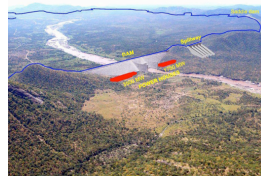


NILE WATERS DISPUTE TIPS TOWARD A PEACEFUL SOLUTION

By George F. Ward

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Rendering of GERD. (Source: International Rivers, "The Grand Ethiopian Renaissance Dam Fact Sheet," January 24, 2014, <http://www.internationalrivers.org/resources/the-grand-ethiopian-renaissance-dam-fact-sheet-8213>.)

Ambassador (ret.) George F. Ward is editor of Africa Watch and a Research Staff Member at the Institute for Defense Analyses. He is a former U.S. ambassador to the Republic of Namibia.

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In late October 2014, the attorney general of Tanzania announced that the country will hold a constitutional referendum on [April 30, 2015](#). The draft that is to be presented to voters is widely supported by the ruling party; however, it does not have much support among the opposition. If the current mood is any indication, the referendum promises to be contentious. In Dar es Salaam, [fisticuffs broke out](#) on November 2 at a forum organized by the [Mwalimu Nyerere Foundation](#), a civil society organization focused on issues of peace and development. The forum was meant to discuss the merits of the new constitution. Furthermore, the tone of the campaign surrounding the constitutional referendum may serve as a harbinger for the conduct of the country's next general election, currently scheduled for October 2015. There are several warning signs that the 2015 Tanzanian election could result in significant violence. *more...*



A voter waits to cast her ballot at a polling station in Dar es Salaam during the 2010 election. (Source: AP.)

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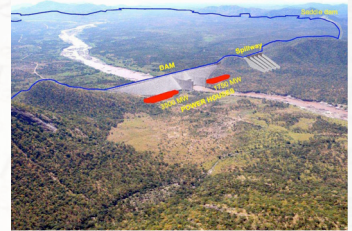
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The "Water Wars" that Never Arrive

Some have claimed that conflicts over water will occur more frequently in the future. In 1995, [former World Bank Vice President Ismail Serageldin](#) proclaimed that "the wars of the next century will be about water." [International river basins](#) cover around 45 percent of Earth's land surface, host about 40 percent of the world's population, and account for about 60 percent of the flow of the world's rivers. These facts would seem to support the notion that tensions and conflicts between nations over water issues are likely to arise frequently. And in fact, disputes over issues related to water have been numerous throughout history. Water supplies and infrastructure have been targeted during conflicts. As reported by the United Nations Economic, Cultural, and Social Organization (UNESCO), however, no states have actually gone to war specifically over water resources [since 2500 BC](#). Instead, a UNESCO publication reports that over 3,600 treaties on water issues were signed between 805 and 1984. More than 300 treaties and agreements related to water resources have been signed in the last 50 years.

As Cameron Harrington has pointed out, debate over the possibility of armed conflict over water diverts attention from the real problem, which is pervasive [water insecurity](#). According to this researcher, 15 percent of the world's freshwater withdrawal is used for energy production. This fact highlights the basis of the conflict over the GERD—Ethiopia wishes to use the waters of the Blue Nile for production of hydroelectric energy, while Egypt needs those waters to sustain agriculture and basic human needs. Sudan, which has both agricultural and power production interests, occupies a middle position, and that is important.

Sudan Shifts to the Ethiopian Side

Egypt withdrew from tripartite negotiations on the GERD in January 2014, accusing Ethiopia of refusing to recognize its rights to the waters of the Nile. A pause in diplomatic action on the dispute ensued. The key development during this period was an apparent move of the position of the government of Sudan toward the Ethiopian side. One indication of this shift was a statement in February by [Sudanese Foreign Minister Ali Karti](#) that criticized Egypt for inflaming the dispute through critical comments to the media. Karti made his remarks after accompanying Sudanese President Omer Hassan al-Bashir to Addis Ababa, where they held talks on bilateral cooperation with Ethiopian Prime Minister Haile-Mariam Desalegn and other officials.

