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## ***The Quest for Cooperation in the Nile Water Conflicts: The Case of Eritrea***

### **Introduction**

The Nile River Basin is the most unique of international river basins and presents the most challenges. This is because, besides its remoteness and the manifestation of disproportionate level of development within the basin, there is an almost total absence of any meaningful cooperation and comprehensive agreement among the ten watercourse states. This negative feature which is peculiar to the Nile has become an obstacle. So far, there is no effective cooperation, nor development of joint projects and investment in the basin. The end result is that the Nile has not made any significant contribution to the welfare of close to 300 million inhabitants living along its course who are among the most impoverished and where five of the world's ten Least Developed Countries are found.

This article examines the development of cooperation and the challenges encountered in the process amongst the riparian states of the River Nile with a focus on Eritrea. Despite recent initiatives supported by all the riparian states, the challenge remains to put this institutional development and cooperative thinking into practice through the development of projects of mutual benefit that are both sustainable and able to deliver benefits to the poorest of the riparian states.

One of the main concerns has been the need to develop conflict resolution mechanisms amongst the member states. Conca et al. argue that progress has been achieved in trying to identify policies for reducing the risks of disputes over water sources that can lead to conflict, as well as in a better understanding of mechanisms for promoting cooperation and collaboration over shared water resources.<sup>1</sup> They observe 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. Despite progress, they contend:

There is a long way to go before nations or regions produce a common policy 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.<sup>2</sup>

Thus, advances in conflict resolution and environmental cooperation function as an emerging platform for national and regional collaboration.

One of the initiatives to promote co-operation among the riparian states is the Nile Basin Initiatives (NBI). The NBI contends that it is only through comprehensive planning, management and utilisation of natural resources, principally water, in a non-conflictual regional environment, that African countries can address the perennial problems of widespread famine and general lack of development.<sup>3</sup> Based in Entebbe,

Uganda, the NBI comprises representatives of all basin states except Eritrea (which retains an observer status) and is helping to coordinate separate Vision and Subsidiary Action programmes with broad development agendas. The implementation of these projects now presents the key challenge.<sup>4</sup>

### **Background**

The River Nile is one of the world's great rivers and traverses almost 6700 kilometres from its farthest sources at the headwaters of the Kagera River in Burundi and Rwanda to its Delta in Egypt. Ten countries share the Nile River: Burundi, Democratic Republic of Congo, Egypt, Eritrea, Ethiopia, Kenya, Rwanda, Sudan, Tanzania and Uganda. The Nile Basin serves as home to an estimated 300 million people within the riparian countries, while 140 million people out of them live outside the boundaries of the Nile Basin and use other water resources that include groundwater sources. Conflict (both inter- and intra-state) characterises relations in the Nile Basin.

The waters of the Nile are generally utilised for irrigation, hydro-electric power production, water supply, fishing, tourism, flood control, water transportation and the protection of public health.<sup>5</sup> In particular, the economy of the entire Nile Basin almost entirely consists of agricultural activities of the co-riparians of the Nile.

In the upper-basin states of Ethiopia, Eritrea, Kenya, Uganda, Tanzania, Democratic Republic of Congo, Rwanda and Burundi, settled agriculture is the general economic activity. The lower-basin states of Sudan and Egypt are also primarily agricultural economies but, in contrast with the upper-basin states, their agriculture is largely irrigation-based. The economic use of the Nile for purposes of agriculture (particularly irrigation-based agriculture) is, therefore, its most important use. In Egypt, a desert agricultural country, the entire life of the nation is dependent on the river's waters.

The water of the Nile comes from two sources, the Equatorial Plateau and the Ethiopian Highlands, both of which receive large quantities of rain. The Ethiopian Plateau contributes more than 80 percent of the Nile's total water supply, while the remainder comes from the lake Plateau of East Africa. During the season, when the river's water level is low, the white water Nile becomes the most important stream.

