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The Interface between National Interest and Regional Stability: The Nile River and the Riparian States¹

General Context

This special edition of the *African Sociological Review* focuses on the case studies of some of the countries within Nile River Basin. The scholars have delved into national interests of the countries in the Nile basin as well as the East African Community (EAC). This is the first study of its kind, to my knowledge, that has examined foreign policy interests of the Nile River riparian countries in one publication. The studies that have dealt with the Nile River basin take more of a comparative analysis as opposed to specific case studies and most importantly do not focus on foreign policy interests of the countries in the region.¹

The Nile is the longest river in the world covering a distance of 6,850 kilometres. Over 86 percent of the main Nile River stems from Ethiopia and the rest from the Equatorial areas in the Great Lakes region. It traverses ten countries namely, Burundi, the Democratic Republic of Congo (DRC), Eritrea, Ethiopia, Kenya, Rwanda, Sudan, Tanzania, and Uganda. The ten African countries have an estimated total population of more than 300 million or 38 percent of Africa's nearly 800 million people. The population of the ten African countries is expected to increase to more than 400 million by 2015 (World Bank 2002: 48050). The Nile River Basin alone is home to more than 130 million people, with a growth rate of between 2-3 percent per year.

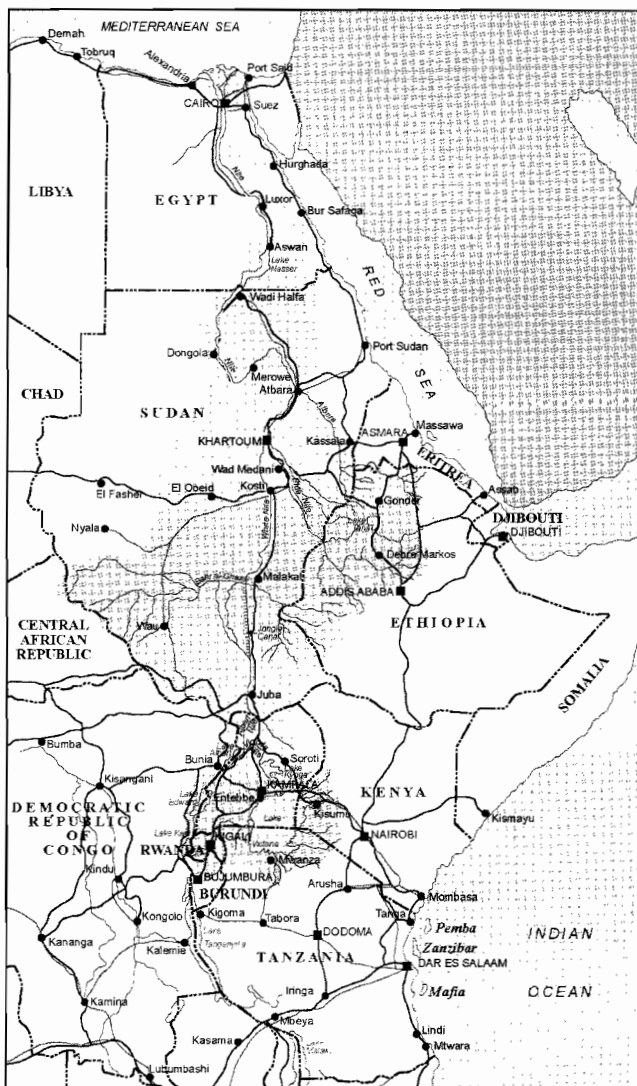
Egypt is the most vulnerable country within the Nile River basin region, with 97 percent of its waters stemming from the other countries in the region followed by Sudan (77 percent) and Eritrea (68 percent). The countries in the region with the highest percentage of their population within the Nile River basin are Egypt, Uganda, Sudan, Rwanda, and Burundi, with 85, 75, 74, 72 and Burundi 58 percent respectively (FAO 1998, Karyabwite 2000, SHI 1999, and World Bank 2003). Except for Egypt and Kenya, the rest of the Nile River riparian countries fall in the category of least developed countries. Dependence on the Nile River basin for their economic development and general survival cannot be underestimated. An acceptable legal regime to manage the Nile River and its drainage system for equitable intra- and interstate economic and socio-cultural utilisation remains a major challenge.

