing a broader spectrum of national security threats states that security threats include any action or sequence of events that either

- (1) Threatens to drastically and over a relatively brief period of time to degrade the quality of life for the inhabitants of a state, or
- (2) Threatens to narrow the range of policy choices available to a state or private, non-governmental entities (persons, groups, corporations) within the state.¹⁷

The threat of water scarcity and subsequent tensions exemplify the relationship between environment and political interests. Change in water usage or development of water resources poses a challenge to the status quo, which, as Ullman argues, threatens to alter the quality of life of the nation and restricts policy options. As Lowi asserts, state security involves the ability of states and societies to maintain their independent identities, as well as their physical and functional integrity.¹⁸ These factors are compromised, however, through adjustments in water development, distribution, and use.

In terms of resource conflict resolution, Conca et al states that progress exists in trying to identify policies for reducing the risks of disputes over water sources that will lead to conflict, as well as in a better understanding of mechanisms for promoting cooperation and collaboration over shared water resources.¹⁹ They argue that considerable progress has been made both in understanding the nature of the connections between water resources and conflict and in evaluating regional cases where such connections may be particularly strong.²⁰ Despite progress, they contend that there is a long way to go before nations or regions produce a common policy

14 Wolf A.T., 'Conflict and Cooperation along International Waterways' *Water Policy*, Volume 1 # 2, 1998, 251.

15 Gleick P., 'Question of Equity at the Heart of Water conflict management,' *Water and Conflict prevention* (The Second World Water Forum, The Hague. 17-22 March 2001).

16 Conca K. et al., 'Conflicts Over Resources,' Draft Background Paper for Working Group 5: Resources and Environmental Degradation as Sources of Conflict (50th Pugwash Conference on Science and World Affairs: 'Eliminating the Causes of War,' Queens' College, Cambridge, UK 3-8 August 2000) p. 1 (on file with the author).

17 Ullman R., 'Redefining Security,' *International Security* 8, no. 1 (Summer 1983), 133.

18 Lowi M. R., 'Water and Conflict in the Middle East and South Asia: Are Environmental Issues and Security Issues Linked?', *Journal of Environment and Development* 8, no. 4 (December 1999), p. 376.

19 Conca K. et. al, *supra* note 16 at p. 9.

20 *Id* at 9.

agenda or set of initiatives that truly incorporate environmental and resources issues into approaches to reduce the risk of regional and national conflicts. Nevertheless, construction has begun on a new framework that will permit scholars and policymakers to apply new tools, set new priorities, organize responses to a range of environmental threats to peace and security.²¹

B. The Impetus for a Nile basin Initiative

The Nile Basin Initiative and its ambitious goals of establishing regional cooperation and mutually beneficial relationships among all Nile Basin countries (NBCs),²² thus functions as a broad program of international importance seeking to balance the interests of riparian states. It is aimed at finding cooperative solutions to a potentially conflictual situation. The Nile Basin region is located geographically in a conflict zone characterised as the greater horn of Africa. State and regional tensions in this region are of great concern to the international community due to its volatility of and proximity to the Middle East. Further tensions and conflict in nearby regions have the potential to spread through regional uncertainty concerning issues of political, social, and economic stability. Additionally, the Nile Basin Countries and the international community recognize the importance of developing regional relationships through environmental cooperation because of its potential to spread into other conflict-prone areas where regional collaboration is needed. The Nile Basin Initiative brings Nile Basin countries to work together to develop the resources of the Nile for the benefit of all within a context long legacy of mutual recriminations, regional conflict, drought and other problems. It started out as cooperation around scientific information sharing. The shared vision of the Nile Basin Initiative is *'to achieve sustainable socio-economic development through equitable utilization of, and benefit from the common Nile basin water resources'*.

The ten Nile riparian countries have collectively risen to the challenge of managing the valuable endowment of the river for poverty alleviation, resource protection, and mutually beneficial gains. In 1997, the Nile riparians initiated a dialogue on a long term Cooperative Framework, and in 1999 the Council of Ministers of Water Affairs of the Nile Basin States (Nile-COM) formerly launched an interim institutional mechanism (the Nile Basin Initiative or NBI) to jointly pursue the sustainable development and management of the Nile waters. The Ministers have agreed on policy guidelines for the NBI. Subsequently, they have approved a broad-based basin-wide program (the Shared Vision Program) of collaborative action, exchange of experience, and capacity building. In parallel, they have supported the preparation of sub-basin action programs geared towards physical investments in the Nile Equatorial Lakes and the Eastern Nile regions – referred to as the Nile Equatorial Lakes (NELSAP) and Eastern Nile Subsidiary Action Programs (ENSAP), respectively. Subsidiary Action programs (SAPS) purpose is to plan and implement physical infrastructure projects and other actions on the ground at the lowest appropriate level, taking into account benefits and externalities of planned activities on other countries.