For some countries, such as DRC, the Nile water is only a small part of their total water resource. Other countries, as Burundi, Rwanda, Uganda, Sudan and Egypt are completely dependant on the Nile River for their water resource. The major determinant of the Nile Basin water balance remains the agricultural sector involving more than 70 percent of the population. The dependence on agriculture by this large sector of the population in spite of its limited share in the GDP may be the most important single factor regarding the poverty prevalent in the Nile Basin.<sup>6</sup>

The water of the Nile basin is a scarce resource in more than one sense. First, the Nile is a source of livelihood for the desert states of Egypt and Sudan. A review of the treaties on the utilisation of the Nile and Lake Victoria shows how Egypt has strenuously sought to ensure the security of the water flowing down the Nile. Second, the water is not evenly distributed either over the year or geographically. For instance, Ethiopia contributes approximately 85 percent of the volume of the water which flows annually past Khartoum. Yet most of the Ethiopian heavy rain is confined to a few months of the year and falls only over a part of the country, leaving Ethiopia as a

country of perennial droughts and famine. Similarly, the East African states contribute steadier, but much smaller contributions to the Nile.<sup>7</sup>

Historically, the reasons giving rise for such unfair status quo can be attributed to British colonialism which had a deep interest in the control of the Nile for its cotton plantations which were to supply its industries in Europe. 'The colonial treaties and the condominium over Sudan were designed mainly to protect Egypt's interests in the basin, since for many strategic and economic reasons Egypt had become the most important Nile basin riparian state for the British colonizers'.<sup>8</sup> After independence Egypt pursued more or less similar goals in securing the flow of the river to meet its own interests.

Egypt, the lowest riparian country, uncharacteristically controls the Nile. This was achieved mainly through the influence of England during the colonial period. The unity of the Nile basin countries is of great importance to Egypt as conflicts along the Nile have impaired its efforts of harnessing the Nile waters. For example, the Jonglei Canal project developed between Sudan and Egypt was halted in 1983 due to troubles in the South of Sudan. The machine digging the canal was subsequently destroyed by the SPLA.<sup>9</sup> A project like the Jonglei Canal that would benefit Egypt is impossible without peace. Many Egyptians see the internal troubles in Sudan or between Ethiopia and Eritrea as the main obstacle to international cooperation in the Nile Basin. For this reason Egypt supports the moderate pragmatic sides in Sudan. It has to this end at different times offered its service as a third-party facilitator in the Sudanese civil war as well as in the Eritrean-Ethiopian war.

It is, thus, the political troubles in the upstream countries, in Sudan, between Ethiopia and Eritrea, and around the Great Lakes, that are seen as the main obstacles to cooperation in the Nile Basin. The mistrust between the countries is seen as an obstacle that will take a long time to surmount.<sup>10</sup>

The conflict in the Nile Basin mainly emanates from the fact that Egypt is more than 95 percent dependent on water that stems from upstream countries; 85 percent of this water stems from the Ethiopian highlands. At present Ethiopia uses about three percent of its run-off, but it plans to use more in the future and is concerned that Egypt will hinder water development projects upstream. Depending on how upstream development is done, Egypt is concerned that less water could flow downstream.<sup>11</sup>

Ethiopia (of which Eritrea was part prior to 1994) has never ever accepted unilateral agreements because of the prejudice to the country's interest. Ethiopia in 1959 asserted, 'Ethiopia has reserved the right to utilize the water resources of the Nile for the benefit of its people, whatever might be the measure of such waters sought by riparian states'. Irrespective of the type of regime in Addis Ababa, the position of Ethiopia is one and only one: to have a win-win solution and legitimate right to use the Nile water for the socioeconomic development of the country and the region as a whole.<sup>12</sup> In addition to the historical reference to 'natural and territorial right', Ethiopia has to utilise its water to feed the people. No one is requested to offer this legitimate right at all.<sup>13</sup>

### **The Nile Basin Initiative**

One of the foremost underlying factors of the treaties on the Nile waters is that Egypt, as a desert state and the lowest riparian of the Nile, would be a party to each of the

ties, especially those dealing with consumptive use of the waters, while all the upper basin states would be involved in the different stages. There are about ten agreements dealing with consumptive use of the waters of the Nile. Prior to World War One, the treaties show Great Britain, representing Egypt, as the contracting state. The UK, then the administering colonial power over Sudan, signed an agreement with Italy (1891), Ethiopia (1902), the Independent State of Congo (1906), and with Italy and France (1906). There is a further agreement with Italy, signed by Britain, in 1925. Since then, Britain and Egypt signed all agreements on the Nile waters beginning with the 1929 agreement dealing with Egyptian rights generally vis-à-vis those of Sudan, and ending with the agreements for construction and maintenance of the Owen Falls Dam achieved by Exchange of Notes between 1949 and 1953.

