

**Security Council**

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Letter dated 23 June 2021 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, I have the honour to convey to you a letter from Demeke Mekonnen, Deputy Prime Minister and Minister for Foreign Affairs of the Federal Democratic Republic of Ethiopia (see annex), regarding the trilateral negotiations between Ethiopia, Egypt and the Sudan on the Grand Ethiopian Renaissance Dam brought to your attention by a letter from Egypt dated 11 June 2021.

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

(Signed) Taye Atske-Selassie **Amde**
Ambassador
Permanent Representative



Annex to the letter dated 23 June 2021 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council

I would like to convey my best wishes for your presidency of the Security Council for the month of June.

I write to you regarding the trilateral negotiation on the Grand Ethiopian Renaissance Dam. It is our firm belief that the dam is a matter of cooperative endeavour that falls within the purview of the three parties. With the Council's encouragement, the matter is currently being handled ably by the African Union. With the requisite display of commitment and the goodwill of the parties, I have no doubt that the matter will come to a fruitful conclusion.

Allow me to apprise you of the developments in the ongoing trilateral negotiation process. In this regard, I would respectfully draw your attention to Ethiopia's letters addressed to the Security Council on 14 May 2020 ([S/2020/409](#)), 10 June and 26 June 2020 ([S/2020/623](#)), 22 June 2020 ([S/2020/567](#)) and 16 April 2021 ([S/2021/376](#)).

On 29 June 2020, members of the Security Council encouraged the three countries to continue negotiations to resolve the outstanding issues and expressed support for the African Union-led process. The Republic of South Africa, during its chairmanship of the African Union, and the Democratic Republic of Congo, since the assumption of its chairmanship in February 2021, have been discharging their role to facilitate the trilateral talks on the Grand Ethiopian Renaissance Dam. Unfortunately, since its commencement, Egypt and the Sudan have disrupted the African Union-led negotiation nine times, each time blocking a productive discussion.

In April 2021, in Kinshasa, while the three countries should have been using the opportunity to negotiate and resolve outstanding issues, Egypt and the Sudan tried to suffocate the process by injecting unrelated issues, with a view to circumventing the role of the African Union. Those two countries refused to continue the negotiation unless some of the observers assumed a lead role, thereby undermining ownership of the process by the three countries. As a result, the Democratic Republic of the Congo was left with no option but to try and salvage the meeting by producing a consensus communiqué. Ethiopia agreed to the communiqué with slight changes to two paragraphs, while Egypt and the Sudan rejected it categorically.

In May 2021, President Félix Antoine Tshilombo Tshisekedi of the Democratic Republic of Congo proposed a phased approach for the talks, after a highly regarded and welcome shuttle diplomacy between the capitals of the three countries. Ethiopia accepted the proposal and forwarded its version of the filling rules, per the request of the Chairperson. In addition, President Tshisekedi designated a facilitator to the trilateral process to fast-track the talks with full-time and regular follow-up. Egypt rejected the esteemed facilitator, thereby squandering the efforts of the Democratic Republic of the Congo and prolonging the process.

On 17 June 2021, the Democratic Republic of the Congo called for a meeting of the Bureau of the African Union Assembly to be held on 24 June 2021, which would deliberate on the matter of the Grand Ethiopian Renaissance Dam and subsequent negotiations based on the phased approach. Furthermore, the Democratic Republic of the Congo is engaging with the United Nations Secretariat to acquire support in the discharge of its role to facilitate the negotiations. Notwithstanding these sincere and encouraging efforts by the African Union, on 9 May 2021, Egypt and the Sudan met in Khartoum to unceremoniously declare the negotiation a failure. In addition, Egypt and the Sudan went ahead and tried to drag the Arab League into the situation, which

Ethiopia believes is unhelpful. The efforts of Egypt and the Sudan are bound to create misunderstanding between the African Union and the Arab League.

The second-year filling of the Grand Ethiopian Renaissance Dam will be administered in the coming rainy season, starting in July. The filling will follow the stage-based schedule and rules on which understanding has been reached in the trilateral process. Egypt and the Sudan insist that Ethiopia should not be allowed to fill the dam without their consent. Ethiopia, as a riparian country that contributes 86 per cent of the entire water flow, has the right to utilize the Nile. Ethiopia is under no obligation under international law or practice to seek the consent of the two lower riparian countries. That would clearly amount to affording a veto power to those two countries over the development endeavours of the more than 110 million people of Ethiopia.

The avenue of trilateral talks initiated for promoting cooperation is not an instrument to subject Ethiopia to the whims and wishes of the two lower riparian countries. The demands and obstructions of Egypt and the Sudan are rooted in their colonial and monopolistic sense of entitlement, which purports to foreclose Ethiopia from utilizing the waters of the Nile without their permission. Nonetheless, international law and principles fully recognize Ethiopia's right to utilize the Nile in accordance with the accepted principles of international law. Filling and operating the Grand Ethiopian Renaissance Dam without seeking agreement from Egypt and the Sudan is the bare minimum in the exercise of this sovereign prerogative as a riparian country of an international watercourse.

It is worth noting that, on 20 May 2021, the Minister for Foreign Affairs of Egypt is reported to have pronounced to the Egyptian parliament: "We are confident the second filling of the dam by Ethiopia won't affect Egyptian water interests adversely. We can deal with it through strict management of our water resources ... we have enough water supplies in the Aswan Dam reservoir". Egypt's contradicting narratives to its public and to the international community are part of its effort to make the second-year filling of the dam an international phenomenon due to domestic political considerations that the Security Council could have been spared from.

Ethiopia assures the Council that the Grand Ethiopian Renaissance Dam would be a model for transboundary cooperation, not a source of concern to peace and security. A project that is intended to generate hydropower to improve the lives of 65 million people who have no access to electricity cannot be a threat to peace and security. The dam represents an African effort at self-reliance and commitment to uprooting the poverty that underpins the vicious cycle of conflict and insecurity in the region.

The rhetoric on the part of Egypt that Ethiopia should not be allowed to extract a drop of water from the Nile system, concerning securitization of the Nile, and seeking the involvement of the Security Council outside of its mandate erodes trust between the three countries. In this regard, Ethiopia calls the attention of the Security Council to the bellicose statements and conduct of Egypt and the Sudan. Those two countries should not treat their letters to the Security Council as a licence to impair regional peace and security.

By now, it is clear to everyone that Egypt's obstruction and undue internationalization of the issue have no limits. I would like to reiterate that Egypt and the Sudan's recent actions are simply a continuation of a well-orchestrated scheme to undermine the African Union-led process and eventually declare it ineffective.

I therefore respectfully submit that the Council defer to the African Union on the matter to conclude the ongoing process in accordance with the principle of

complementarity. Furthermore, Egypt and the Sudan should be encouraged to negotiate in good faith to reach a mutually acceptable outcome.

I should be most grateful if you would circulate the present letter and its enclosure to the members of the Security Council. The enclosed memorandum explains the progress in the African Union-led trilateral negotiation, elucidates the dynamics in the Nile basin and highlights Ethiopia's position and far-reaching attempts to accommodate the unceasing and inconsiderate demands of the two lower riparian countries.

(Signed) Demeke **Mekonnen**
Deputy Prime Minister
and Minister for Foreign Affairs

Enclosure

THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

THE GRAND ETHIOPIAN RENAISSANCE DAM

MÉMORANDUM

23 June 2021

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EXECUTIVE SUMMARY

1. Egypt's submission of 11 June 2021 on the Grand Ethiopian Renaissance Dam (GERD) development project does not concern international peace and security. Furthermore, the African Union, is seized of and leading the trilateral negotiation. The absence of political commitment on the part of Egypt and Sudan to let go of a colonial privilege and aspiration of monopolizing the waters of the Nile are the reasons for the non-conclusion of the negotiation by a mutually acceptable agreement. The status-quo on the Nile Basin contravenes fundamental principles of international law and international relations enshrined under the UN Charter and the AU Constitutive Act. This reality and the insistence of Egypt and Sudan to preserve it also undermines the inalienable right of all states to freely dispose their natural wealth and resources in accordance with their national interests and accepted principles on the utilization of transboundary water resources of equitable and reasonable utilization and causing no significant harm.
2. Water is a critical resource that has in the past and will in the future be a subject of international discourse and concern for humanity. Transboundary water resources especially call for wise management of the resource and rule-based order and cooperation. The Nile traverses eleven countries. Unfortunately, the river is burdened with a colonial heritage that denies nine sovereign states their inalienable right to use their natural resource. When these African countries become independent, their right over the Nile remained entangled with colonialism due to the unfortunate decision of Egypt and Sudan to stand vanguard to the colonial arrangements by renewing the 1929 agreement through 1959 Treaty. The 1959 Treaty is ironically titled, "Agreement between the Republic of the Sudan and the United Arab Republic for **the Full Utilization of the Nile Waters**, signed at Cairo, on 8 November 1959". Hence, the first step to make sure water does not become a cause of conflict, is replacing the colonial status-quo with a regime that ensures the right of each riparian country for equitable and reasonable share of the resource. Egypt's stance that stands on the way of this progress and tends to maintain the unjust status-quo will indeed pose a threat to peace and security.
3. The Grand Ethiopian Renaissance Dam Project (GERD) is a hydropower dam under construction on the Abbay/Blue Nile River in Ethiopia. With installed capacity of 5150 megawatt of hydropower, the GERD will provide fifteen thousand seven hundred gigawatt hours per year clean energy. The GERD is critical to ensuring dignified and adequate standard of living for millions of Ethiopians leading life in abject poverty. Ethiopia, the largest land locked developing country without alternative water resources, has no option but to utilize the waters of Abbay/Blue Nile that constitutes two-third of Ethiopia's water resources.
4. Construction of the Dam commenced in December 2010. Ethiopia conceived a plan to build a dam on Abbay/Blue Nile in the 1950s followed by studies in the 1960s and 1990s. In fact, considering the multiple benefits to the Nile Basin countries, different studies conducted by prominent experts in the field recommended construction of dams in the Ethiopian highlands. Contrarily, the High Aswan dam built at a location where there is one of the highest evaporations is described as "the wrong dam at the wrong place".
5. In 2007, Egypt, Ethiopia and the Sudan conducted the prefeasibility study of the Border Dam (now GERD) as a Joint Multipurpose Project (JMP). An Egyptian expert led the joint study under the auspices of the Eastern Nile Subsidiary Action Program of the Nile Basin Initiative (NBI). Unfortunately, the JMP was frustrated by Egypt that decided to undercut the joint plan. Ethiopia pursued the plan and built a more efficient and beneficial dam using its own resources due to the impediments to acquire international finance but not for lack of trying.
6. The construction of the dam was commenced after necessary studies were conducted and its multiple benefits to the basin countries as well as the entire region were proved. Egypt and Sudan will at no cost gain enormous benefits from the GERD. The Dam will: i) enhance Ethiopia's energy availability ii) regulate water flow that will enhance water management for irrigation and other water uses in Egypt and the Sudan iii) allow enhanced sediment management thereby reducing cost of dredging irrigation canals and increase the life of downstream dams iv) enable water saving and avoidance of water loss due to seepage and evaporation v) uplift energy of existing power stations at Roseries, Sennar and Merowe dams in the Sudan vi) serve as a buffer against climate change-induced extremes-flood and drought, and net reduction in Green House Gases emission vii) strengthen regional socio-economic integration, viii) increase regional water storage capacity by 60 billion cubic meters and increases the installed capacity of power by 5150 MW ix) enable maximizing renewable energy mix in the Nile Basin and East Africa region x) increase the safety of dams in Sudan and the High Aswan Dam against major consecutive floods.
7. Because the GERD will augment regional socio-economic integration and support peace and stability in the entire region, the African Union incorporated the project in AU's Project for Infrastructure Development in Africa (PIDA).