Sudan's shift is significant, since it enjoys rights under the colonial-era treaties to a share of the Nile's waters, and since at the outset of the dispute, it was generally regarded as favoring the Egyptian position. With the end of the government

in Egypt dominated by the Muslim Brotherhood, Sudan's ties with Cairo may have weakened. Currently, Sudan may be motivated by three factors: (1) the advantages of regulating the upstream flow of the Blue Nile for purposes of irrigating croplands in Sudan; (2) its need for electric power that could be alleviated by the GERD; and (3) prospects of increased trade and commerce with Ethiopia.

Breakthrough in Malabo Leads to Further Progress

The capital of Equatorial Guinea in June 2014 was the unlikely scene of a key development in the dispute over the GERD. During the African Union summit in Malabo, the leaders of Egypt and Ethiopia engaged in bilateral talks, and they [agreed to resume the tripartite negotiations](#) on the GERD. Significantly, this agreement was one of the first diplomatic moves by Egyptian President Abdel Fattah al-Sisi, who had been inaugurated only days previously.

Tripartite negotiations took place [in Khartoum](#) during the week of August 24. The major result was to agree to create a committee, composed of nationals of Egypt, Ethiopia, and Sudan, to initiate two studies: a hydrology simulation model and a trans-boundary social, economic, and environmental impact assessment. The committee would be assisted by an international consulting firm. The [May 2013 report](#) of an international panel of experts had recommended such studies, so the agreement in Khartoum represents resumption of the procedural track that was being followed before the January 2014 breakdown. The water ministers of the three nations subsequently [met in Addis Ababa](#) in late September to sign the agreement forming the committee.

The Clock Favors Ethiopia

The GERD is an immensely complex project and, when completed, would be the eighth largest dam in the world. Reports on construction progress vary, but experts seem to agree that the project is [around 40 percent complete](#). It appears likely that some [electrical generating capacity](#) could be attained during 2015, when an initial water storage capacity of [14 billion cubic meters](#) (out of a planned 63 billion) will be reached.

In the meantime, relations between Egypt and Ethiopia remain on a positive path. A sizable Egyptian delegation headed by Foreign Minister Sameh Shoukry visited Addis Ababa during the first week in November. The result was a signed [Memorandum of Understanding](#) for cooperation in several areas, including education, trade, and health. The next tripartite meeting is scheduled for December. That meeting is to select a [consulting firm](#) to carry out the studies agreed to at the August tripartite meeting.

Conclusion

While the final chapter in the long-running saga of the GERD still has to be written, it is clear that the range of possible outcomes has been narrowed. Egyptian military action, once thought possible, seems out of the question. Negotiations are no longer about whether there will be a dam, but about the size, environmental and hydrological impact, and fill rate of the structure that will be completed. Egypt's negotiating stance and public posture have moderated since the inauguration of President al-Sisi, but the country will still need to defend its bottom line—unimpeded access to the water that sustains lives and livelihoods. A positive political atmosphere having been established, it will be up to experts from the three countries and from outside to establish the outlines of a win-win solution.

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A voter waits to cast her ballot at a polling station in Dar es Salaam during the 2010 election. (Source: AP.)

Draft Controversy

While the drafting of a new constitution had been talked about since the 1990s, the process only began in earnest in late 2010. There have been several drafts and permutations of the new constitution. The first and second drafts enjoyed wide support among much of civil society and the opposition. The ruling party, which reportedly was reluctant to make changes to the existing constitution, took issue with several provisions of those drafts. When the second draft of the new constitution made its way to the Constituent Assembly, one of the final steps in the years-long process, it was [significantly altered to reflect the wishes of the ruling party](#). Specific provisions proposed by the opposition regarding the structure of the union and reducing the powers of the presidency were removed. When it became clear to the opposition that the ruling party was taking over the constitution-making process, several parties came together in a coalition, called [Ukawa](#), and staged a boycott of the remainder of the proceedings. [Despite the boycott](#) and questions about whether the Constituent Assembly would be able to convene the quorum necessary to complete the proceedings, a new draft was passed in October.