After Sudan became independent in 1956, the fourth and final set of agreements was signed in 1959 between Egypt and Sudan on the utilisation of the Nile waters, and followed by a protocol establishing a Joint Technical Commission in 1960.

It should be noted that since the 1902 treaty there has not been any agreement between the lower riparian states, the Sudan and Egypt, and Ethiopia. Egypt and the UK or Sudan have signed other agreements since 1929, but in no instance was Ethiopia a party, even though more than 80 percent of the Nile waters reaching Egypt originate in Ethiopia.

In the 1929 agreement Egypt did not object to use of the Nile waters for construction of control works and subsequent irrigation in Sudan, but did insist on prior consultation and explicit agreement on what such construction would entail. The two countries would have to agree before Sudan could extract the water of the Nile to an extent that would change the quantity of the water flowing to Egypt.

As other riparian states became independent, they regarded the 1929 treaty as null and void while Egypt took the position that it remains valid and applicable. As pointed out earlier, Egypt considered the 1929 Agreement temporary pending determination of the political future of Sudan. It is against this background that the 1959 agreement between Egypt and Sudan over full utilisation and control of the Nile did not also involve the other riparian states.

In spite of the improvement in relations between formerly belligerent co-riparians, moving from relations characterised by political conflict to new forms of cooperation required significant institutional development. The fact that the countries were now in a position to develop institutional cooperation was not sufficient. They still required external assistance in order to facilitate this process. Thus, in 1992, the Council of Ministers (COM) of Water Affairs of the Nile Basin States launched an initiative to promote cooperation and development in the Basin. In 1993, the Technical Cooperation Committee for the Promotion of the Development and Environmental Protection of the Nile Basin (TECCONILE) was formed. Six of the riparian countries (Democratic Republic of Congo, Egypt, Rwanda, Sudan, Tanzania, and Uganda) joined as members whilst the other four riparian states (Burundi, Ethiopia, Kenya, and Eritrea) participated as observers. In 1995, within the framework of TECCONILE, the Nile River Basin Action Plan (NRBAP) was prepared with support from CIDA, and comprised 22 technical assistance projects totalling US\$100 million. One of the projects' objectives, which was to develop a cooperative framework for management of the Nile, is under implementation with UNDP funding (Project D3, the Cooperative

Framework). This was the first programme to include all the riparian countries, with the exception of Eritrea.

Further requests by the Nile COM led to the World Bank in 1997 agreeing to a request from the Council of Ministers (including all riparian governments except Eritrea) to lead and coordinate donor support for their joint activities. This included organising a donor meeting – the International Consortium for Cooperation on the Nile (ICCON) – to raise financing for cooperative projects. The World Bank, UNDP, and CIDA are currently facilitating dialogue and cooperation among the riparian states in order to create a climate of confidence within which a cooperative framework can be established and sustained. Under this initiative a number of joint projects are currently being identified and developed for presentation to the Consortium for financing.<sup>14</sup>

In 1993, another initiative was initiated and funded by CIDA. This culminated in the Nile 2002 Conference series which was designed to address the issue of dialogue and public participation. This initiative was planned for a span of ten years and provided for one conference to be held in each of the ten riparian countries. Nine of these conferences took place and were attended by approximately 350 people each. The participants included people from different sectors and backgrounds, i.e., government, NGOs, private sector and researchers.<sup>15</sup>

Whilst there is no current formal legal agreement between all the countries of the Nile Basin on how the resources can be jointly developed for maximum mutual benefit, the D3 Project is expected to resolve the problem. But in the interim, the Nile-COM was established as a transitional mechanism made up of the Council of Ministers (the Nile-COM), a Technical Advisory Committee (Nile-TAC), and a Secretariat (Nile-SEC). And in May 1999 it was officially named the Nile Basin Initiative (NBI). Subsequently, the Initiative's Secretariat was established in Entebbe, Uganda in June 1999. It was officially opened in September 1999 and received international organisational status under Ugandan Law in September 2000.

The Nile Basin Initiative was developed with assistance from UNDP and CIDA with the intention of helping reduce tensions and create a framework for equitable sharing and 'cooperative development' of Nile water resources. The NBI also serves as the funding conduit for financial institutions interested in the region. It now forms the most important basin-level approach to cooperative development of the Nile waters ever undertaken, and its significance extends well beyond the basin itself.