The GERD will help realize the global agendas of the Sustainable Development Goals (SDGs) for more than 100 million people.

8. International peace and security are causes to which Ethiopia makes the ultimate commitment and sacrifice. The betterment of Ethiopia together with that of the two lower riparian countries cannot possibly be a peace and security concern. A country that is a source of eighty six percent of a transboundary river claiming its equitable and reasonable share cannot possibly disrupt peace and security. The dealings of the Council are supremely important and shall strictly be limited to its mandate as prescribed under the UN Charter. In this regard, it is unfortunate to see abuse of the principle and time and energy of the Council by Egypt and Sudan towards their underserving political end.
9. Underscoring the unparalleled opportunities for cooperation and to address outstanding issues through dialogue, Ethiopia calls upon the international community in general and the UNSC in particular to encourage the Arab Republic of Egypt and Sudan to:
 - Continue the tripartite negotiation on the guidelines and rules on the first filling and annual operation of the GERD in the spirit of good faith to reach a mutually beneficial agreement, under the auspices of the AU.
 - Abandon their insistence to preserve the colonial and postcolonial and self claimed “historic rights and current use” and desist from their relentless efforts to politicize and escalate the remaining technical negotiations.
 - Sign and ratify the CFA, in order to forge a genuine cooperation for equitable and reasonable utilization of the Nile waters for common benefits of all the basin countries.

I. EGYPT'S SUBMISSION TO THE COUNCIL DOES NOT CONCERN PEACE AND SECURITY

10. The GERD is a hydroelectric dam project being built in Ethiopia, at a site that has seven times lesser evaporation than the High Aswan Dam. The GERD reservoir is two and half times smaller than Egypt's Aswan Dam reservoir. The GERD generates electricity to sixty-five million Ethiopians that have no access to electricity. The GERD saves water and increases water availability in the Nile Basin. Due to this, Sudan will be able to expand its irrigation and its electricity generation will be uplifted by 2700 MW/year, surely alleviating the energy deficiency Sudan is facing.
11. Egypt's claims that water shortage of a mere one billion cubic meters will result in huge loss of jobs and cultivated land resulting in migration with a purpose of misleading the international community. This is disingenuous to say the list and deliberately omits the overall context of water misuse, availability of alternative sources and most of all assumes that other riparian countries have no right to use the waters of the Nile. Before making such sweeping and unrealistic conclusions, Egypt should give due considerations to its wasteful water management in its irrigation canals, huge loss of water of more than 10 billion cubic meter per year to evaporation in the High Aswan Dam, reverse its illegal diversion of water beyond the boundary of the Nile basin, and above all recognize the equitable share and use of the Nile by all basin countries. Moreover, all of Egypt's water demand must not be fulfilled by the Nile; it should utilize its huge alternative water resources with trillions of cubic meters in ground water and infinite potential from desalination of its sea waters.
12. International peace and security are causes to which Ethiopia makes the ultimate commitment and sacrifice. The betterment of Ethiopia together with that of the two lower riparian countries cannot possibly be a peace and security concern. A country that is a source of eighty six percent of a transboundary river claiming its equitable and reasonable share cannot possibly disrupt peace and security. The dealings of the Council are supremely important and shall strictly be limited to its mandate as prescribed under the UN Charter. In this regard, it is unfortunate to see abuse of the principle and time and energy of the Council by Egypt and Sudan towards their underserving political end.
13. In real terms, what Egypt and Sudan are asking the Council is to add its voice and intervene in the matter to address their domestic political cause. Unfortunately, a wrong expectation and hyped-up emotion planted in the popular psyche of Egypt disallowed it from reaching an agreement unless for a serious political backlash. Nevertheless, the UN Security Council has no role in righting such misguided policy and smoothing the discord governments have with their people. Only the government of Egypt can play that role. It is incumbent upon the government of Egypt to bring its public and political elite around the idea of cooperation instead of hegemony and equitable utilization in the place of colonial monopoly. Fortunately, the GERD provides a golden opportunity and the gift of time for Egypt and Sudan to reorient their approach. The GERD as a hydro-electric dam with tangible benefits will allow Egypt and Sudan to adjust themselves to a Nile Basin reality where all riparian countries are set to use their share of the river to respond to an increasing demand of their demography.
14. It may take time as well as resource to resize monopoly to fair share. This time and resource can only come from good faith negotiation and dealings with all the Nile Riparian countries. The African Union already provided the platform for this negotiation, which Egypt and Sudan should be advised and implored to make the best use of.

II. THE AU LED NEGOTIATIONS

15. During the open debate on the GERD, held on 29 June 2020, members of the UN Security Council encouraged the three countries to continue negotiations to resolve the outstanding issues and expressed support for the African Union-led process to facilitate further negotiations. The AU is seized of the matter since June 2020 continued its leadership under the convening role of the then Chairperson of the AU – President of the Republic of South Africa. The Chairperson of the African Union designated a team of experts to assist the negotiation process. This team of experts made proposals in two rounds, which Ethiopia accepted as a working document for the negotiation. Egypt rejected the proposition in its entirety. Sudan agreed to use these propositions as a working document to later on, join Egypt in rejecting any constructive deliberation under the auspices of the AU. From July to February the two countries interrupted the negotiation seven times in a period of seven months[see [Annex 1. Disruptions of the AU led negotiation process](#)].
16. The president of the Democratic Republic of Congo (DRC), current Chairperson of the African Union, convened a meeting from 04 – 06 April 2021. Egypt and Sudan pushed an agenda that takes the process out of the hands of the three countries as well as the AU. In an unprecedented manner, they demanded the US and EU to play a role similar to

that of the parties themselves. They also made a proposal that diminishes the role of the AU Chairperson and provide a lead role to these selected observers. In addition, they attempted to sever the inherent institutional link and unity between the AU Commission and the Chairperson of the Union. Further, they ostracized the Republic of South Africa from its role as an observer.

17. Ethiopia, took a position that corrected the destructive moves by Egypt and Sudan and paved a way forward. Accordingly, South Africa returned to its observer role, Ethiopia proposed for the observers to be given a role to advise on solutions when jointly requested by the countries, and the AU Chairperson was allowed to use the AU Commission and other resources at his disposal in support of his facilitation role. Moreover, Ethiopia offered establishment of a data exchange mechanism. Unfortunately, none of these concessions and good faith efforts could satisfy the demands of Egypt and Sudan which were hell bent on making sure that the Kinshasa meeting and the AU led process fail.
18. After the Kinshasa meeting in April, the Chairperson of the African Union visited the three countries and proposed possible solutions to reach a mutually acceptable resolution. Ethiopia declared its commitment to support the efforts and reach a win – win outcome. Evidently, Egypt and Sudan renewed their commitment to make the AU process fail. This can be seen from the following acts of the two countries.
 - **In May 2021:** President of the DRC appointed an envoy to better facilitate and fast track the negotiations - Egypt rejected the Envoy, a former African President ;;
 - **In May 2021:** The President of DRC proposed a phased approach for the negotiation where the countries agree on filling of the dam and proceed to negotiate the remaining of the issues in the second phase: Ethiopia accepted the proposal. Egypt forwarded a completely alien proposal that concerns the second-year filling of the Dam making it impossible to speak from the same page.
 - **On 09 June 2021:** Egypt and Sudan convened a meeting in Khartoum declared the AU led process a failure and called for international pressure on Ethiopia.
 - **On 15 June 2021:** Egypt and Sudan paraded the Arab League, for a non-consequential chant making the GERD matter an issue of Arab Security while the issue clearly concerns the rights and interests of three AU member states;
19. The Chairpersons of the African Union, Republic of South Africa (2020) and the Democratic Republic of Congo (2021) were obstructed by the orchestrated and unfailing efforts of Egypt and Sudan to stall the process. At this point it should be noted that no process would succeed with the existing policy of Egypt and Sudan over the Nile. Beyond the self-claimed and colonially imposed “historic right”, Egypt made it impossible for anyone to agree with it on the matter of the Nile, by nationalistic and belligerent narratives demonstrated by the following few recent examples.
 - **On 30 March 2021, President Abdul Fattah el Sisi of Egypt pronounced:** “Egypt’s share of the Nile River’s waters is “untouchable”. “No one can take a single drop of water from Egypt, and whoever wants to try it, let him try,”
 - **On a statement published on 07 April 2021: President Abdul Fattah el Sisi of Egypt pronounced:** “I am telling our brothers in Ethiopia, let’s not reach the point where you touch a drop of Egypt’s water, because all options are open.
 - **On a statement published on 28 April 2021, Prime Minister Mostafa Madbouly of Egypt declared:** Egypt will not give up a single drop of water from its share of the Nile.
20. Egypt is a state claiming absolute and exclusive right over a shared resource. It is not willing to negotiate over a drop of water while the Nile is a shared resource with ten other countries. It employs every instrument to maintain the colonial status-quo. The African Union or any other entity that stands for independence and sovereignty of states and the right of states to utilize their resource could not possibly appease Egypt. Hence, the AU process is alive and waits to be utilized by Egypt and Sudan to reach a mutually acceptable outcome. The Security Council should be mindful of the tactful acts of Egypt and Sudan, whereby they deliberately disrupt a process and shed crocodile tears accusing the process of being ineffective. The pronouncements of Egyptian officials make it clear that they have no intention of reaching an agreement.
21. Judging from the rabid declarations and approaches followed by Egypt and Sudan, it appears that both countries do not want to reach an agreement over the GERD. The Egyptian Government continues to assure the Egyptian people of its resolve to preserve the “historic right” of Egypt. It is also threatening to take any measure against a country that touches