In early November, the Mwalimu Nyerere Foundation held a forum to discuss the new constitution. During a speech by one of the new constitution's most vocal critics, Joseph Warioba, several youths began chanting "CCM," short for Chama cha Mapinuzi, the name of the ruling party. Some believe that the ruling party [deliberately instructed](#) members of its youth wing to disrupt the proceedings. Warioba, who had been prime minister of Tanzania from 1985 to 1990, served as chairman of the Constitutional Review Commission that authored the first draft. He has repeatedly come out in opposition to the changes made by the ruling party.

As things stand, Ukawa has promised it will [campaign against the new constitution](#). Although the typical campaign period for general elections is 60 days, the government has decided to limit the campaign period for the new constitution to 30 days, which may limit the effect of the coalition's protest.

Implications for 2015 Elections

The constitution-making process that has unfolded in Tanzania has heightened tensions between the opposition and the ruling party. It raised several [long-simmering issues](#) within the union of Tanzania, such as the relationship between the mainland and the islands of Zanzibar, but has provided no resolution. The process has resulted in a more unified opposition, however, which has promised to coordinate to [field a single candidate for the presidency](#) to run against the ruling party.

[Twaweza](#), a civil society organization established to promote change in East Africa, conducted a survey of Tanzanians in September 2014. It reported that Tanzanians are [very dissatisfied](#) with politicians at all levels and of all parties. Almost half the Tanzanians surveyed (47 percent) said that they would vote their current MP out of office. Only a slight majority (51 percent) said that, if the election were held today, they would vote for the CCM candidate for president, a decline of 10 percent from a 2012 survey. These results suggest that the next election will be close, perhaps closer than any election in Tanzanian history.

Previous elections have been problematic. The 2010 election, although hailed as free and fair by most observers, was not without flaw. According to the [EU observers report](#), the secrecy of the vote was compromised in up to 32 percent of polling places; electoral bodies on the mainland and Zanzibar may not have been impartial; parts of the tallying process were not transparent; and constituent boundaries seemed gerrymandered. In addition, the quality of the voter registration list was called into question—it was released just two weeks before the elections, which did not leave sufficient time for it to be inspected. Domestic observer reports also raised several red flags. According to the Tanzania Election Monitoring Committee (TEMCO) [report on the 2010 elections](#), several by-elections held prior to 2010 elections had been marred by violence. In the weeks leading up to the 2010 election, violence broke out in several instances between CCM and opposition supporters. Deaths were reported in Maswa, Dodoma, and Dar es Salaam.

Elections in Zanzibar have often been violent. [Irregularities and vote rigging](#) were alleged in the 1995 elections, which led to riots, the resignation of the leadership of the Zanzibar Electoral Commission, detention of opposition members on charges of treason, and several fatalities. There were at least [20 deaths after the 2000 elections](#). There were riots in 2005 on the day of voting in Zanzibar in response to reports that the ruling party was [busing in voters](#) from other constituencies. After several iterations of peace negotiations, [the 2010 elections were peaceful](#), but it is unclear if the peace will hold in 2015.

The current situation in Tanzania is in some ways reminiscent of the [Kenyan 2005 constitutional impasse](#). The constitution-making process in Kenya was also long and drawn out, and the draft that was presented to voters little resembled the document the party in power and the opposition had agreed to previously. A vigorous “no” campaign was waged by the opposition, and the proposed constitution was rejected by 58 percent of Kenyan voters. The subsequent general election held in 2007 saw the same pro-constitution and anti-constitution coalitions form. The animosity between the parties was so deep and hardened after the constitutional referendum that it contributed to a wave of [post-election violence](#) that gripped the country and threatened to bring Kenya to the brink of civil war. Although Kenya and Tanzania are different in many ways, the lesson from Kenya’s recent experience should not be forgotten: the constitution-making process can have long-reaching and unanticipated effects, especially when the process is perceived as unfair and one-sided.

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