

The Grand Ethiopian Renaissance Dam, and the Revival of Dispute Over the Colonial Treaties

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Abstract

For over five years, Ethiopia, Sudan, and Egypt have been conducting a series of negotiations over the filling and annual operation of the Grand Ethiopian Renaissance Dam (GERD) but failed to strike a way forward deal acceptable to all of them. The recent involvement of the U.S. and World Bank in the negotiation further complicated the dispute and resulted in diplomatic crisis. The talks have now reached a deadlock, and the countries, especially Egypt, is engaging in a war of words and accusations.

This article aims to explore the implications of the colonial, 1959 Nile Treaty (colonial Nile Water Treaties) on the recent GERD dispute. Examining the ramifications of the current sticking points, the article argues that the proposals tabled by the U.S. and the World Bank are poignantly tilted towards consolidating the status quo. Moreover, probing international law principles and legal precedents, it contends that nothing prohibits Ethiopia from filling and testing the GERD without an agreement with Sudan and Egypt. It also indicates how the U.S. Treasury, the point U.S. agency in the negotiations, violated the international norms of non-intervention and the principles of sovereignty and sovereign equality. Furthermore, exploring alternatives for resolving the GERD dispute, the article calls upon the three countries to address the problem associated with the colonial Nile Waters Treaties and urges them to resolve the GERD dispute by themselves. But, if mediation is necessary, the article argues, it should be initiated for finding a pan African solution. Finally, the article encourages the three countries to take their case to the International Court of Justice (ICJ). If the case is brought to the ICJ, it is argued, the court will likely find the status quo established in the colonial Nile Water Treaties untenable and rule towards equitable allocation of the Nile watercourse.

Keywords: Nile, GERD, Washington GERD negotiations, Declaration of Principles, Cooperative Framework Agreement, Nile Colonial Treaties, Equitable Utilization, International Watercourses Law