a drop of the Nile waters. Ethiopia has no intention or willingness to even entertain the so called “historic right or existing use” propagated by Egypt. On the other hand, the Sudan has been trying to tactically disrupt the negotiation process based on its assumption that any agreement will likely affect its utilization of the Nile water without any limitation. The GERD dispute, although usually presented as a dispute between Ethiopia and the two lower riparian countries is actually a potential rift between the two lower riparian countries.

III. THE TRIPARTITE PROCESS

22. There is no basin wide treaty regulating the relations between the riparian countries of the Nile River. Hence, there is no obligation emanating from law commanding negotiation over the GERD or any other water development project. Furthermore, the state practice over the Nile – especially the relations between the upper and lower riparian countries is characterized by absolute rejection of the right of upper riparian countries that generate more than 98 percent of the water. In 1959, Egypt and Sudan concluded “**Agreement for the full utilization of the Nile**” . Over the years, the two countries built reservoirs and canals to create a status-quo of hydro hegemony. Therefore, the frame of reference embedded in law and practice on the Nile Basin dictates unilateralism solidified by the lower riparian countries.
23. This gruesome reality begun to change when Ethiopia invited Egypt and Sudan to a trilateral platform on the GERD. Following the official launch of the GERD in April 2011, the International Panel of Experts (IPoE) was established upon Ethiopia’s initiative. Then after, the Tripartite National Committee (TNC), the National Independent Scientific and Research Group (NISRG), Six Party meeting (ministers of foreign and water affairs), Nine Party meeting (ministers of foreign and water affairs and heads of intelligence), tripartite summits of Heads of State and Government were formed in due course. On 23 March 2015, the Declaration of Principles was signed to facilitate the trilateral dialogue over the GERD. It is Ethiopia’s unprecedented initiatives that resulted in the formation of these trilateral platforms in the Basin. Unless accusation is a self-projection, Egypt or Sudan lack any moral ground to accuse Ethiopia of unilateralism.

1. The International Panel of Experts

24. In a basin where a country that contributes no flow to the Nile establishes a zero sum non cooperative regime, Ethiopia – the source of eighty six percent of the water availed a platform to foster a culture of transparency and cooperation. The International Panel of Experts (IPoE) was formed out of this conviction.
25. The IPoE reviewed the design and study documents of the GERD. The objective of the Panel was to build trust and confidence among all parties. The Panel was composed of two experts from each of the three countries and four international experts (from Germany, South Africa, France and Britain). The Panel examined more than 150 design and study documents on the GERD provided by Ethiopia and submitted its final report on 31 May 2013 to the water affairs ministers of the three countries.
26. In its final report adopted by consensus, the IPoE has concluded that the design and construction of the GERD is up to international standard. The Panel also recommended that Ethiopia, Egypt and the Sudan conduct two additional studies namely *hydropower/water resources simulation modeling at the Eastern Nile level, and trans-boundary socio-economic and environmental impact assessment*. Contrary to the assertions of Egypt, the studies were recommended not because of the negative evaluation of the IPoE on the Dam. Rather the studies had the objective of assessing the impact of the Dam, if any, based on primary data collected from Egypt and the Sudan.
27. Ethiopia and the Sudan announced their acceptance of the IPoE report. On the other hand, Egyptian officials, after their experts adopted the report, began issuing bellicose statements against Ethiopia also threatening to stop the Dam’s construction. Recommendations of the Panel are implemented at different levels of design and construction in tandem with EPC (Engineering, Procurement and Construction) contract model of the GERD. Egypt and Sudan attested Ethiopia’s performance in this regard as enshrined under Principle VIII of the DoP, that states **Egypt and the Sudan expressed their appreciation of Ethiopia for implementing the recommendations of the IPoE in good faith**. The IPoE report clearly showed the benefits that will be accrued by Ethiopia, Egypt and Sudan once the GERD is completed. [see Annex 2. Summary of IPoE report]. While this remains a glaring fact, Egypt continues to give a distorted interpretation of the IPoE report in a bid to undermine the GERD.

2. The Meetings of Ministers of Water Affairs-2013-2014

28. Once the IPoE submitted its final report, it was incumbent upon the three countries to continue the discussion and facilitate the implementation of the studies that were recommended to be conducted jointly by the three countries. On this basis, the Ministers of Water Affairs of the three countries held consultations. In all the meetings held in Khartoum, on November 4-5, 2013, December 8-9, 2013 and 4-5 January 2014, Egypt thwarted progress by tabling unrelated agenda. Thus, the meetings ended with no concrete agreement and the process was stalled for six months.
29. Following the meeting of heads of Government on 26 June 2014, instruction was given to continue the Ministerial consultation. Accordingly, on August 25-26, 2014, during the fourth Ministerial meeting, agreement was reached to establish the Tripartite National Committee-TNC “to follow up and conduct” the two IPoE recommended studies. It should be noted that Egypt stonewalled the process from May 2013 – August 2014 for no apparent reason.

3. The Tripartite National Committee/transboundary impact assessment study

30. The Tripartite National Committee (TNC) composed of equal number of twelve experts from each of the three countries was established in August 2014. The TNC was tasked to “guide and conduct” the two IPoE recommended studies. Since its establishment, over 17 TNC and/or ministerial meetings were held on a rotational basis in Addis Ababa, Cairo, and Khartoum. However, progress was sluggish due to Egypt’s continued delaying tactics at every juncture of the process.
31. During commissioning of the consultant to carry out the IPoE recommended studies, Egypt refused to accept a consultant selected based on criteria tabled by Egypt itself. Instead, it insisted on having a consultant of its own choice as a subconsultant. In a clear show of good faith, Ethiopia agreed to involve the consultant Egypt picked. Nevertheless, the consultant withdrew. Yet again, outside of convention, Egypt insisted on engaging another company as a sub-consultant. These propositions of Egypt delayed progress by several months. Again, Ethiopia accepted Egypt’s request with the intention of expediting the process.
32. After the commencement of the studies and submission of the consultant’s draft inception report, Egypt yet again delayed the process **by over two years** by blocking transmission of the comments of the three countries to the consultant. This - and preceding delays caused by Egypt- disabled the TNC from carrying out its functions. In effect, the countries were prevented from conducting the joint studies.
33. Furthermore, Egypt insisted that the **baseline for impact assessment** shall be the “current water uses” of Egypt, which it claims constitutes the country’s “historic rights”. This claim of Egypt is based on colonial and postcolonial treaties of 1929 and 1959 to which Ethiopia is not a party. Ethiopia has no obligation whatsoever emanating from the Treaties or the reality they created on the ground. Nevertheless, Egypt had and continues to invoke “historic right and current water use” - mere assertions alien to international water laws. Since the 1950s, Ethiopia persistently objected to the water development projects of Egypt. Therefore, Egypt’s “existing water use” cannot serve as a baseline for the impact assessment study over the GERD.
34. Any baseline for impact assessment must be founded on the equitable and reasonable shares of the Basin countries. By seeking to protect the unjust ‘status-quo’ on the Nile Basin, Egypt is essentially preventing any water use by other riparian countries. It is a stark violation of international law and an absolute injustice that Egypt is committing by pushing a self-claimed “right and use” as a basis to determine the impact of the GERD. The TNC was disabled from discharging its responsibility due to Egypt’s obstinacy to impose an unjust status-quo on Ethiopia.

4. The National Independent Scientific Research Group (NISRG)

35. The DoP requires the countries to conduct the studies and agree on guidelines and rules on first filling and annual operation within fifteen months. When Egypt would not allow the studies to take place, Ethiopia proposed for establishment of the National Independent Scientific Research Group (NISRG). The Group consisted of five scientists from Egypt, Ethiopia and the Sudan. (**Annex 3: letter proposing NISRG establishment**). This is a critical juncture in the trilateral process, as it marks Ethiopia’s extraordinary gesture whereby it initiated another avenue for the talks while it could have left it with no impunity. Ethiopia could have insisted on conducting the studies based on equitable share of the countries and refuse to engage, citing Egypt’s insistence to maintain its self-claimed full control.
36. Initially, Egypt curtailed establishment of the NISRG by refusing to table the proposal in the agenda of the Nine Party meeting (Ministers of Foreign Affairs, Water Affairs and Chiefs of the Intelligence) held on 05 April 2018. A month

later, the NISRG was established effective 15 May 2018. The Group was tasked to provide scientific studies to water affairs ministers in order to inform the first filling and annual operation of the GERD in line with the DoP.