The Nile Basin Initiative is broadly a 'transitional arrangement until a permanent legal and institutional framework is in place',<sup>16</sup> and comprises a Council of Ministers of Water Affairs of the Nile Basin (Nile-COM), a Technical Advisory Committee (Nile-TAC) and a Secretariat (Nile-SEC); the latter is located in Entebbe.

The NBI's ambitious programme includes projects in fisheries, watershed management, desertification control, flood management, pollution reduction, water-use efficiency and waterborne disease control. Such projects have great potential to improve cooperation among the basin states, as well as improve the lives of the region's residents.

In order to move forward the cooperation agenda, the Nile-COM, at its Extraordinary Meeting in February 1999, adopted a Shared Vision: to achieve sustainable socioeconomic development through the equitable utilisation of, and benefit from, the common Nile Basin water resources.

The policy guidelines which accompanied the vision, provided a basin-wide framework for moving forward with cooperative action, and established the primary objectives of the NBI as being to:

- Develop the water resources of the Nile Basin in a sustainable and equitable way to ensure prosperity, security, and peace for all its peoples;
- Ensure efficient water management and the optimal use of the resources;
- Ensure cooperation and joint action between the riparian countries, seeking win-win gains;
- Target poverty eradication and promote economic integration.

To help to achieve the ultimate goal of co-operative development on the Nile, the riparian governments are developing a Strategic Action Programme composed of two complementary sub-programmes:

- A basin-wide ‘Shared Vision’ Programme (SVP) which will articulate a common purpose among the riparians and implement activities to coordinate and enable implementation of the shared vision, and
- ‘Subsidiary Action Programmes’ (SAPs) which will 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.

The success to date of the NBI lies in one of its institutional innovations, namely the application of the principle of subsidiarity, or management of the basin at the lowest appropriate level.<sup>17</sup> This has led to institutional division into an ‘Eastern Nile’ comprising Ethiopia, Sudan, and Egypt (and Eritrea too, were it to formalise its participation), and the Nile ‘equatorial lakes’ countries (comprising Kenya, Uganda, Tanzania, the DRC, Rwanda, and Burundi as well as Egypt and Sudan). The inclusion of the latter two represents recognition of the importance of the White Nile to both countries. The basic rationale is that in reducing decision-making complexity the process of cooperation can be facilitated.<sup>18</sup>

The involvement of third parties, such as the World Bank, the United States, and Canada, in environmental conflicts further complicates the issues of political, social, and economic interests, and hinders regional cooperation. Third parties become active players in environmentally-induced conflicts through the creation of insensible policies and programmes. Furthermore, autocratic government control over civil society prevents the emergence of vibrant non-governmental organisations (NGO) with respect to economic projects and political programs. Thus, both domestic and international NGOs are not prevalent, while the influence of third parties strengthens.

Implications of the absence of NGOs include a shortage of active community participation in project creation, a lack of micro-level information regarding project development, and a deficiency in day-to-day understanding of the consequences of such projects. Consequently, project designs fail to incorporate community intricacies, which inhibit community subsistence and project success. As a result, large projects like the NBI generate problematic ramifications because of the lack of adequate information, local expertise, and community participation. Local and national NGOs are more aware of the intricacies of the region and its political, social, and economic

qualities. The role of third parties, such as the World Bank, continues to create a schism between the project planners and those individuals directly implicated by its construction or implementation. Therefore, due to the involvement of third parties, the absence of an NGO presence, and the aspects of Nile Basin politics, the NBI will fail to achieve the intricate goals of conflict resolution and regional cooperation.<sup>19</sup>

One of the major challenges to ensuring the sustainability of the NBI is the creation of a process of institutional support at all levels, including civil society at regional, national, and local levels. The importance of this challenge has been emphasised within the Nile Basin Discourse Project (undertaken since 2001) that attempts to facilitate dialogue about the NBI and to establish learning processes for institutions involved in Nile Basin-related activities, be they environmental, socioeconomic, or cultural. In 2003 a formal Nile Basin Discourse Desk was established in Entebbe.<sup>20</sup> The other major challenges facing the NBI are: political instability; mistrust and other shortcomings to mutual co-operation among the riparian countries; lack of transparency in dealing with issues of common interest; lack of technical, financial, and economic capacity; lack of long-term visions and long-term planning; inappropriate legal and institutional framework for water management; and various disparities within the region.<sup>21</sup>

