

TRANSBOUNDARY WATER COOPERATION IN AFRICA: THE CASE OF THE NILE BASIN INITIATIVE (NBI)

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Abstract

The aim of this paper is to identify the economic, social and political benefits of the transboundary cooperation by using the Nile Basin Initiative (NBI) as a case study. It also attempts to identify the obstacles that hinder transboundary cooperation in the Nile Basin. The paper argues that the riparian states in the Nile Basin should work for “benefit-sharing” rather than “water-sharing” and this should be the basis for the transboundary cooperation. It also claims that implementing the concept of benefit-sharing would help in solving problems that are caused by divergent interests among the riparian states in the Nile basin and the up stream-down stream problems frequently manifested in the area. The paper concludes by suggesting the main points that have to be considered in transboundary cooperation.

Keywords: “benefit-sharing”, Nile Basin Initiative, transboundary cooperation, “water-sharing.”

JEL Classification: N57, O11.

1. Introduction

In Africa, there are many river basins and some of them are transboundary. One of the transboundary river basins that extend over the territories of several countries is the Nile River basin. The Nile river is the longest river in the world and the total area of the river basin is more than 3,349,000 Km² and the basin is a home to around 160 million people (within the boundaries of the basin). In the ten countries that share the Nile’s water, about 300 million people live (UNESCO, 2006). The Nile basin is characterized by environmental degradation, extreme poverty, high population growth and political instability and some of the World’s poorest nations found in this area (Ibid.).

2. Research Methods

In this study, the Nile Basin Initiative is presented as a case study to investigate transboundary water cooperation, and the concept of *benefit-sharing*. The paper is prepared by consulting various NBI reports, governmental reports, conference proceedings, scientific journals, books and relevant newspaper articles.

3. The Nile Basin Initiative (NBI)

The area that forms the basin of the Nile River (*Nile River Basin*) is composed of ten Nile Basin states namely, Burundi, Democratic Republic of Congo (DRC), Egypt, Eritrea, Ethiopia, Kenya, Rwanda, Sudan, Tanzania and Uganda. In 1999, nine riparian countries launched the Nile Basin Initiative (NBI), a joint program of action whose aim is to ensure cooperation and economic integration, sustainable resource development and security. The NBI, according to its own declaration is a *transitional arrangement until a permanent legal and institutional framework is in place* (NBI, 2000 quoted by Nicol, A., 2003). Before the establishment of the Nile Basin Initiative in 1999, there were earlier efforts towards cooperation in the Nile Basin. For instance, a technical cooperation committee for the promotion of the development and environmental protection of the Nile Basin was formed in 1993. In 1995, the Nile River Basin Action plan was designed. Then, in 1997, the Canadian International Development Agency (CIDA), UNDP, and the World Bank started to encourage and facilitate the Nile riparian countries for further dialogue (Kags, Al., 2005). In 1998, except Eritrea, the other nine riparian countries in the Nile Basin started talks, with the aim of forming a regional partnership to manage the Nile Basin in a better way. In February 1999, a transitional mechanism for cooperation was formally inaugurated in Dar es Salaam, Tanzania, by the Council of Ministers of Water Affairs of the Nile Basin States (Nile-COM). Later on, in the same year, this process was named the Nile Basin Initiative (NBI). In November 2002, with financial assistance from the World Bank, a secretariat was established in Entebbe, Uganda (Kags, Al., 2005). The secretariat is headed by an Executive Director. In June 2001, the NBI for the first time introduced itself to the international donors at the International Consortium for cooperation on the Nile, in Geneva, Switzerland. In this conference, around 85 million USD of the required 180 million USD was pledged. Most of the pledged funding went into a World Bank trust fund. The major contributors of the fund in this program were the Scandinavian countries and the Netherlands. In 2003, the Ugandan parliament passed legislation on the Nile declaring that the Nile secretariat had an international legal status.