For many decades after independence, particularly since the 1980s, the Nile River riparian states have engaged in numerous bilateral and multilateral diplomatic initiatives to resolve the long-standing dispute over the Nile River. On a number of occasions, Egypt has made it clear that it is prepared to go war to protect its national interests vis-à-vis the Nile Water. For more than half a century, Egypt has maintained its monopoly over the Nile River. Egypt signed a treaty with Britain in 1929, the then colonial power in the area which stipulated, inter alia, that no work would be carried out on the Nile that would lessen or reduce the flow of water to Egypt. Paragraph 27 of

the treaty stipulates in part:

Save with the previous agreement of the Egyptian Government, no irrigation or power works or measures are to be constructed or taken on the River Nile or its branches or on the lakes from which it flows, so far as all these are in the Sudan or in countries under British administration, which would, in such manner as to entail any prejudice to the interests of Egypt, either reduce the quantity of water arriving in Egypt, or modify the date of its arrival, or lower its level (YILC, vol 2, no. 1 1974, p.44).

NILE RIVER BASIN



On the regional front, Egypt signed an agreement with Sudan in 1959 that gave Cairo 87 percent of the Nile water with Sudan accorded only 13 percent. This agreement was reached by the two riparian countries without the express consent of the other countries in the region, all of which (except for Ethiopia) were still under colonial rule.¹ Egypt has also over the years backed rebel movements in Eritrea, Ethiopia, Sudan and Somalia thus complicating the geo-strategic scenarios and human-milieu relationships in the region. The East African Legislative Assembly, for example, has stated its position on the issue by suggesting that the 1929 Egyptian-British treaty should be revoked to accommodate the interests of the other riparian states. These developments as well as the evolving intra- and inter-state socioeconomic and political needs of the riparian countries have led to numerous initiatives to resolve the long-standing dispute. The central objective by the riparian countries is to put in place a comprehensive international legal regime that would in many respect conform to the Helsinki rules entered into by UN member states in 1966 and provide for equitable utilisation of waters and international drainage system.

Table 1: Statistical Features of the Nile Basin Countries

Country	Popul. (millions) (% age of Country dependence on water from the region) 2001	Surface Area (1,000 sq. km) 2001	Area of The country within Nile Basin (sq. km)	Gross National Income (\$ Billions) 2001	Gross National Income (per capita \$) 2001	Gross Domestic Product (% Growth) 2001	Gross Domestic Product (per capita % growth) 2001	Nile Basin popul. Density (hab/sq km) 1990	Popul. Within Nile Basin (millions and % age) 1990
Burundi	7 (0%)	27,834	13,260	0.7	100	3.2	1.3	250	3 (58%)
DRC	52 (8%)	2,344,860	2,143	4.2	80	-4.6	-7.1	88	2 (4%)
Egypt	65 (97%)	1,001,450	326,751	99.6	1,530	2.9	1.0	163	48 (85%)
Eritrea	4 (68%)	121,890	24,921	0.7	160	9.7	6.9	38	1 (30%)
Ethiopia	66 (0%)	1,100,010	365,117	6.7	100	7.7	5.2	53	19 (35%)
Kenya	31 (33%)	580,370	46,229	10.7	350	1.1	-1.0	176	9 (32%)
Rwanda	9 (0%)	26,340	19,876	1.9	220	6.7	4.5	276	6 (72%)
Sudan	32 (77%)	2,505,810	1,978,506	10.7	340	6.9	4.9	11	21 (74%)
Tanzania	34 (10%)	945,090	84,200	9.4	270	5.7	3.4	40	5 (16%)
Uganda	23 (41%)	235,880	231,366	5.9	260	4.6	2.0	67	16 (75%)

- Sources: 1. World Bank, *World Development Indicators* (Washington, DC: World Bank, 2003).
 2. Food and Agriculture Organization, *Irrigation Potential in Africa: A Basin Approach* (Rome: FAO, 1998).
 3. Diana R. Karyabwite, *Water Sharing in the Nile River Valley*, (Geneva: UNEP/DEWA/GRID, 2000), p. 11.
 4. State Hydrological Institute, *World Water Resources and Their Use*, Russia and UNESCO, http://espejo.unesco.org/uy/part%604_africa/index.htm.