### **The Challenges**

The major impediment on the road towards effective cooperation on the Nile has been the position of some lower riparian states which are bent on appropriating the entire flow of the river to the detriment of other rightful states. There seems to be an entrenched desire not to accept the legitimate rights of other riparian states to share in its bountiful resources. Both history and nature have colluded to lend credence to this deep seated desire, sustained by a myth that 'Egypt is the gift of the Nile' to assert monopolistic claim over the entire course of the river.<sup>22</sup>

As Okidi observes, the average volume of water each riparian contributes to the Nile basin might be taken into account in deciding how much water a country might properly divert for national use. In the case of East Africa, Lake Victoria's contribution is easily determined from discharge records at the Owen Falls Dam, but for the purpose of policy the exact proportion of the annual outflow of each country separately needs to be established. This line of analysis should use percentage of volume rather than absolute quantity because when an upper riparian diverts water flowing through its territory from an international basin the fear of deprivation or injury expressed by a lower riparian becomes clear when expressed in proportions.<sup>23</sup>

In contrast, upper riparian countries, which were embroiled in endless conflicts and general instability, have been unable to give full attention to the development of their water resources. In the absence of formidable challenge, Egypt in particular, carried out a series of major water projects that had the consequences of not only appropriating large portions of the Nile waters, but also bringing the flow within its sovereign jurisdiction. It deployed all human, material and scientific resources to put in place the legal and institutional structures that could enable it to acquire full monopoly over the river.

In this connection, one of the major steps taken by Egypt, after co-opting Sudan, was the conclusion of the 1959 Agreement to appropriate all the waters of the Nile

between themselves. In the agreement Sudan as a junior partner, was allotted 18.5 billion cubic metres of water while Egypt retained 55.5 billion cubic metres: the lion's share.

Egypt and Sudan have made a provision in the Agreement 'to study together' and 'adopt a unified view' on other riparian claims to share in the Nile waters. 'If such studies result in the possibility of allocating an amount of the Nile waters to one or the other of these territories, then the value of this amount as at Aswan shall be deducted in equal shares from the share of each of the two Republics.'

The conflict in sharing international water in this case is between upper riparians and lower riparians. As already indicated, the problem lies in the diametrically opposed dimensions of water rights, which these two groups of riparians tend to take.

As a general rule, upper riparians in successive rivers have asserted claims to individual property rights in the part of the river flowing in their territory (for example, the Harmon Doctrine), while lower riparians have made the opposite claim, insisting on the principle of non-interference with the natural flow of the river in their territory.

More than 95 percent of Egypt's water stems from the Nile, which means that it depends on rainfall outside of its territory. Egypt has therefore always closely observed Ethiopia's water development plans. Ethiopia's irrigation plans are of great concern since they could reduce the water flow in the Nile. Currently, Ethiopia's economic capacity does not yet allow full implementation of its irrigation plans. Ethiopia's present food production is dependent on rain-fed agriculture, which is unreliable because of the irregularity of the seasonal rains.

### **The Eritrean Case**

The current state of affairs with the use and distribution of Nile water in general and the Blue Nile in particular is based on several historical agreements. Some of them were formulated and signed by the colonial administrator of the regions. Allan (1999) observes that the utilisation of the water of the Nile Basin was influenced by the United Kingdom, which directly or indirectly controlled the political economy of the basin. The surprising character of these treaties is that almost all of them were intentionally crafted to benefit Egypt and offered unlimited freedom to dominate and be a monopoly power in the region. The British are thus responsible for the ever-arising conflict that recurs since they were the main architects of these treaties.<sup>24</sup>

One of the peculiar features in the management and allocation of the Nile River is the absence of a single agreement or treaty that represents all of the ten riparian states.<sup>25</sup> The practical application and acceptability of the existing partially established treaties are thus not backed up by any comprehensive agreement of all riparian countries. The governing power and conflict solving capacity is, therefore, uncertain and inefficient.<sup>26</sup> Moreover, the position of Eritrea is the weakest one in the fact that it has retained an observer status which has hindered its effective participation and negotiation with the other riparian states.