37. After conducting four meetings and carrying out modeling and scenario-based analysis, the NISRG submitted its report to the Ministers of Water Affairs of the three countries at a meeting held on 25 September 2018 in Addis Ababa. The Ministers reviewed the report and resolved outstanding issues. An agreed minute of the meeting indicating the consensus of the Ministers on the filling and operation of the GERD was readied for adoption. While Ethiopia and the Sudan were ready to sign, Egypt declined at the last minute citing the need to consult with the higher authorities in Cairo. In what appears to be a clear disregard to the aforementioned facts and with the aim of misleading the international community, Egypt misrepresents the inception of the NISRG and the fate of its work.
38. On 10 February 2019, Prime Minister of Ethiopia hosted a meeting of the Heads of State of Egypt (Abdel Fattah El Sisi) and the Sudan (Omar Hassen al Bashir) at his office. During this meeting, the three leaders instructed the NISRG to conduct the remaining meetings and called on the water affairs ministers to report back its outcomes. The process was interrupted until August due to the security challenges Sudan faced, in relation to the popular movement that toppled the Al-Bashir Regime.
39. Instead of continuing with the process, on the 1st of August 2019, the Minister of Water Resources and Irrigation of Egypt delivered a document titled, “Egyptian proposal for technical aspects of the agreement on the filling and operations of the Grand Ethiopian Renaissance Dam” to his Ethiopian counterpart. Instead of building on the progress made by the NISRG, Egypt’s submission circumvented the ongoing cooperation mechanisms and their outcomes. It appended the process and laid bare Egypt’s lack of commitment to good faith negotiations. When it faced Ethiopia’s rejection, Egypt embarked on extensive diplomatic and other campaigns against Ethiopia. In the meantime, **11 months of negotiation time was lost.**
40. During subsequent meetings in Cairo (15-16 September 2019) and Khartoum (30 September to 03 October 2019), Ethiopia and the Sudan made repeated efforts to move the process forward. Encouraged by the outcomes produced by the NISRG, Ethiopia and the Sudan wished to enable the scientific group to continue its work based on previously agreed outline. However, Egypt prevented the NISRG from analyzing issues and developing scenarios. The Group was even unable to compile and submit the report of its work to the water affairs ministers. In the process, the NISRG adopted by agreement the stage based first filling schedule that is currently a common element of the negotiation documents of the three countries.
41. In retrospect, one can see that Egypt employed all means to buy time and give chance for all the odds that it deemed would disrupt construction of the Dam. Egypt was curiously reluctant to engage in the talks whenever these factors that it believed would stop Ethiopia from completing the Dam had surfaced.

5. The Negotiation with participation of the “Observers”

42. Egypt unilaterally and outside of the framework of the DoP, requested the US Government to get involved in the negotiation on the GERD. As owner of the Dam and demonstration of good faith to accommodate the persistent demands of Egypt, Ethiopia agreed to give an observer role for the United States of America. The US brought along the World Bank to sit in the meetings.
43. On 6 November 2019, the Foreign and Water Affairs Ministers of the three countries met in Washington DC with the US Secretary of the Treasury who was joined by President of the World Bank and agreed to resume the four remaining NISRG meetings at the level of Ministers of Water Affairs. Accordingly, the meetings were conducted in Addis Ababa (15-16 November 2019), Cairo (2-3 December 2019), Khartoum (21-22 December 2019) and Addis Ababa (8-9 January 2020). Although Egypt insisted that the meetings after 6 November 2019 must begin afresh (with no reference to the previous discussions and outcomes), intensive debate had to happen to continue from where the technical deliberations left off.
44. Initially, the participation of the observers helped the meeting to be focused. The three parties also reaffirmed their previous understanding on the two principles of filling, i.e. a) Filling during July and August, and up to September during wet years b) Stage-based filling on the basis of Ethiopia’s filling schedule. The ministers signed the minutes of their meeting at Addis Ababa (15-16 November 2019) and agreed to use the outcome of the meeting as a working document in upcoming discussions.

45. Nevertheless, **Egypt refused to sign** the minutes of the second meeting in Cairo on 2-3 December 2019. The Ministers of Foreign Affairs and Water Affairs met again on December 9, 2019 and January 15 at the office of the US Treasury Secretary. Further, two meetings were held in Washington, DC on 28-31 January 2020 and 12-13 February 2020. However, at the end of the meetings in Washington DC, a number of issues remained outstanding that required the continuation of the negotiations between the three countries.
46. During the last meeting held in Washington DC from 12-13 February 2020, the observers proposed to formulate the “legal text on guidelines and rules on the first filling and annual operation of the GERD.” Ethiopia declined the offer on both procedural and substantive grounds and officially communicated the same to the “observers.” Despite Ethiopia’s request to postpone a meeting that was scheduled for 27-28 February 2020, consultations were held with Egypt and the Sudan in the absence of Ethiopia. Ethiopia has learned that Egypt has initialed a document prepared by the “observers”.
47. Contrary to the claim of Egypt, there was no any mediation conducted in Washington. Article 10 of the DoP is never invoked. The discussions with the participation of the “observers” both in the capitals of the three countries and Washington, for what it is worth is continuation of the negotiation. It is equally important to note that there is no document worthy of the name “agreement”. Ethiopia rejected the outcome of the 27-28 February 2020 meeting. This process ended with Ethiopia passing through tumultuous times in its relation with the United States, that suspended financial cooperation between the two countries. To add insult to the injury, Egypt now proffers its accusation against Ethiopia for not signing the so called “Washington document”.

IV. THE FIRST FILLING AND ANNUAL OPERATION OF THE GERD

1. *The First-year filling of the GERD*

48. The negotiation on the GERD does not supersede Ethiopia’s sovereign right to build and operate the GERD or any other water development project. The trilateral negotiation is a process to build trust which depends on the readiness of Egypt and Sudan to work towards the same cause. The right of Ethiopia to fill and operate the GERD does not hinge on the consent of Egypt and Sudan.
49. By July 2020, the GERD impounded 4.9 BCM water. This represents five percent of Ethiopia’s annual contribution of 77 BCM to the Nile. At the peak days of the filling - Ethiopia released 90 – 102 million-meter-cube/ day water downstream. This is more than fifty times higher than the water supply required in Khartoum and downstream.
50. Ethiopia provided Egypt and Sudan information about the first-year filling of the Dam well ahead of time. Furthermore, repeated calls were made to discuss if the two countries have any concern on the rules for the first-year filling, which is part of the stage based first filling schedule formulated by Ethiopia and accepted by the experts of Egypt and Sudan. Hence the cause for the claimed shortage of water at water supply stations is mal-operation of the Rosaries reservoir or the water supply systems. The same season, Sudan sustained heavy flooding that regrettably killed many and destroyed crops[**Annex 4: Khartoum floods**]The first-year storage in GERD in fact saved life and attenuated the severe flood. Egypt sustained no impact from the first-year filling.
51. Setting aside for the time being the fundamental question of right, which would require Egypt and Sudan to live with the shortage equitable sharing of the water would bring to them, the first-year filling of the dam provided benefit to both lower riparian countries. There is no cause whatsoever for Egypt and Sudan to complain about the first-year filling.
52. The process of agreement on the guidelines and rules is done in parallel with the construction of the Dam. Construction of the dam encompasses the filling of the reservoir. The DoP under Principle 5(a) stipulates the agreement of the Parties to “*Agree on the guidelines and rules on the first filling of GERD, which shall cover all different scenarios, in parallel with the construction of GERD.*” The construction of the GERD is simply inseparable from the filling and Egypt and Sudan signed upto the DoP that clearly provides for this principle. Secondly, the filling schedule of the GERD was formulated by the experts of the three countries.
53. Egypt and Sudan oppose the first-year filling of the GERD. Their justification, yet again is the sense of entitlement that emerged from the hydro hegemony they built over the Nile based on the colonial and post-colonial arrangements. They proffer, Ethiopia cannot fill the dam unilaterally, while they build and operate and continue to use their dams unilaterally, rejecting Ethiopia’s plea for consultation. The claim by Egypt and Sudan on having the right to give their agreement on the filling of the GERD is a colonial heritage fetched from the 1959 agreement. In this absurd instrument where the two lower riparian countries apportioned the full flow of the Nile to themselves, they also bestowed the right to develop **the modus operandi for all the works which shall be undertaken on the Nile in territories of other**

riparian countries (see article 5(1)(c) of the 1959 agreement) Although Egypt and Sudan fell short of invoking this provision, they incessantly claim Ethiopia has an obligation to seek their agreement to fill the dam.

54. The core of the matter is, on the Nile Basin, there is no law and there is no practice that requires Ethiopia to agree with Egypt and Sudan to fill its dam. Setting aside, the High Aswan Dam, the Toishka Canal and the Peace Canals of Egypt that evidently transfer water outside not only of the Basin but also of the continent, as well as the Roseries, Merowi and Sennar dams of Sudan, all of which constructed with no regard to the right of the nine riparian countries of the Nile, one may consider the flurry of water development projects Egypt inaugurated in the past seven months. Most recently, Egypt inaugurated 1) New Delta' national project due to be implemented over 100 million feddan; 2) the reclamation of 500,000 feddans along the Dabaa Axis Highway in the country's North West; 3) Mostaqbal Misr mega agricultural project in Western Desert; 4) Assiut Barrage project on 02 August 2018 (third largest project on the Nile); 5) since 2019, the new Dayrut Barrage with 9.6 billion cubic meters of water capacity; 6) El-Mahmoudiya Canal is inaugurated by the president on 29 August 2020; 7) on 22 April 2020, Ahmed Hamdy Tunnel 2 is inaugurated linking Sinai desert with the rest of Egypt by a Nile water way.
55. It is also public knowledge that Egypt established a new capital city which completely depends on the Nile for its fresh water supply. Egypt and Sudan, to date do not inform or consult with the basin countries on their planned projects and act in complete disregard for Ethiopia's rights and needs. Paradoxically Egypt and Sudan demand prior notification on planned projects from Ethiopia and other basin countries.
56. In this light, it is only perplexing to entertain Egypt's accusation against Ethiopia for unilateral measure on the matter of the Nile. The truth is, Ethiopia is the country that brought a semblance of order and adherence to international norms in the Nile Basin, despite having no obligation whatsoever. Egypt has the option of living in cooperation.

