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Potential Conflict over Nile River between South and North Sudan

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**PEACE SECURITY AND DEVELOPMENT FELLOWSHIPS FOR
AFRICAN SCHOLARS 2010/2011**

**POTENTIAL CONFLICT OVER NILE RIVER
BETWEEN SOUTH AND NORTH SUDAN**

Abbreviations:

RSS: Republic of South Sudan

IDPs: Internally Displaced People

CPA: Comprehensive Peace Agreement

SPLM: Sudan People liberation Movement

NCP: National Congress Party

Introduction

The referendum on the self-determination of South Sudan, which took place on January 9, 2011, was the final phase of the Comprehensive Peace Agreement of 2005¹. Since then, the National Congress Party NCP² and Sudan People Liberation Movement SPLM³ have been engaged in talks, with little progress, over a host of post-referendum issues. These include security, citizenship, oil and water resources, currency matters, assets and liabilities and international treaties and agreements.

The River Nile is one of the resources shared by North and South Sudan. There have been three agreements formulated over the issue of sharing the resources of the Nile; however they considered Sudan as one country- which has changed since the referendum was passed.

This paper addresses the Nile issue and the possibility of potential conflict that might arise between South and North Sudan in light of three factors:

- 1) The economic structure of South Sudan and eventual development,
- 2) The increased water usage, and
- 3) Regional interests with emphasis on Nile basin countries.

¹ The Comprehensive Peace Agreement (CPA) was a set of agreements culminating in January 2005 that were signed between the **Sudan People's Liberation Movement (SPLM)** and the Government of Sudan and meant to end the **Second Sudanese Civil War**

² National Congress Party NCP is the governing official political party of Sudan. The party follows ideologies such as Islamism, Arabism, nationalism and conservatism. NCP declared under this name after Hassan al-Turabi, the leader of National Islamic Front (NIF) split out of the government on 1998 because he introduced a bill in the national parliament to reduce the president's powers, then he function new political party under the name of Popular National Congress Party (NCP)

³ Sudan People's Liberation Movement (SPLM) is a political party in South Sudan, initially founded as a rebel political movement with a military wing known as the Sudan People's Liberation Army (SPLA)

Background

The Comprehensive Peace Agreement (**CPA**) which was signed between the government of North Sudan and Sudan People Liberation Movement SPLM in January 2005[1], has six protocols;

- Machakos Protocol,
- Power Sharing Protocol
- The Protocol on the Resolution of the Conflict in Abyei Area
- The Protocol on the Resolution of the Conflict in Southern Kordofan and Blue Nile States
- Agreement on Wealth Sharing, and
- Agreement on Security Arrangements.

The CPA ended the war between the National Congress Party NCP and Sudan People Liberation Movement SPLM. The CPA contained the right of self determination for the people of Southern Sudan, which resulted in the creation of an independent South Sudan; however there are unresolved issues between the North and South- the River Nile being one of them.

Neither deep negotiations nor proactive measures have been taken on the water resource issue and its management, and this includes the Nile. The Nile issue does not feature under the Wealth Sharing Protocol as might be expected, but in the Power Sharing Protocol. In this Protocol, it is mentioned that the control over water resources (including Nile water, trans-boundary waters and disputes arising from the management of water resources) is a matter of national government competence. This means that the government of South Sudan is responsible only for offering water services and sanitation [2]. This clearly shows that South Sudan does not feature in agreements over the water issue, and particularly Nile water. This poses a potential for border conflicts and political interactions in the future, as the Government of South Sudan has no recognized jurisdiction to control the Nile River.