Later on, the Nile Team involving UN organizations, G8 members, some European countries, the World Bank, and the African Development Bank was formed (Schild, T., 2005). At present, the NBI is found in a stage of program implementation. Its major goal is *to achieve sustainable socio-economic development through the equitable utilization of, and benefits from, the common Nile Basin water resources* (NBI, 2007). The principal objectives of the NBI include (Sileet, T. et al, 2007):

(1) *To develop the Nile River water resources in a equitable and sustainable manner in order to ensure prosperity, security and peace for the inhabitants.*

(2) *To guarantee effective water management and optimal resources use.*

(3) *To promote cooperation and combined action between member countries.*

(4) *To combat poverty and promote economic integration.*

The highest decision making body of the Nile Basin Initiative is the Nile-COM (Nile Council of Ministers). It is supported by a Technical Advisory Committee (Nile-TAC). In the Nile-TAC, each member state is represented by its two senior professionals. In partnership with the member countries, the NBI has been planning and executing various projects. In order to achieve its goal, the NBI has drafted a Strategic Action Plan. The Action plan is composed of two complementary sub-programs (NBI, 2007):

(1) Shared Vision Program (SVP), that is, a broad based or basin-wide program.

The SVP is composed of seven projects, namely, Applied Training; Confidence-Building and Stake holder Involvement; Efficient Water use for Agricultural Production; Transboundary Environmental Action; Socio-Economic Development and Benefit-Sharing; Regional Power Trade; Water Resources Planning and Management (NBI, 2005).

(2) The Subsidiary Action Programs (SAP).

The program of the SAP is to initiate joint investments at the sub-basin levels: the Nile Equatorial Lakes Subsidiary Action Program (NELSAP), and the Eastern Nile Subsidiary Action Program (ENSAP).

The member states in NELSAP are Burundi, DRC, Kenya, Rwanda, Tanzania and Uganda. NELSAP-CU (NELSAP Coordinating Unit), whose office is based in Kigali, Rwanda, is responsible for NELSAP. NELSAP concentrates in water resource management, investments in power development, management of lakes and fisheries, transmission of interconnection and trade, and agricultural development.

The member states of ENSAP are Egypt, Ethiopia and Sudan. ENTRO (the Eastern Nile Regional Technical Office) is responsible for ENSAP. Its' office is in Addis Ababa, Ethiopia. ENSAP focuses on flood management, irrigation, drainage and watershed management, and integrated water resources management (NBI, 2005).

Except Egypt and Kenya, the other eight countries of the Nile Basin are among the least developed countries of the world.

Donors and the Nile Basin Initiative

According to the survey of Baum and Nierenköther (2007), from all river and lake basins in Africa, the Nile Basin receives the largest support from donor countries and organizations. The reason for this perhaps is due to the concentration of financial support of donors on larger river basins with greater population densities. Next to Nile Basin, the other basins in Africa that receive higher financial support from donors are Niger, Senegal and Zambezi basins (Ibid.). In general, however, out of 59 transboundary basins in Africa only 17 basins are able to get donors support and this means most of the basins in Africa do not have donor support. Donors have two major criteria that determine their support to basins in Africa: First, basins (such as Congo, Gash, and Juba-Shebelle) that have fragile riparian countries get very less donor support, and second, the chance of donor support is high for basins that have river basin organizations (Ibid.).

4. Results

It is found out that despite its usefulness and achievements, the NBI has weaknesses as indicated by Mason (2004) and other scholars. Its' shortcomings include:

(1) The lack of overall political leadership.

(2) The absence of agreement on water allocation among the riparian state that is accepted by all member countries.

At present, there is no regional or international treaty among the Nile Basin states except the 1929 bilateral treaty between Egypt and Britain, and the 1959 treaty between Egypt and Sudan. Moreover, to date, the Nile riparian countries did not ratify the 1966 Helsinki water rule that requested countries to cooperate for equal distribution of water, proper consultation over proposed projects, and to fulfill an adequate compensation (Nicol, A., 2003)

(3) Political problems among some members of the NBI.

The current political conflicts between Ethiopia and Eritrea, Sudan and Eritrea, Uganda and the DRC, Uganda and Sudan can be cited as examples.

(4) Mutual suspicions and distrusts among the *up stream* and the *down stream* countries on water resource development.

Moreover for Ndunda (2006) the major challenges of the NBI at present include lack of a strong legal and institutional framework, poor infrastructure, poverty, inadequate skills, and environmental degradation.