Eritrea is a small country on the north-eastern fringes of the Nile basin. It shares the drainage basin of the Setit-Tekeze (Atbara) River with Ethiopia and Sudan. A sixth of its population lives within the Nile basin. It is dominated by an extension of the Ethiopian highlands in the west, descending to the coastal plains. The highlands can receive up to 69 cm of rainfall but the coastal plains tend to be hot and arid.<sup>27</sup> Most of the



population and agricultural activities tend to be concentrated in the Central Highlands. Eighty percent of the population is involved in farming or herding. Most of the rain comes in during July to October, highly torrential and erratic, providing the main source of water to the country.

The agriculture of Eritrea does not produce enough food to feed its own people. Its farms in the highlands suffer from frequent and unpredictable droughts. The Eritrean government has embarked on an ambitious and unconventional programme to develop sea water agriculture, silviculture, and mariculture on its deserts bordering the sea. This programme is thought to be potentially more productive than conventional fresh water agriculture and is bound to lessen the ever-increasing tension around the distributions of resources on the Nile, as Eritrea is not dependent on the Nile since the river only passes through a small part of its territory. While the Blue Nile will remain an important, but potential, economic resource for Ethiopia until further shifts in riparian and international relations take place, for Eritrea, the volumes of Nile water available now and in the future are negligible. Nearly 80 percent of water sources rely on groundwater: just more than half of all water sources are hand-dug wells, and another one-quarter are boreholes, or machine-dug wells. While both sources rely on groundwater, boreholes are constructed using machines and are often given covering and a protective apron around the ground opening to guard against contamination, unlike hand-dug wells that are not necessarily protected.<sup>28</sup>

However, Eritrea has a firm belief in accepting negotiation in good faith and confidence, on the basis of equitable utilisation so as to avoid the danger of engaging in competitive and conflicting use of the water.

The main water use conflict exists between the countries of the Eastern Nile Basin, Egypt, Sudan and Ethiopia. While forming part of the Eastern Nile Basin, Eritrea is thus here only treated in summary, similarly to some other Nile countries as it is not a major contributor to or dependent of the Eastern Nile Basin.

Eritrea has had a chequered history of conflict with its neighbours with the major conflicts involving Ethiopia, Sudan, and Yemen over its borders, and therefore, security has been a key determinant of Eritrea's foreign policy.

As in Ethiopia, rainfall in Eritrea is largely limited to a four month period. Eritrea's contribution to the Nile Basin area is relatively small. Hence after seceding from Ethiopia, Eritrea's position on the Nile has not been of major concern to its foreign policy formulators as it neither makes a substantial contribution nor benefits substantially from the Nile basin. Hence, it has always taken the position of observer status in the Nile basin development initiatives, especially the NBI.

A major objective of Eritrea has been to increase food security, in order to reduce dependence on foreign aid.<sup>29</sup> This has led to a drive in increasing water security. To this end, a National Water Policy was drafted in 1997. Its main objectives are to do an inventory of existing water supplies, establish a resource centre for such data, and to improve planning, assessment and management of these water resources. Involvement of the entire community is seen as vital for project success.<sup>30</sup>

Harnessing rainfall appears to represent the greatest opportunity for increasing water availability in Eritrea. By constructing small dams to store peak runoff, water can be retained to increase supplies for irrigation and domestic use. Terracing agricultural plots also appears to aid in reducing soil erosion as well as retain rainwater

and thereby increase infiltration.<sup>31</sup> It is within this context that Eritrea has become involved in the cooperation initiative, but not as a result of its contribution or usage of the Nile waters. Eritrea holds the position that consensual cooperation can only be achieved when all riparian states are involved in any development initiatives on the Nile basin.

### Conclusion

The NBI initiative has so far mainly involved water technocrats in the process. Although this initiative is undertaken up to the ministerial level, it does not yet have institutionalised 'political will' from the riparian states. The NBI, thus, so far is simply a 'water authority'. The problem with this is the fact that not only the political centre but also the publics of the participating states are yet to be involved in the process. Since the issue of 'equitable utilisation' is central to the process, it means that there are political compromises that have to be reached that would eventually affect the average individual state or long propagated expectations (for instance, less water for Egypt affecting mostly farmers or not gaining full control by the upper riparian countries). This is currently not taking place, since the NBI process has not progressed to involve the top political powers of participating countries.

Secondly, public participation in the NBI seemed to have come as an after-thought, mainly to satisfy the need of funding agencies when the first ICCON meeting was planned. Even then, such participation remains simply a 'window dressing' exercise.

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