

**Security Council**

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Letter dated 12 April 2021 from the Chargé d'affaires a.i. of the Permanent Mission of the Sudan to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, I have the honour to attach herewith, for your attention, a copy of a self-explanatory letter dated 10 April 2021 (see annex), which His Excellency Prof. Yasir Abbas Mohamed, Minister of Irrigation and Water Resources of the Republic of the Sudan, sent to his Ethiopian counterpart in reply to the latter's letter dated 8 April 2021.

It should be noted that a copy of the present letter has also been sent to the Secretary-General, for his perusal.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Mohamed Ibrahim Mohamed **Elbahi**
Chargé d'affaires a.i.



**Annex to the letter dated 12 April 2021 from the Chargé d'affaires
a.i. of the Permanent Mission of the Sudan to the United Nations
addressed to the President of the Security Council**

Thank you for your letter dated April 8, 2021 which brought both positive and negative news. On the positive side, you invited Sudan to nominate a focal point for data exchange. Indeed, this is a positive development and a step in the right direction to recognize the need for coordination and exchange of information and data with Sudan to avoid and mitigate the negative impacts of GERD on Sudan and its population. However, as you are aware data exchange is only one inseparable element from the other elements which constitute the guidelines and rules for filling and operation of GERD. The other elements include among other things the technical aspects of the filling and operation of GERD, dam safety aspects, management and environmental and social impact aspects. It is on these other elements data will be exchanged. Therefore, unless we reach an agreement on the complete set of rules and guidelines of the filling and operation of GERD it is not clear what data exactly these focal points will be exchanging.

In this regard, I would like to recall your letter to me dated December 7, 2020 in which you stated: "If your letter is aimed to make the point that data exchange is important you will agree with me that agreement need to be concluded in order to exchange information between sovereign countries". Because of these reasons the 2015 Declaration of Principles signed among the three parties called (in paragraphs 5 (a) and (b)) for reaching an agreement on the filling and operation of GERD. Moreover, the DoP did set 15 months of signing the DoP as the deadline for reaching this agreement, we are past due the deadline by 6 years now. That is why Sudan has been calling for reaching a binding agreement on the filling and operation of GERD before the commencement of filling.

Accordingly, we believe that the right thing to do at this stage is to resume immediately the trilateral negotiations under an enhanced and more effective negotiations format with the mediation/facilitation support of our regional and international partners to conclude the remaining outstanding issues on the rules and guidelines for filling and operation of GERD. As you know, at the start of the AU process it was acknowledged by the three parties and as expressed in the AU communiqué dated June 26, 2020, that 90% of the issues have been resolved and only few outstanding issues remained to be ironed out. Therefore, we strongly believe that with a renewed and sincere political commitment from all parties coupled with an enhanced negotiations format there is a real opportunity to reach an agreement in few weeks paving the way for an orderly second-stage filling consistent with international law, allowing Ethiopia to fully achieve its second-stage filling target while sparing Sudan unnecessary harm to its population and assets.

Excellency,

Let me now turn to the few negative news brought by your letter. Top on the list is that the letter serves as a notification that Ethiopia intends to proceed with the second-stage filling with or without an agreement. We consider that a unilateral filling without an agreement on the rules and guidelines as stipulated in the DoP is a violation of international law. Therefore, we once again call upon Ethiopia to refrain from repeating the unilateral actions of last year which caused significant harm to Sudan by disrupting water supply to millions of people as a result of the sudden and uncoordinated drop in water levels. If you proceed with the planned second-stage filling without an agreement that will cause even more harm to Sudan since the second-stage filling will retain 13.5 BCM which is about more than 3 times last year's filling.

I would like to also reflect on the annex to your letter on the “bottom outlet testing” planned to take place as you indicated on April 10, 2021 (i.e., today) which means you conveyed this important information less than 48 hours of the start of the planned tests. This is a perfect example of why an advance agreement on the rules is important, it is also an excellent demonstration of why data exchange is not simply a matter of advance “notification” of intended unilateral actions.

Any reasonable dam expert or operator would agree that giving only 48-hour advance notice of such an important testing exercise is not consistent with normal practice, especially when such testing will result in an unexpected 1 billion cubic metre (BCM) of additional water into Rosereis Reservoir which has a total capacity of only 7 BCM. This testing will definitely have an impact on our dam management and water resources planning for irrigation and electricity generation during the testing period and beyond requiring adjustments from our side, therefore, we should have been given not only adequate advance notification but also an opportunity to discuss our own plans so that you can reach a formula that will allow you to conduct the testing taking into account Sudan’s downstream consideration; but also allow us the opportunity to adjust our own plans.

Excellency,

I conclude by, once again, thanking you for the initiative and calling upon you to seize this opportunity of goodwill to agree to Sudan’s proposal to resume negotiations under an enhanced negotiations format taking into consideration the lessons learnt in previous rounds. A mediation/facilitation process involving the international partners who have been supporting the three countries will help bring us closer in the remaining outstanding issues.

(Signed) Prof. Yasir Abbas **Mohamed**
Minister of Irrigation and Water Resources
Republic of the Sudan

Cc:

- H.E. Dr. Mohamed Abd el-Aty, Minister of Water Resources and Irrigation, Arab Republic of Egypt
- Minister for Foreign Affairs, Democratic Republic of the Congo
- H.E. Moussa Faki; Chairperson of the African Union Commission, Addis Ababa
- Observers and experts of the trilateral negotiations on the GERD
- Secretary-General of the United Nations