Nile Agreements

There are three agreements on the river Nile. The first one was signed by the British government in 1929, as colonial masters, on behalf of a number of Nile Basin countries namely Uganda, Tanzania and Kenya. The British Government signed the agreement with the Egyptian government. The 1929 agreement included the adoption of the basin countries and gives Egypt the right to object (veto) in case one of these countries establishes any new projects on the river basin and its tributaries. [3]

The second Nile agreement signed in Cairo in November, 1959 between Egypt and Sudan, complemented the 1929 agreement. This agreement gives full control of the Nile water to Egypt and Sudan, in light of new variables, which were evident at the time. These variables include a desire to create the Alsad Alaali and Upper Nile projects, which would increase the revenue of the river; establishing a number of dams in Aswan. [4]

The third instrument concerning Nile Basin Initiative is an international agreement signed between the nine Nile Basin countries⁴ (Eritrea has been added as an observer) in February 1999. This aims to strengthen regional cooperation (political and social) between these countries, and to ensure the fair sharing. [5] This agreement stipulates that the countries that are a part of initiatives with full rights to use the Nile water within their borders. This stipulation has however raised some objections from Egypt.

⁴ Uganda, Tanzania ,Kenya, Rwanda, Sudan, Egypt, Ethiopia, Burundi and Congo

The Economy of South Sudan and the Right to Development

In December 1986 the United Nations General Assembly adopted a resolution for the Right to Development. This resolution recognized development as a comprehensive economic, social, cultural and political process. In light of the successful move for self-determination by the people of South Sudan, development is therefore viewed as a priority in this new country.

The economy of South Sudan is one of the world's weakest and most underdeveloped, [6] which makes large-scale development a necessity. Like many developing African countries, South Sudan is heavily dependent on income from agriculture and pastoral activities [7], with the Nile being the major source of water. The absence of a dam, however, as well as other possible water-saving mechanisms, agricultural production is affected.

Nile Water Sharing and Increased use of Water

The total population sharing the Nile's water is increasing annually at rate of about 3 percent, and is estimated to exceed 400 million by the year 2025, and approaching 1 billion by 2050 [8].

Post- separation North Sudan depends mainly on sugar cane. Water comprises of about 75% of the weight of sugar cane stalks [9], which means that more water is required for sugar cane farming. The oil was the leading produce North Sudan that contributed to high foreign revenue before the separation, now the Sugar Cane replaced it.

These significant (and projected) increases in the use of the Nile water are considerable, particularly from the perspective of resource sharing.

Control over the Nile (specifically the White Nile), may pose a serious challenge for the governments of both the North and South. This is because there is no clear border (natural or manmade), as is the case with the Alsad Alaali Dam which is the official border between Sudan and Egypt, over the Nile. This challenge must also take into account that the Nile has been used for other services and facilities, such as river navigation between the North and South, and as a link between many southern points. There are no alternatives to the Nile for the safe transportation not only of people, but mainly of goods, especially during the rain season. Finally, one must consider the historical battle for control of the Nile,

which has broken out between Egypt (which regards the river as its lifeblood), and the countries of sub-Saharan Africa (which complain that they are denied a fair share of its water). [11]

These factors all contribute to pose a major challenge with regard to the control of the waters of the Nile, and establishing borders between countries where the Nile flows. Going back to North and South Sudan specifically and using lessons learned from other countries, this issue must be robustly confronted if a potential conflict over the Nile is to be avoided.

Regional Interests and Dynamics

A decade of negotiations between the nine countries of the Nile Basin to re-allocate shares of the Nile water has been to no avail. Failure to reach an agreement has sparked controversy between the seven upstream states⁵ on one side, including Ethiopia which produces some 85 percent of the Nile Water, [12] and Sudan and Egypt on the other.