2. *The upcoming second year filling of the GERD*

57. As Ethiopia is preparing to conduct the second-year filling, the GERD filling and annual operation rules are under negotiation. As stated above, the filling of the GERD at any stage does not require the agreement of Egypt and Sudan. In this round, 13.5-billion-meter cubic water will be retained which is 17 percent of the average 77-billion-meter cubic water Ethiopia contributes to the entire Nile Basin. the filling will occur in July, August and in September if the hydrological conditions allow. During the technical talks, these details were communicated to Egypt and Sudan and understanding is reached.
58. On 08 April 2021, Ethiopia took the initiative to provide Egypt and Sudan data and information on the preparatory works and the actual filling in the second year. This measure is taken despite the blindsiding approaches followed by Egypt and Sudan with respect to their infrastructures. It is indeed unfortunate that both Egypt and Sudan opted to reject the data exchange channel that Ethiopia offered to establish as a sign of goodwill to enhance confidence. Egypt and Sudan oppose the second-year filling not because they have technical or legal justifications. Rather, they decline to participate as part of their futile attempt to maintain their self-claimed hegemony.
59. In its submission to the UNSC Egypt unabashedly claim, it could not follow a phased approach to agree on the filling of the Dam, citing its unwillingness to allow Ethiopia make the GERD a *faite accompli*. Ethiopia has only one conclusive response for this, i.e., it has a right to proceed with the filling of the GERD and it will certainly continue with the development of its water resources and construction of any other water development project. In doing so, Ethiopia will be guided by the principles of equitable and reasonable utilization and the obligation not to cause significant harm. Furthermore, Ethiopia stands ready to negotiate what these principles mean in the context of the Nile Basin. The Cooperative Framework Agreement over the Nile Basin (ratified by Ethiopia, Rwanda, Tanzania and Uganda) provides this framework of regional cooperation, which Egypt and Sudan should join for their own best interest.
60. Occasionally, Egypt and Sudan cite the harm they will sustain if the GERD is filled without an agreement. One, if it is admitted it is the absence of agreement not the actual filling that causes harm, Egypt and Sudan should accept the data exchange mechanism Ethiopia offered. Most importantly, the self-claimed water share and unilaterally imposed water use over the Nile cannot possibly be a baseline from which to measure significant harm. All of the water development projects in Egypt and Sudan including the High Aswan dam (more than double the reservoir size of the GERD) are built in an absolute unilateral act rejecting the plea for consultation by Ethiopia. Hence, these projects cannot be invoked to limit the right of Ethiopia, as was made clear during 1957, 1980 and more specifically in the 1997 letter of the Ministry of Foreign Affairs of Ethiopia addressed to the Ministry of Foreign Affairs of the Arab Republic of Egypt; copied to

the Secretary General of the UN, Secretary General of the OAU, President of the World Bank, European Union, IGAD. **The 1997 letter that concerned the Toishka canal and other water developments in Egypt state , “Ethiopia will in no way recognize whatever utilization of increased water of the Nile is entailed by the Toshka project as well as the Peace Canal as factors of considerations in the determination of Ethiopian share in the same way as it does not recognize the 1959 Agreement as having any bearing on its share to the Nile waters , so does Ethiopia, in the most categorical manner , not recognize the Toshka project and the Peace Canal as having any consequences to what is and will always be its fair, legitimate and equitable share of the Nile waters.”**

61. Ethiopia’s GERD is discussed and scrutinized by the two countries and international experts. Ethiopia stands tall, as it applied every effort to reorient the unilateral and unjust approaches of Egypt and Sudan that characterized the history of water use over the Nile.
62. Ethiopia will complete the construction of the Dam and accelerate its all-out effort to ensure dignified livelihood for its people. GERD is discussed and scrutinized by the two lower riparian countries and international experts. The dam filling and operation rules are discussed in detail. Egypt and Sudan would be better served if they engage in good faith negotiation within the framework of the AU led trilateral process, which is the only viable option to find a mutually beneficial outcome for all.

V. THE IMPEDIMENT FOR COOPERATION: WHY WATER ALLOCATION BECAME THE MAIN ISSUE IN THE NEGOTIATION?

63. The Nile is a transboundary river shared by eleven riparian states. Hence, the cooperative management and utilization of the Nile will have a paramount importance to the riparian states and the entire region. As a result of the misguided approach of downstream countries, the colonial heritage and, the post-colonial unilateralism propagated by Egypt and Sudan, Nile still lacks a regional mechanism.
64. The GERD negotiation is only about the guidelines and rules on the first filling and annual operation of a single hydro-electric dam on one of the tributaries of the Nile River. Under normal circumstances, the negotiation on such issues would not have taken a long time and would have been less complicated. Nonetheless, the three countries are barred from reaching agreement due to the unambiguous attempts by Egypt and the Sudan to align the outcome of the trilateral talks with their self-claimed water share.
65. To deal with the management and utilization of the Nile waters without addressing the root cause i.e., the absence of a fair water allocation framework in the basin is to ignore the elephant in the room. In the GERD negotiations, the cart came before the horse. Had there been a fair and equitable water allocation and utilization framework in the basin, the issue of the guidelines and rules for the first filling and annual operation of the GERD would have been less complex. Unfortunately, this prerequisite agreement is not in place. As a result, any detail agreed on the GERD must change whenever Ethiopia develops the Blue Nile upstream of the GERD. Otherwise, no one but Ethiopia that has barely used the resource will sustain harm as Egypt and Sudan already exhausted the resource and openly declare they need more water to meet their need.
66. Disguised in the annual operation of the GERD, Egypt wants to uphold the status quo and maintain the 1959 partial water allocation to the detriment of Ethiopia. To this end, Egypt introduced triple layered thresholds in the name of drought, prolonged drought and prolonged dry years that will keep the GERD on a perpetual state of release. As such, Egypt plans for Ethiopia to manage drought single handily. In addition, Egypt seeks to apply these thresholds as a measure of significant harm, meaning any water use after the GERD will be a violation of international law. Furthermore, Egypt demands to have a provision that requires Ethiopia to comply with the GERD rules to be able to use the Nile in the future. All these assertions are not a result of inferencing. Rather, they are stark for everyone to see in the document that Egypt claims to having signed in Washington DC.
67. Shifting the blame, Egypt accuses Ethiopia of needing a free hand to use the Nile. This cannot be further than the truth. Ethiopia proposed for Egypt to negotiate and agree on a water allocation regime. Ethiopia’s objective is securing its equitable and reasonable share. Contrarily, Egypt has already signed an agreement for the “full utilization of the Nile”. The difference between the two is not obscure.
68. Egypt and Sudan are of the position that the GERD rules must satisfy the existing water use in Egypt and Sudan. Then after, Ethiopia must acquire the consent of the two countries to further utilize the Blue Nile. However, international law dictates, Egypt and Sudan – who monopolized the resource – adjust their water use based on the water use by the upper

riparian countries. As such efforts should be concentrated towards this effort of formulating an equitable and reasonable framework in place. The CFA on the Nile Basin lays out an opportune platform for this endeavor.

VI. DID ETHIOPIA REFUSE A BINDING AGREEMENT?

69. Egypt accuses Ethiopia of refusing to sign a binding agreement over the GERD. This simply is untrue. Ethiopia does not need convincing on the binding nature of the Guidelines and Rules on the First Filling and Annual Operation of the GERD. Let alone, this long negotiated instrument, no state would be confused about the legal status of a letter it exchanges with another sovereign state.
70. Unlike the simplistic portrayal given by Egypt, the dispute is not on the legal status of the GERD guidelines. Rather, it is on the content of this guidelines and rules. Egypt wants an instrument that will be cited to foreclose Ethiopia from using the Nile upstream of the GERD. Ethiopia refuses to sign such instrument. Egypt demands Ethiopia to agree to an adversarial and adjudicatory dispute resolution mechanism. Ethiopia offered a consultative dispute resolution mechanism, with a possible involvement of mediators, leaving the last call for heads of governments of the three countries. It should be noted, Egypt do not have any dispute resolution clause in its water sharing agreement with Sudan. Contrarily, Ethiopia within the CFA on the Nile Basin agreed to adjudicatory dispute resolution in the incidence of dispute.
71. Egypt also blames Ethiopia for wanting an agreement that it can change any time it wants. This assertion deliberately conflates two distinct issues. The first one is the adjustment of the rules of annual operation of the GERD. It is to be recalled that under Principle 5(2)(b) of the DoP, agreement is reached on the right of the dam owner to adjust the rules of annual operation from time to time. Egypt and Sudan signed this instrument. The second issue has to do with the “future use of the river by Ethiopia upstream of the GERD. Ethiopia is of the position that this matter has to be dealt with by a separate comprehensive water treaty. Egypt and Sudan with the objective of preserving the status-quo and their 1959 agreement, declined this most tenable option. Nonetheless, during the second meeting of the Bureau of the Assembly of Heads of States and Government of the AU, the three leaders agreed and the Bureau adopted the undertaking to **agree on the GERD rules which should include a Comprehensive Agreement on future developments on the Blue Nile River**. Then after, Sudan forwarded a proposition that gives Ethiopia the right to change threshold values in the GERD guidelines and rules to accommodate its future use. This proposition evolved through time whereby Sudan changed its position and demanded prior notification and joint approval, which Ethiopia rejected for obvious reasons. Despite the allegations of Sudan to the contrary, the principle of prior notification is not an accepted principle of international water law. Therefore, Ethiopia never sought to have the prerogative to change the agreement. Rather, it stood for a rule-based order to govern the rights and responsibilities of the three riparian countries, including their share of water from the resource.
72. The Heads of Governments of Egypt and Sudan on the meeting of the Bureau of the Assembly of Heads of States and Government of the AU on 24 July 2021, **agreed to work on a Comprehensive Agreement on the Blue Nile River as soon as possible**. However, Egypt and Sudan broke from undertakings of the heads of Governments throughout the negotiation. Therefore, Ethiopia is negotiating with the two lower riparian countries to reach a deal, as far as a single dam filling and operation is concerned. However, Ethiopia is not negotiating on and will not agree to a binding or otherwise agreement that will in any manner compromise its right to use the Nile water to meet the needs of its current and future generation. Unfortunately, Egypt is looking for a binding agreement that has the exact objective of foreclosing Ethiopia from using the Nile.