5. Discussion

Some riparian states argue that the 1929 Anglo-Egyptian treaty should be amended. Britain signed this treaty on behalf of its colonies and pledged not to undertake works that would affect the volume Nile waters. When the treaty was signed, Egypt was very crucial to Britain due to its strategic location and the Suez Canal (Britain's gateway to India) though it was also Britain's satellite (Ayodo, H., 2006). Therefore, according to the treaty, those African countries are required to get the permission of Egypt prior to embarking water works. In the last few years, there have been many requests among the riparian states demanding the revision of the treaty. Sudan was able to renegotiate the treaty in 1959 after it got its independence in 1956. The 1959 treaty allowed Sudan to get increased distribution of waters (Ayodo, H., 2006). The riparian countries of the Nile basin feel that the 1929 treaty gives Egypt ultimate monopoly and control over the Nile River. The treaty forbade the upper riparian countries from developing any projects that affect the volume of the Nile without the express permission from Egypt (Ithula, M., 2005). Recently, Ethiopia's minister for trade and industry, Girma Birru, accused Egypt of using various devious tactics to hinder Ethiopia from exploiting and developing its water sources. *"Egypt has been pressuring international financial institutions to desist from assisting Ethiopia in carrying out development projects in the Nile basin....It has used its influence to persuade the Arab world not to provide Ethiopia with any loans or grants for Nile water development."* he said. Other countries also have expressed their bitterness towards the 1929 treaty. For instance, the Kenyan assistant minister for foreign affairs, Moses Wetang'ula threatened that Kenya would consider the treaty invalid. *"Kenya will not accept any restrictions on use of Lake Victoria or the River Nile....It however does not wish to be a lone ranger in deciding how to use the waters, and has consequently sought the involvement involved countries,"* he said. Egypt's response to Kenya's threat was also very stern. Egyptian minister for water resources Mahmoud Abu Zeid was quoted by a Kenyan daily as saying Kenya's statements were *"A declaration of war"* against Egypt (BBC, 12 December 2003). Egypt argues that the upper riparian countries are not entirely dependent on the waters of the Nile for agricultural purpose and they have other rivers and lakes as alternatives. Moreover, they all receive plentiful rainfall and they do not depend on irrigation (Al-Ahram, Feb. 26, 2004).

Though water-related violence usually occurs on the local rather than international level, it is sufficient enough to create inter-state tensions. Such tensions are able to hinder development in many river basins including the Nile Basin. Inter-state tensions arise when there is an uncoordinated development of a major project that affects river flow in the absence of any treaty (Carius, n.d). Over the next 25 years, the UNDP reports, major conflicts in

Africa would be due to the shortage of water, and the principal flash points are the Nile, Niger, Volta and Zambezi basins. According to the report, 12 more African States will join the 13 that already suffer from water shortages by 2025 (Kags, Al., 2005). On this aspect the ex-UN Secretary, Kofi Annan (March 2001) said, “*Fierce competition for fresh water may well become a source of conflict and wars in the future*” (quoted by Carius, n.d).

In light of these tense political tensions among the Nile riparian states, the establishment of the NBI can be considered as a breakthrough. The NBI stimulates development in the area and enhances regional integration. Among the ten Nile Basin countries, only Eritrea is not a member of the Nile Basin Initiative (NBI) (Sileet, T. et al, 2007). Though Eritrea is not a full member of the NBI, it is a prospective member and also participates in the Nile-Com dialogue as an observer. According to Sileet et al (2007), the NBI furthered other previous agreements like the 1959 agreement between Egypt and Sudan on the Nile; and the Technical Cooperation Committee for the Promotion of Development and Environmental Protection of the Nile (TECCONILE) which was established in 1993.

Transboundary water cooperation and its economic and political impacts has become a subject of discussion for a considerable number of researchers in the last few years (Batz et al, 2006; Baum and Nierenköther, 2007; Klaphake, 2005; Klaphake and Voils, 2006; Sadof and Grey, 2002; and Schild, 2005). We can cite examples of successful transboundary water cooperation where political and economic problems such as upstream-downstream relations, diverging economic development etc., could be wisely solved. These include: the Rhine River cooperation, the Columbia River cooperation and the Senegal River cooperation (Klaphake, A., 2005).