Considerable progress has been made towards the implementation of both these programs in the past years and detailed project documentation relating to projects of both the sub programs is currently being developed. This follows pledging of financial support from the international community. Nevertheless, it has also been recognised that an important component of wider success in developing a long term path to basin-wide development lies in the greater involvement of civil society within the development process.

Under the NBI, the 1929 Nile Waters Agreement is being re-negotiated. The current sticking point is Principle 15, which states that all existing agreements which are inconsistent with the framework (such as the Nile Treaty) will be null and void. Egyptian and Sudanese members of the panel of experts have proposed that the principle instead states that the Framework shall be without prejudice to existing agreements. There are also competing views on whether the Framework should emphasise 'optimal' or 'equitable' use of the Nile waters.

In March 2004, ministers responsible for the water affairs and other high ranking officials from all the 10 riparian states met in Kenyan capital, Nairobi to review and recommend undertakings to develop the Nile basin in an equitable manner. The basin states launched a steering committee comprising of two senior officials from each country to provide strategic guidance, direction and oversight towards the implementation of the shared vision

²¹ *Id.* at 10.

²² The Nile Basin Countries: Burundi, Democratic Republic of Congo, Egypt, Eritrea, Ethiopia, Kenya, Rwanda, Sudan, Tanzania and Uganda.

program coordination project. This project is an effort by the Nile states to strengthen the capacity of the Nile Basin Initiative to execute basin wide projects such as the Nile Basin regional Power trade, efficient water use for agriculture production, water resources planning and management, confidence building and stakeholder involvement.

V. THE NILE BASIN DISCOURSE (NBD)

According to the provisions of the NBI, the program ‘welcomes the contribution of NGOs and encourages NBCs to continue in close cooperation with civil society and the private sector.’ The Nile Basin Discourse promotes dialogue on poverty eradication, sustainable and equitable development, peace and mutual understanding within the Nile River Basin. The NBD aims at the promotion of a broad based, open dialogue, discussion and sharing of views on the development of the Nile Basin.

The Nile Basin Discourse (NBD) was conceived to respond to the challenges of involving civil society within the shared vision and subsidiary Action Programs of the Nile Basin Initiative (NBI). This process began at a meeting convened by IUCN, WWF and World Bank in Switzerland in 2001. Follow up meetings were then held in Entebbe in June 2001 and in Cairo in 2002 which then resulted in the establishment of the Nile Basin Discourse. A discourse desk- a tool for facilitating the process of dialogue, discussion and sharing ideas was established in Entebbe – Uganda. The Canadian Development Agency (CIDA) provided the initial start up funds for 2003-2004 activities. The Discourse desk is currently hosted by IUCN and is managed by an interim steering committee made up of civil, society representatives from the ten Nile Basin riparian countries.

The Nile Basin Discourse was initiated to bring the voices of stakeholders other than government to the process of the development of the Nile basin. It seeks to promote a broad based open dialogue, discussion and sharing of views on development in the Nile basin mainly through the Nile Basin Initiative between all role players, stakeholders and affected parties; develop a database of stakeholders; facilitate interaction between stakeholders; catalyse national discourses in the ten riparian countries; give space for national discourse on the status of people dependent on the Nile waters; and capture the voices of all stakeholders, especially the poor, at national and sub-national levels, and at the level of local residents, community-based organizations (CBOs) and others concerned with the issues of poverty, food security and economic and social human rights; and the threats to livelihoods and poverty reduction posed by accelerating environmental degradation in large areas of the Nile Basin. It is expected that the participation of a diverse array of stakeholders will contribute to the Nile Basin Initiative’s effectiveness and bring non-government views in addressing poverty, improving the livelihoods of all within the basin, and addressing insecurity and strife in the region.

The structure of the NBD comprises of an International Steering Committee with membership drawn from all riparian countries and each member thereof tasked to initiate a national discourse in their country; a general assembly drawn from all riparian countries which has met once; a Secretariat in Entebbe, Uganda near the offices of the NBI and National Discourse Forums (NDFs).

VI. CHALLENGES

A. Sustainability

I. Diversity of Actors

Given the political sensitivity of the NBI negotiations, the diversity of the actors and the magnitude of the proposed projects, the sustainability of the NBI is a big challenge. There is also the concern about the extent of involvement of external actors, significantly the World Bank in crafting the initiative. Addis Ababa University Professor of Political Science, Yacob Arsano, argues that Nile Basin Countries distrust the donor community and believe that they either do not understand or are not aware of the intricacies of the situation. According to *Environmental*

Agendas in the Ethiopian Poverty Reduction Strategy Paper, 'The World Bank and International Monetary Fund (IMF) have played the single role in the impoverishment of the African continent.'²³ In the opinion of critics therefore, the NBI future as a poverty alleviation mechanism is doubtful considering that six of the world's ten poorest countries are in the Nile Basin.