VII. ETHIOPIA CONTINUES TO UPHOLD MULTILATERALISM

73. Member of the League of Nations, founding member of the United Nations, Organization of the African Unity, African Union and several other regional and international organizations, and one of the largest peace keeping troop contributor countries, and a direct victim of disruption of international order during the first world war, Ethiopia is the paragon of multilateralism.
74. On the Nile Basin, Ethiopia has been consistently working with the other riparian countries to strengthen cooperation and establish a basin wide regional mechanism. Ethiopia was on the forefront for the establishment of the NBI in 1999. The NBI was established with a goal to “*achieve sustainable socio-economic development through the equitable utilization of, and benefit from, the common Nile Basin water resources*”. While the NBI is the only multilateral body

that aims to bring all Nile riparian countries together for common development, Egypt withdrew from membership in 2010. Egypt is also relentless in blocking any assistance to the NBI.

75. Ethiopia is a state party to the Agreement on the Nile Basin Cooperative Framework (CFA). The CFA is signed by six and ratified by four riparian countries. CFA enshrines the cardinal principles for utilization of the Nile River and establishes the Nile River Basin Commission. An outcome of a thirteen years negotiation that involved Egypt, the CFA is the only multilateral negotiated Framework Agreement on the Nile Basin. Yet, Egypt did not sign the CFA that is awaiting two more ratifications for entry into force.
76. In relation to the GERD, the Declaration of Principles on the GERD Project (DoP) was signed on 23 March 2015 (**Annex 5**: The DoP). In the absence of any water treaty and institution of cooperation, Ethiopia has no obligation to sign the DoP or enter into any undertaking with Egypt and Sudan. In addition, Ethiopia championed trilateral platforms of cooperation, including the IPoE the TNC, the Six Party Meeting, the Nine Party Meeting, the NISRG demonstrating its dedication for cooperation.
77. Ethiopia advocated for, and made extensive effort to create and strengthen, a regional mechanism over the Nile and a platform of consultation in relation to the GERD. It is critical to note that Ethiopia is not following the Egyptian tradition of unilateralism that denied Ethiopia of its fundamental rights; that ignored Ethiopia's objections communicated in 1956, 1957, 1980, and 1997, that adopted a water allocation treaty that excluded Ethiopia and that continues to inaugurate wasteful water development infrastructures, including transfer of the Nile waters out of the Basin. Ethiopia opted to act in good faith due to its commitment to basin wide cooperation and with a vision to setup an effective regional mechanism.

VIII. THE WAY FORWARD

78. Ethiopia reiterates its firm commitment to the accepted principles of equitable and reasonable utilization and not causing significant harm. Ethiopia strongly believes that the GERD doesn't pose threat to the peace and security of the countries in the region. The GERD matter is not within the purview of the mandate of the UN Security Council.
79. The negotiation pertaining to the first filling and annual operation of the GERD is one of many and continuing global water issues the resolution of which is primarily the exclusive domain of the riparian states. The dynamics of international water law through its set of substantive and procedural rules based on the notions of equity and reasonableness requires states to adhere to the governing principles.
80. Any contrary discourse by the UNSC amounts to re-framing the cases of international water issues as a high-level objective of the law of nations as reflected in UN Charter and undermines the relevance of international water law in the resolution of differences on international water issues. Entertaining downstream notions that wrongly perceive water issues as a security issue in contradiction with the notion of equity and reasonableness may make the UNSC privy to Egypt and Sudan's historical design for total control of the Nile through the 1959 treaty and sets precedence impinging on the entitlement of upstream states of the Nile in their respective territories.
81. Underscoring the unparalleled opportunities for cooperation and to address outstanding issues through dialogue, Ethiopia calls upon the international community in general and the UNSC in particular to encourage the Arab Republic of Egypt and Sudan to:
 - Continue the tripartite negotiation on the guidelines and rules on the first filling and annual operation of the GERD in the spirit of good faith to reach a mutually beneficial agreement, under the auspices of the AU.
 - Abandon their insistence to preserve the colonial and postcolonial and self-claimed "historic rights and current use" and desist from their relentless efforts to politicize and escalate the remaining technical negotiations.
 - Sign and ratify the CFA, in order to forge a genuine cooperation for equitable and reasonable utilization of the Nile waters for common benefits of all the basin countries.

Annex 1. Disruptions of the AU led negotiation process

	Date	Responsible state	Excuse
1.	13 June 2020	Sudan	In the midst of the negotiations The Minister of Water and Irrigation of Sudan disrupted the process citing the need for him to report to the Prime Minister of Sudan. The negotiation stalled until 27 June 2020 – after the first Extraordinary Meeting of the Bureau of the Assembly of Heads of State and Government held on 26 June 2020.
2.	27 July 2020	Sudan	Sudan requested to suspend the negotiations for one week claiming that they need to have internal consultations. The negotiation stalled until 04 August 2020
3.	04 August 2020	Sudan	Sudan later supported by Egypt requested to postpone the negotiation indefinitely. The negotiation stalled until 26 August 2020
4.	14 September 2020	Sudan	In the midst of an encouraging work to consolidate a single text Sudan requested for suspension of the exercise. Understanding was reached for Sudan to call for the meeting on 14 September 2020. Sudan failed to call the meeting for unexplained reasons. The negotiation stalled until 03 November 2020
5.	3 November 2020	Sudan	Following the joint meeting of the Ministers of Foreign and Water Affairs Ministers of the three countries on 27 October 2020, agreement was reached to continue the negotiation for one week and finalize the procedural issues. Sudan insisted to change the modality. Ethiopia offered a ToR, Egypt rejected the change in the modality and the meeting was suspended. The negotiation stalled until 21 November 2020
6.	21 November 2020	Sudan	Per the consensus reached between the Ministers of Foreign and Water Affairs Ministers on 19 November 2020, Ethiopia called for the trilateral meeting. However, Sudan failed to appear while Egypt, the observers and the AU team were present. The negotiation was interrupted till 3 January 2021. The negotiation stalled until 04 January 2021
7.	4 January 2021	Sudan	Ministers of Foreign and Water Affairs agreed on 03 January 2021 to conduct a meeting to take stock of the progress in the negotiation. The delegation of Sudan didn't show up in the meeting on the ground that it needed to held a bilateral meeting with observers and the AU experts. The negotiation stalled until 10 January 2021
8.	10 January 2021	Sudan	The Foreign and Water Affairs Ministers meeting accepted Sudan's request to meet with the AU assigned experts. On 10 January, Sudan refused to accept its own proposal and failed to participate in the process. The negotiation stalled until 04 April 2021
9.	04 April 2021	Egypt and Sudan	Egypt and Sudan demanded application of a format that contravenes the DOP, that gives the observers a role in replacement of the three countries and compromises the AU led track by making the AU an onlooker to the actions taken by the observers. The two countries rejected DRCs proposal to resume the negotiation on 20 – 21 April.

Annex 2. International Panel of Experts (IPoE): report summary

N o	Issue	Sections/Page number
1.	The Government of Ethiopia invited in good faith the two downstream countries, Egypt and Sudan to form an International Panel of Experts <i>to</i> review the design documents of the GERD, provide transparent information sharing and to solicit understanding of the benefits and costs accrued to the three countries and impacts if any of the GERD on the two downstream countries so as to build trust and confidence among all parties	Page 1, Foreword
2.	The IPoE had also established a geotechnical expert group to do a verification study regarding geotechnical issues on the basis of geotechnical documents provided by the GoE and project site visit	Page 1, Foreword
3.	The Government of Ethiopia (GoE) is convinced that the GERDP has huge benefit to all the three riparian countries, namely Egypt, Ethiopia and Sudan	Page 2, Section 1.1
4.	The GoE invited in good faith the two downstream countries to form an International Panel of Experts	Page 2, Section 1.1
5.	The Government of Ethiopia provided the necessary GERDP related hard and soft copy documents for review by the IPoE starting at the launch meeting up to the 6th meeting of the IPoE	Page 4
6.	A dedicated web-page was established to facilitate documents sharing among IPoE members.	Page 4
7.	Four field visits to the GERD project site were also organized by the Government of Ethiopia including a field visit for the special subcommittee on geotechnical review and verification mission	Page 4
8.	The IPoE appreciates the initiative taken by the Government of Ethiopia to invite the two downstream riparian countries, Sudan and Egypt, to undertake joint consultations on the GERDP	Page 6
9.	153 documents have been submitted to the IPoE during May 2012 to May 2013, of which 103 are drawings, 7 are maps, and 43 are reports. The IPoE reviewed only the relevant documents.	Page 15
10.	Dam Engineering and Safety	
11.	It is noted that the present Design Criteria refer to a number of international Standards, Codes and Guidelines including ICOLD and USACE which is appreciated.	Section 5.2.2.2. Page 21
12.	The construction of the GERDP is already ongoing and most of the corresponding geotechnical field and laboratory investigations are completed, it is highly recommended that the "Design Criteria-Basic Design, December 2010" report is refined and detailed as well as updated to reflect the actual project- and site-specific conditions known today.	Section 5.2.2.3. Page 21
13.	The methodology to derive the flood frequency relationship on the basis of the regional frequency analysis is endorsed in general.	Section 5.2.4.2. page 22
14.	Based on the results of the complementary reservoir routing calculations carried out recently by the Ethiopian IPoE members and in view of the philosophy of deriving extreme flood events it is recommended that the originally derived PMF peak flow of 38,750 m ³ /s with Cluster 3 flood hydrograph shape remains valid and is used for design purposes.	Section 5.2.4.3. page 23