Though the riparian countries in the Nile Basin (in principle) agree on *water sharing*, the question of how to share the water is very complicated and controversial. It is true researchers like Van der Zaag et al (2002) offered a proposal on how water in an international river basin could be equitably shared based on population sizes, assumed local use, the green/blue water composition, and so on. But the complex nature of *water-sharing* is still the source of arguments and counter arguments among the Nile riparian states. For instance, Egypt argues that *water-sharing* should include the assessment of all water resources (“*blue*” and “*green*”) available to a country. On the other hand, Ethiopia argues that any calculation on *water-sharing* should take into account all useable resources including all inputs, uses and loses. It insists that it has the right to use the Nile River run-off. It also argues that though Ethiopia appears to benefit from rainfall, as one of upstream countries, the water loss through evaporation has to be considered in the assessment of *water-sharing*. In general, we can say that the Nile riparian countries follow different views in assessing their water shares. That is why, recently, another scheme, *benefit-sharing*, is suggested instead of *water-sharing* with the

aim of simplifying the problems and solving the conflicts over water. *Benefit-sharing* is defined as *any action designed to change the allocation of costs and benefits associated with cooperation* (Sadoff, C.W., Grey, D., 2002). In a simple statement *benefit-sharing* is the distribution of benefits resulting from cooperation. The principal advocate of this concept is the World Bank (Klaphake, A., Voils, O., 2006). *Benefit-sharing* is flexible and more proportional form than the *water-sharing*, which is fixed and controversial (Mason, S. A., 2004).

The concept of *benefit-sharing* is some times criticized as idealistic approach, detached form the situation in the existing real world. Hence, its viability or applicability is questioned (see Phillips, D. et al, 2006). However, other researchers like Sadoff and Grey (2002) have attempted to indicate how *benefit-sharing* could be practically used in transboundary cooperation. According to them, the benefits in transboundary cooperation could be grouped into four categories: environmental, economic, political and catalytic. Environmental benefit derives from cooperation that contributes to better management of ecosystems and hence giving benefit to the river. This also includes improved water quality and soil conservation. Economic benefits derives from effective and fruitful cooperative management and development of transboundary rivers that result in getting important benefits from the river such as increased food and energy production, flood-drought management and increased navigation. Political benefits derive from minimizing tensions among countries and people due to cooperation. The fourth benefit (catalytic) derives from transboundary rivers as catalytic agents that stimulate for greater cooperation and economic integration between states including trade (Sadoff, C.W., Grey, D., 2005). *Benefit sharing* gives riparian states the chance to share the benefits derived from the use of water rather than the physical distribution of the water itself (Ibid). In a similar manner, Savenije and Van der Zaag (2000) noted that in order to share the resources in basin development, strategies that can thrive under an equitable division of water and other resources should be clearly identified. They further argued that any advantages and disadvantages in *benefit-sharing* strategy will balance themselves in the long run. Other researches who tried to analyze *benefit-sharing* include Klaphake (2005), and Scheumann and Neubert (2005). The concept of *water sharing* was dominant in the 20th century. Even the 1956 treaty between Egypt and Sudan was based on this concept. Moreover, the 1966 Helsinki Rules on the Uses of the Waters of International Rivers is also in line with the concept of *water-sharing*. Even now, this concept is still dominant (Sadoff, C.W., Grey, D., 2005). In addition to its complexity and controversial nature, *water-sharing* in the future would be more difficult to exercise in light of the fact that as populations and economies grow, there will not be sufficient water to be shared among riparian countries. *Benefit-sharing* has also its own problem at present. As I stated earlier, this paradigm is new

and hence, it has no international law backing, no clearly set principles and guidelines. Nevertheless, it is rapidly getting increasing acceptance, and in the near future it will be used as an alternative mechanism in solving problems that are caused by transboundary rivers.

6. Conclusion

As Kofi Annan (February 2002) said, “.... *the water problems of our world need not be only a cause of tension; they can also be a catalyst for cooperation....If we work together, a secure and sustainable water future can be our*” (quoted by Carius). Transboundary water cooperation is usually helpful in reducing poverty, preventing tensions and conflicts, and protecting natural resources. Moreover, it encourages riparian states to establish strong cooperation in sectors other than water development paving a way for more fruitful and peaceful political relations among countries. In conclusion, the negotiations of riparian states in the Nile Basin should continue focusing on *benefit sharing* and win-win option instead of the *water-sharing* scheme that usually ends up in the accentuation of conflicts among countries over water.

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