2. Legal Framework for Cooperation

Another concern with regard to sustainability is agreement on whether to adopt the principle of 'equitable use' or that of 'obligation not to cause appreciable harm' and the implications of either for cooperation among basin states. According to Egypt's Minister of Public Works, Mahmoud Abu Zied, despite the high level of potential to utilize the Nile in a sustainable manner, the basic challenge of the equitable use of the Nile has yet to be realized. Zied states, 'The River Nile still has a great potential which is not yet exploited and which can be a great benefit to the people of the Nile basin. Each country is entitled to an equitable share from the river without causing appreciable harm to the other riparian states.' Zied takes special consideration in stating that all NBCs are entitled to equitable shared, provided they do not harm the stability of the other nations. In doing so, he protects Egypt's prior appropriation claims against the encroachment of the other NBC's water rights. Clearly, the NBI has much more to achieve in regional cooperative and trust building measures.

In light of the fact that the earlier agreements have been the bone of contention among basin states, an acceptable basin-wide legal agreement will be the glue that holds the cooperation through both the NBI and NBD together. It is noteworthy that the existing agreements are not recognized by the upstream riparian states who argue, in spite of the theory of state succession to international treaties, that they were not party to any of those agreements, and that there has not been any agreement amicably negotiated or duly signed at inter-riparian level. This makes the institution of a strong legal framework to govern the activities in the basin an issue of paramount importance.

3. Civil Society Engagement

With regard to the NBD, the issue of representation continues to be sticky. While the group representing civil society interests drawn from across the basin made a statement on the importance of engaging all stakeholders in the development of the Nile at the First Meeting of the International Consortium for Co-operation on the Nile (ICCON), there are those who feel that the group does not represent all civil society actors. Further, given the open nature of dialogue and the involvement of diverse entities, the challenge of meaningfully putting in place an agenda that is not captured by the interests of powerful groups' remains. Moreover, providing adequate resources for the dialogue continues to be a challenge. The initial phase of funding provided by CIDA has ended and the NBD is currently struggling to survive. It is unlikely that governments will provide resources for the dialogue of civil society given the suspicion with which they have viewed civil society engagement and the broader resource constraints facing most of the governments. Non-involvement of civil society threatens the sustainability of collaborative management initiatives and makes it expensive for the state actors to bring in these actors at a later stage. Without NGO participation the NBI will never fully realize its goals of a shared vision or regional cooperation. While projects may be initiated and completed, they will ultimately fail to disentangle the problems surrounding equitable use of the Nile between Nile Basin Countries while creating larger environmentally induced conflicts that further weaken the state. Any solutions to the problems taken on by the NBI must accept the core position of conflict between historic and sovereign water rights, which is complicated by the technical question of whether the river should be controlled by upstream or downstream riparian states. In order to resolve the challenges threatening stability in the Nile region, all actors in society, including business, government, civil society, academics, and individuals, should assume a common responsibility: to promote and elaborate a new water and environmental ethic, to educate the masses, to facilitate discourse, and to broaden the consultative role of NGOs and civil organizations.

B. Displacement

Additional challenges to the NBI concern construction of new hydroelectric facilities. The relocation and resettlement of highlanders to the lowlands of Ethiopia present serious potential for intrastate conflict. The

²³ Forum for Environment, 'Environmental Agendas in the Ethiopian Poverty Reduction Strategy Paper,' Ghion Hotel Addis Ababa, 27 December 2001.

displacement of peoples and their subsequent migration increases land degradation due to movement to ecologically sensitive areas, ethnic tensions, and state instability. Therefore, while the development of large-scale projects such as dams and irrigation benefits governments and pleases international donors, the effects of these endeavors will lead to further problems extraneous to the aims of the NBI.

VII. CONCLUSION

Riparian states are inter-dependent and their development is inevitably linked to the hydrological cycle of the river. A coordinated approach to the management of the waters of the Nile can create synergy in different countries and sectors and contribute to overall cooperation over water resources catalysing peace. To achieve this, the Nile Basin countries need to co-operate, resolve conflicts, plan and manage the water resources jointly in order to achieve sustainable development and regional stability. This requires a sound legal and institutional framework agreed to by all parties. While downstream countries would like to keep the status quo, upstream countries would like to have a new agreement that is based on equity.

Collaborative management of the Nile water resources can act as a catalyst for peace in a region that is characterised by conflicts. For success to be achieved however, it is imperative that stakeholders beyond state actors be involved in the collaborative endeavours. The involvement of stakeholders must be seen in the broader context of procedural rights which have informed developments in the environmental rights realm and outlined in Principle 10 of the Rio Declaration, namely access to information by all, public participation in decision-making, freedom of association and access to justice. The process of engendering stakeholder participation in transboundary waters' management is essentially political and amenable to capture by interest groups. It requires nurturing and trust-building among actors to create a commonality and convergence of interests. Indeed support for basin-wide initiatives such as NBI and NBD is laudable & should be sustained. Support for civil society engagement in such initiatives needs to be given more attention since firstly, civil society actors tend to be much weaker compared to government actors. Secondly, civil society needs to be facilitated to demand access to benefits negotiated by the state at the inter-state level and finally, enlisting civil society participation secures investment in the basin-wide initiative.

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