15.	It is noted that the reviewed design report is a well prepared design document in view of the Level 1 Design stage.	Section 5.2.5.1. page 24
16.	It is understood that the design discharge of the spillway shall be determined by an integrated and combined approach under consideration of different flood events, the "n-1" and/or "n-2" rules, the hydraulic losses along the approach channel and the necessary freeboard requirements.	Section 5.2.5.2. page 24
17.	It is recommended not to reduce the original peak flow of the PMF (2010) which was estimated at 38,750 m ³ /s. After the 5th IPoE Meeting complementary reservoir routing calculations were carried out by the Ethiopian IPoE members which showed that a solution can be developed to discharge the PMF with the original peak flow of 38,750 m ³ /s	Section 5.2.5.2. page 24/25
18.	The purpose of this design report is to present the results of all the tests carried out for the Level 2 RCC mix design at the site laboratory of the GERDP and the Levelon laboratory in Canada. In total 165 mixes were prepared and tested using different materials to study the key properties of the RCC. The EPC Contractor was supported by the international consultant E. Schrader.	Section 5.2.6.1. page 25
19.	Six different types of cement, three different cementitious materials and nine different additives retarder were tested. In addition to these mixes, 50 tests were carried out during the execution of the shear pads and full scale trial embankment.	Section 5.2.6.1. page 25
20.	The main RCC laboratory, installed on the right side of the GERDP dam site, is well and fully equipped to prepare and cure the test cylinders, carry out compressive, split and tensile tests, stress-strain tests, permeability tests, etc.	Section 5.2.6.2. page 25
21.	<ul style="list-style-type: none"> • Aggregates: Both quarries result in similar very good aggregates and thus, very similar RCC properties. Weathered material presently being evaluated can be used at about 15% to 35% of the total aggregates, which may positively result in a lower modulus of elasticity and more strain capacity of the final mix. • Cement: Both Cementir and Messebo cement result in essentially the same fresh mix and hardened material properties. • Compressive Strength: With a cement content of 75, 100 and 125 kg/m³ an average compressive strengths of 12, 16 and 19 MPa is reached after 90 days, respectively. These figures show that the compressive strength of the RCC will be higher than the assumed design data, thus will not be the decisive parameter. • Strain Capacity and Thermal Properties: The corresponding tests are underway or were completed at the Levelon laboratory. The available results are within normal ranges. • Shear Strength: In general friction angle is excellent, reaching 50° and more. The average cohesion is good (>1MPa) even if the next layer is placed within 4 to 5 hours • Based on the available results the expected values for the critical parameters such as the compressive and tensile strengths of the RCC and the tensile strength, cohesion and friction angle of the lift joints are endorsed for further design purposes, provided the lift joints are executed in a professional manner. 	Section 5.2.6.2. page 27
22.	The results of the ongoing tests should continue to be incorporated in the present assessment. The same professional care, responsibility and detail is expected from the EPC Contractor as done in the past.	Section 5.2.6.3. page 27
23.	The sliding stability of the rock foundation in view of the sub-horizontal discontinuity set K0 has been studied and presented in the separate design report 220-STA-R-SP-002-A, Main Dam Stability-Wedge Analysis, February 2013.	Section 5.2.7.1. page 27

24.	The global stability analysis is based on design parameters (friction angle and cohesion) as suggested by the USACE EM 1110-2-2006 for preliminary design purposes, which are assessed as conservative shear parameters.	Section 5.2.7.2. page 27
25.	According to the sliding analysis all factors of safety against sliding along the horizontal lift joints and at the dam-rock contact are above the required factors of safety. The sliding stability can be improved by extending the length of the bedded lift joints, if needed	Section 5.2.7.2. page 28
26.	It is noted that the present updated stability analysis (version "C") and its results is endorsed as a Level 1 Design document, provided few topics addressed in the updated Review Note are clarified with the EPC Contractor/Designer	Section 5.2.7.2. page 28
27.	The geotechnical investigations carried out by the EPC Contractor reflect the scale of the GERDP, although additional and complementary geotechnical field and laboratory tests and surveys will have to be carried out. The geotechnical investigations and their results are professionally documented.	Section 5.2.8.2. page 29
Water Resources and Hydrology		
28.	Runoff records at the GERDP site are considered as reliable and representative	Section 5.3.2.1. page 32
29.	Substantial work was done with respect to the flood assessments	Section 5.3.2.1. page 32
30.	The assumed sediment yield and trap efficiency are viewed as realistic for the estimation of sediment accumulation in the reservoir.	Section 5.3.2.1. page 32
31.	The Hydrological and Reservoir Simulation Study of August 2011 assessed/analyzed the potential benefits and impacts of the GERDP quantitatively in Egypt and qualitatively in Sudan.	Section 5.3.3.1. page 32
32.	The report assessed downstream impacts on HAD during GERDP first impounding, considering three different scenarios: a normal case which corresponds to a sequence of average hydrological years at HAD, a sequence of dry years and a sequence of wet years. Analyses were also performed with respect to the normal operation of GERDP after first filling.	Section 5.3.3.1. page 32
33.	Preliminary findings of the report are that the water supply in Egypt will not be affected during first filling of the GERD, given wet or average years,	Section 5.3.3.1. page 32
34.	As stated in the report the GERD project will increase the overall regulation capacity of the Eastern Nile Basin by about 60,000 Mm ³ which will add resilience to impacts of climate extremes including droughts and floods. It will also add substantially to the generation of hydropower in the region. Sediment loads downstream of the GERDP will be substantially reduced, flows downstream of the GERDP will in general be stabilized and floods largely be attenuated;	Section 5.3.3.1. page 32
35.	The GERDP is economically attractive.	Section 5.3.4.1. page 38
36.	The dam size is consistent with the inflow at the GERDP site,	Section 5.3.4.1. page 38
Environment and Socio-economics		
37.	Two key reports dealing with environmental and social impacts of the GERD were submitted to the IPOE:	Section 5.4.1. page 39

	<ul style="list-style-type: none"> • EEPKO, GERD Project Environmental and Social Impact Assessment, Vol. 1; November 2011 • EEPKO, GERD Project Initial Transboundary Environmental Impact Assessment, October 2012 	
38.	In terms of structure and content, the ESIA satisfies the recommendations of most international funding agencies, as its sections include Project Description, Institutional Framework, Baseline Situation, Impact Evaluation, Project Alternatives, Public Consultation, Environmental Management and Monitoring Plan. Detailed technical reports from the various specialists are presented in a set of 16 annexes.	Section 5.4.2.1 page 39
39.	Based on information obtained from detailed socio-economic surveys, the ESIA report provides a good description of the socio-economic conditions currently prevailing within the proposed reservoir area (i.e. direct impact zone). The report also discusses the socio-economic impacts of GERD within the direct impact zone with respect to adverse impacts on the local population, household/livelihood assets, public infrastructure, and social services. A range of mitigation and livelihood enhancement measures are also outlined.	Section 5.4.2.1 page 39/40
40.	The ESIA report also summarises the findings of the economic cost/benefit analysis which indicated that the GERD is an economically attractive project.	Section 5.4.2.1 page 40
41.	The report noted that the dam height was determined on technical criteria, such as energy production, reservoir filling, dam site morphology and upstream dam site location	Section 5.4.2.1 page 40
42.	As reflected by its title, the Initial Trans-boundary Environmental Impact Assessment (ITEIA) is a preliminary desk study based on secondary information. The study identifies the main beneficial and adverse impacts of GERD in Sudan and Egypt,	Section 5.4.3.1 page 40
43.	The Baseline Situation section delivers an environmental and social overview of the Nile basin and of the Blue Nile sub-basin. The overview is rather comprehensive but remains very general.	Section 5.4.3.1 page 40
44.	The water balance presented takes consideration of evaporation losses from the GERD reservoir and of changes in evaporation losses at HAD,	Section 5.4.3.1 page 40
45.	The downstream impact of seasonal flow regulation is assessed in terms of beneficial impacts related to flood reduction in wet season and improved water supply in dry season,	Section 5.4.3.1 Page 41
46.	Impact of sediment load reduction through trapping by the GERD reservoir is also analyzed in terms of beneficial impacts for Roseires and for intake structures further downstream.	Section 5.4.3.1 Page 41
47.	A number of potential positive benefits for Egypt are noted in the ITEIA including an increase in irrigated area, a decrease in sedimentation at Lake Nasser, and a reduction in flooding.	Section 5.4.3.1 Page 41
48.	The ITEIA report states that the GERD only reduces the mean annual flow at Ethiopia-Sudan border by about 3% through evaporation which is not significant. Yet the GERD storage system water saving benefit against flooding, seepage and spillage in the downstream are not quantified. That GERD Project will increase the overall regulation capacity of the Eastern Nile Basin from 134,210 Mm ³ to 194,210 Mm ³ . Such additional storage will add resilience to impacts of climate extremes including drought and flood. The most significant positive impact of GERDP for the three countries (Ethiopia, Sudan and Egypt) is the generation of clean energy of about 15,692 GWh/yr.	Section 5.4.3.1 Page 41
49.	<p>A sensitivity analysis has been carried out in order to select the optimum dam height. Selection of dam height is based on the following criteria:</p> <ul style="list-style-type: none"> • Optimization of firm and average energy productivity • Construction and impounding programme 	Section 6.1.1. page 44