Problem Statement

There are numerous problems that could arise from the issues addressed here. First, each of the riparian states has a stake in the Nile Water, which by implication has direct impact on the country's national interests. It is the sovereign responsibility of every country to maintain its national interest and core values to survive in the anarchic international system. Second, the African countries, the riparian states in the region included, question the validity and relevance of some of the treaties entered into when they were still considered 'objects' of international law. Treaties as legislative instruments creating general rules and acceptable legal regimes are largely binding on the contracting parties. The countries of the region have, after their independence, declined to be bound by the Nile Water agreement between Egypt and Britain and Egypt and Sudan. Third, stability in the region is in the interest of the riparian countries. A long-term solution to the Nile question would serve the interests of all the parties.

Objectives

The central objective of the study is to assess policy issues pursued by the riparian countries that may engulf the region into conflict and suggest mechanisms for resolution.

Specific objectives of the study include the following:

- To examine the broad context of foreign policy interests of the countries in the region with a special focus on the Nile River.
- To assess the opportunities to develop better understanding among the riparian countries within the region.
- To examine the role of Regional Economic Communities (RECs), particularly the East African Community (EAC), on the Nile Water question.
- To find out what specific opportunities exist for conflict resolution in the region.
- To assess the extent to which the 1929 Egyptian-British treaty remains the main stumbling block to an acceptable legal regime.
- To investigate and provide specific recommendations that can assist in the long-term stability.

Multilateral Processes in the Nile River Basin

Since the 1960s, a number of attempts have been put in place by the riparian states with the objective of establishing an acceptable regime for the utilisation of the Nile River waters and its international drainage system. These include, among others, the Hydromet, UNDUGU (Swahili for brotherhood), Technical Cooperation Committee for the Promotion of the Development and Environmental Protection of the Nile Basin (TECCONILE), and the Nile Basin Initiative (NBI).

Hydromet, Undugu, Tecconile, and NBI Processes

The Hydromet (or Hydrometeorological Survey of the Equatorial Lakes) brought together most of the riparian states except the DRC (Zaire), Ethiopia, and Kenya who participated as observers. Proposed by the World Meteorological Organisation and

funded by the United Nations Development Programme, the central objective of Hydromet was to examine the hydro-meteorological situation around equatorial lakes such as Lakes Victoria, Kyoga and Albert. The region was prone to heavy flooding, which caused untold human calamities. The Undugu was established in 1983 to deal with development related issues such as infrastructure, environmental cooperation, culture and trade in the Nile River basin areas and the contiguous states.

The failure of the Hydromet and Undugu to provide a clear and specific legal regime for the utilisation of the Nile River basin led to the need for further exploration of possible modalities to deal with challenges. The Tecconile was therefore a product of this endeavour. Initially, it focused on issues such as the environment and water quality control. However, the main issue dealing with equitable utilisation of the Nile River waters became part of the agenda for discussion by the Ministers of Water Affairs in the riparian states culminating in the establishment of a document focusing on the Nile River Basin Action Plan in May 1995 (Abdalla, 2000). The Tecconile process was replaced by the NBI, which has since its establishment in Dar es Salaam, Tanzania, in 1999, is still putting in place acceptable rules for the utilisation of the Nile basin, its central objective. The contributors deal with these complex, interrelated and centrifugal and centripetal national and regional issue areas.

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Notes

1. See, for example, Yacob Arsano, Ethiopia and the Nile, Dilemma of National and Regional Hydropolitics, PhD Thesis, University of Zurich, 2004, R. O. Collins, *The Waters of the Nile, Hydropolitics and the Jonglei Canal, 1900-1988* (Oxford: Clarendon Press, 1990), M. D. el-Khalifa (ed.), *Blue Nile River, from Ethiopian Border to Khartoum* (Khartoum: Institute of Environmental Studies, University of Khartoum, 1985), Haggai, Erlich, *The Cross and the River: Ethiopia, Egypt and the Nile* (Boulder: Lynne Rienner, 2002), John Waterbury, *HydroPolitics of the Nile Valley* (New York: Syracuse, 1979), and Simon A. Mason, *From Conflict to Cooperation in the Nile Basin: Interaction Between Water Availability, Water Management in Egypt and Sudan, and International Relations in the Eastern Nile Basin*, PhD Thesis, Swiss Federal Institute of Technology, Eth Zurich, 2004. For the African states' views on treaties entered into by the colonial powers on their behalf, see, Goerges M. Abi-Saab, 'The Newly Independent States and the Rules of International Law: An Outline', *Howard Law Journal* 8 (Spring 1962): 95-121, Nasila S. Rembe, 1980,

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