	<ul style="list-style-type: none"> • Morphological aspects of the dam site • Location of the upstream Mendaia dam site <p>Sensitivity analyses have defined the optimum dam height to be 145 m corresponding to Full Storage Level of 640 m asl.</p>	
50.	Dam design studies have been undertaken to develop the layout of the least-cost dam that will meet internationally recognised safety standards.	Section 6.1.1. page 44
51.	<p>The Bottom Outlet operation will be limited to the following phases:</p> <ul style="list-style-type: none"> • during impounding phases, above elev. 570 m a.s.l, after closure (concrete plugging) of all four culverts to control reservoir raising rate and assure minimum downstream discharge, in addition to early generation discharges. • during outage periods of the plant, if any, to guarantee the minimum downstream discharge • during Plant life time, to lowering and control the reservoir water level in the dry season, mainly below the minim operating level, for extraordinary inspection and maintenance activities on the upstream face of the dam. 	Section 6.1.1. page 46
52.	The GERDP is planned, designed and executed under Engineering, Procurement, Construction (EPC) arrangement. The EPC contractor is Salini Costruttori S.p.A along with his designer Studio Pietrangeli who jointly have designed and constructed over 200 large dams around the globe. The owner's representatives are TRACTEBEL Engineering S.A and COYNE ET BELLIER who also have extensive experience in similar projects in the region and Ethiopia.	Section 6.5. page 48

Annex 3. Letter on Establishment of the NISRG



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The Federal Democratic Republic of Ethiopia
Ministry of Water, Irrigation & Electricity

ቁጥር _____

Ref. No. *MOWIE/01/01/243*

05 FEB 2018

H.E Dr. Mohamed Abd Elaty
Minister of Water Resources and Irrigation
Arab Republic of Egypt

H.E Amb Mutaz Musa Abedalla
Minister of Water Resources, Irrigation and Electricity
Republic of Sudan

Dear Excellency Brothers,

Thank you, your excellency Dr. Mohamed, for your letter of February 3, 2018 and appreciate your prompt and speedy response to the call of our leaders to address all issues related to GERD within one month.

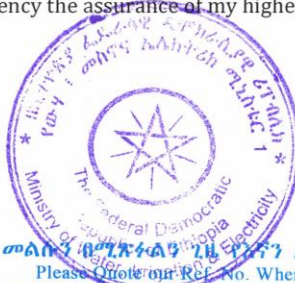
Your Excellencies, our leaders stressed the need to come up with innovative solution to the GERD issues with a focus on the filling and operation of the GERD. They also underlined the necessity of acting as one country in our dealings with issues of GERD. I suggest we establish a technical modeling team composed of five experts from each of Egypt, Ethiopia and Sudan under the umbrella of TNC. The team prepares recommendation to the trilateral ministerial meeting through exchange and review existing national studies and prepare a GERD filling plan that ensures benefits to our three countries and cause no significant harm, in accordance with the Declaration of Principles.

Your Excellencies, since we are expected to report back to our leaders in one month time, I suggest we establish the joint modeling team, hold this suggested meeting in Khartoum as of next week and prepare report to the trilateral ministerial meeting at the end of the work of the team. The reason for suggesting Khartoum is based on hosting commitment of the Sudan at our Cairo meeting.

Kindly accept Your Excellency the assurance of my highest consideration,

Sincerely,

plst
Dr. Eng. Seleshi Bekele
Minister



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ADDIS ABABA - ETHIOPIA

Annex 4. Floods in Khartoum

Record floods cause deaths and widespread damage in Sudan

By Syndicated Content ,Aug 27, 2020 | 2:23 PM ; By Khalid Abdelaziz

KHARTOUM (Reuters) – Flood waters in Sudan have reached the highest levels on record, killing dozens of people, destroying thousands of homes and encroaching on some neighborhoods of the capital Khartoum.

The flooding comes despite Ethiopia starting to fill the reservoir behind a giant new dam upstream on the Blue Nile in July. The Grand Ethiopian Renaissance Dam (GERD) is expected to help Sudan control future floods.

Flooding regularly hits Sudan in summer, but this year's unprecedented water levels have left larger tracts of farmland submerged and residents around Khartoum are looking anxiously outside their homes for fear of the rising waters.

Flood waters have spilled over into major roads in Khartoum for the first time in living memory.

"The waters of the Nile flooded our house at midnight yesterday," said Ahmed Bastawy, a resident of Khartoum's twin city of Omdurman, who stayed up all night trying to protect his house only to see some of its mud brick walls collapse.

"We have never seen flooding like this. Authorities provided us with soil and sacks, but we failed to block the waters and the houses were destroyed."

The average level of the Blue Nile has reached 17.43 metres, the highest since the country started measuring in 1912, Irrigation Minister Yasser Abbas said on Thursday.

Blue Nile waters would continue to rise in the coming days, said Abdelrahman Sughairun, head of the ministry's flood committee.

As of Tuesday the floods had left 86 people dead, destroyed more than 18,000 homes and damaged a further 32,000, according to the interior ministry.

The reservoir behind the GERD is expected to be gradually filled over the next few years as the dam begins to operate, though Ethiopia is yet to agree on its operating terms with downstream countries Sudan and Egypt.

"After the filling of the Renaissance Dam it's expected that floods won't happen," Abbas said.

Annex 5. The Declaration of Principles

**Agreement on Declaration of Principles between
The Arab Republic of Egypt,
The Federal Democratic Republic of Ethiopia
And
The Republic of the Sudan
On The Grand Ethiopian Renaissance Dam Project (GERDP)**

Preamble

Mindful of the rising demand of the Arab Republic of Egypt, the Federal Democratic Republic of Ethiopia and the Republic of Sudan on their transboundary water resources, and cognizant of the significance of the River Nile as the source of livelihood and the significant resource to the development of the people of Egypt, Ethiopia and Sudan, the three countries have committed to the following principles on the GERD:

I. Principle of Cooperation

- To cooperate based on common understanding, mutual benefit, good faith, win-win, and principles of international law.
- To cooperate in understanding upstream and downstream water needs in its various aspects.

II. Principle of Development, Regional Integration and Sustainability

The purpose of GERD is for power generation, to contribute to economic development, promotion of transboundary cooperation and regional integration through generation of sustainable and reliable clean energy supply.

III. Principle Not to Cause Significant Harm

- The three countries shall take all appropriate measures to prevent the causing of significant harm in utilizing the Blue/Main Nile.
- Where significant harm nevertheless is caused to one of the countries, the state whose use causes such harm shall, in the absence of agreement to such use, take all appropriate measures in consultations with the affected state to eliminate or mitigate such harm and, where appropriate, to discuss the question of compensation.

IV. Principle of Equitable and Reasonable Utilization

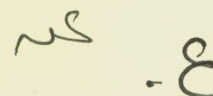
- The three countries shall utilize their shared water resources in their respective territories in an equitable and reasonable manner.
- In ensuring their equitable and reasonable utilization, the three countries will take into account all the relevant guiding factors listed below, but not limited to the following outlined:
 - a. Geographic, hydrographic, hydrological, climatic, ecological and other factors of a natural character;



- b. The social and economic needs of the Basin States concerned;
- c. The population dependent on the water resources in each Basin State;
- d. The effects of the use or uses of the water resources in one Basin State on other Basin States;
- e. Existing and potential uses of the water resources;
- f. Conservation, protection, development and economy of use of the water resources and the costs of measures taken to that effect;
- g. The availability of alternatives, of comparable value, to a particular planned or existing use;
- h. The contribution of each Basin State to the waters of the Nile River system;
- i. The extent and proportion of the drainage area in the territory of each Basin State.

V. Principle to Cooperate on the First Filling and Operation of the Dam

- To implement the recommendations of the International Panel of Experts (IPOE), respect the final outcomes of the Tripartite National Committee (TNC) Final Report on the joint studies recommended in the IPOE Final Report throughout the different phases of the project.
- The three countries, in the spirit of cooperation, will utilize the final outcomes of the joint studies, to be conducted as per the recommendations of the IPOE Report and agreed upon by the TNC, to:-
 - a) Agree on guidelines and rules on the first filling of GERD which shall cover all different scenarios, in parallel with the construction of GERD.

- b) Agree on guidelines and rules for the annual operation of GERD, which the owner of the dam may adjust from time to time.
- c) Inform the downstream countries of any unforeseen or urgent circumstances requiring adjustments in the operation of GERD.
- To sustain cooperation and coordination on the annual operation of GERD with downstream reservoirs, the three countries, through the line ministries responsible for water, shall set up an appropriate coordination mechanism among them.
- The time line for conducting the above mentioned process shall be 15 months from the inception of the two studies recommended by the IPoE.

VI. Principle of Confidence Building

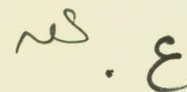
- Priority will be given to downstream countries to purchase power generated from GERD.

VII. Principle of Exchange of Information and Data

Egypt, Ethiopia, and Sudan shall provide data and information needed for the conduct of the TNC joint studies in good faith and in a timely manner.

VIII. Principle of Dam Safety

- The three countries appreciate the efforts undertaken thus far by Ethiopia in implementing the IPoE recommendations pertinent to the GERD safety.
- Ethiopia shall in good faith continue the full implementation of the Dam safety recommendations as per the IPoE report.



IX. Principle of Sovereignty and Territorial Integrity

The three countries shall cooperate on the basis of sovereign equality, territorial integrity, mutual benefit and good faith in order to attain optimal utilization and adequate protection of the River.

X. Principle of Peaceful Settlement of Disputes

- The Three countries will settle disputes, arising out of the interpretation or implementation of this agreement, amicably through consultation or negotiation in accordance with the principle of good faith. If the Parties are unable to resolve the dispute through consultation or negotiation, they may jointly request for conciliation, mediation or refer the matter for the consideration of the Heads of State/Head of Government.

This agreement on Declaration of Principles is signed in Khartoum, Sudan, on Monday the 23rd of March 2015, by the Arab Republic of Egypt, The Federal Democratic Republic of Ethiopia, and the Republic of Sudan.

**For the
Arab Republic of Egypt:**

٢٠١٥/٣/٢٣
عبد الفتاح السيسي

**Abdel Fattah El Sisi
President of the Republic.**

**For the
Federal Democratic Republic
of Ethiopia:**

Hailemariam Desalegn

**Hailemariam Desalegn
Prime Minister of the Republic.**

**For the
Republic of the Sudan:**

Omer Hassan A. Elbashir

**Omer Hassan A. Elbashir
President of the Republic.**