The per capita share of water in Egypt per person reached 700 cubic meters of any water below the poverty line, estimated at 2200 cubic meters, [14] this mean it will not be easy for Egypt to leave its veto right, which it was given by the first two agreements. Although the announced that they are willing to cooperate with South Sudan and Waw dam in South Sudan will be the starting step towards the economic collaboration between the two countries.⁶

The development renaissance in the Nile basin countries aims to improve the region's economy on the one hand. On the other hand however, the different interests of countries could potentially come into play and lead to disputes around access to, and control of the Nile. Let us take for example, Tanzania's announcement that it plans to build a 105-mile pipeline drawing water from Lake Victoria, and which will feed the Nile. This proposed project flouts a treaty that gives Egypt right of veto over any development project in the Nile Basin which might threaten the flow of the river. In addition, the growth development views in Ethiopia, which is based on building dams in the Blue Nile through collaboration with the Government of North Sudan, might pose a problem. This is if one takes into

⁵ Kenya, Uganda, Burundi, Rwanda, Tanzania and Congo

⁶ The head of the water and environment minister of South Sudan in their meeting with new representative of Egypt Government in Cairo

consideration the critical role that Ethiopia has played in peacekeeping in the South since 2010.

In summary, the economic growth of the Nile basin countries could be a forward step toward sustainable and independent development, but also a warning factor in terms of potential conflict between South and North Sudan. The Nile basin issues and water issues are also considered as national security issues and not only development issues. The potential conflict could therefore be due to the inclusion of a new country (South Sudan) into these circumstances.

Findings and Conclusion:

Water is the corner stone for most of the development projects that target the daily life of the people of South Sudan Republic. Furthermore, this is a new country where the majorities are either farmers or pastoralists, who need water to survive, and to secure them from famine and conflict. Therefore, the management of water resources is important in meeting the needs of the people, and to ensure the sustainability of the new country.

Water Security is important, to avoid disputes or potential conflict between the South and North in the future. South Sudan achieved a major milestone with the referendum, and as part of their Governments commitment to its people they must achieve the second part, by ensuring sustainable development in the region and protecting the country and its people from famine, and wars.

The potential conflict between North and South Sudan is largely expected to arise because South Sudan has not been recognized as an independent country, which should have a legitimate right to access the Nile water. This right has not as yet been reflected in previous Nile agreements, which recognized Sudan as one country. Furthermore, the CPA did not clarify issues around control over the Nile, to enable South Sudan Republic use the Nile water independently from the North.

The Nile region is frequently faced with famine, drought, and refugees and the internally displaced, which has been caused by the mismanagement of water resources. Therefore the attention of the international, regional and national communities should have a long-term view as regards the future of the Nile, and its impact on the region development. The sustainability of the people of South Sudan will be guaranteed by water and economic growth, which are the first steps towards sustainable peace internally in the region.

The need to have access to water has been on the increase round the world, making this issue an opportunity and a risk for South Sudan. It is an opportunity because the water crisis in the world might bring attention to the Nile basin countries, in particular the importance of reviewing the Nile instruments and agreements, where South Sudan will play a role as a fully independent country. If the Nile basin countries recognize the increase in development projects in the Nile basin as a negative factor and it opposes their water interests, South Sudan lose this opportunity. In this event, the only option left will be

for South Sudan to share its water quota with the North, otherwise potential conflict may arise.

Realizing that a potential conflict over the Nile cannot be avoided without robust and creative solutions from the South and North, comes with a recognition of the impact of Nile water management not only on the two parts of Sudan, but also on the Lake Victoria region right up to the Middle East. This issue must therefore be tabled for discussion without further delays or compromise.

Some Recommendations:

- To ensure the sustainability of the new country, South Sudan and the region in term of water issues and development, extensive research and studies must be conducted in the areas of water management, and development.
- Effective mediation mechanisms should be implemented, to facilitate the conversation between South and North Sudan on the Nile. Such mediation will hopefully lead to agreements between the two countries around the use of the Nile both now and in the future. Both regional and international institutions, concerned about human rights must perform this mediation. This to block any kind of compromise between the governments of the two sides, to avoid the ignorance of people interests.
- Neighboring countries have to be a part of the negotiation, to avoid the potential of conflict over water in the future and to ensure the sustainability of the agreement.
- Experts on water and development planners should be a part of the conversations from the beginning, to clarify facts about water resources, and the status of the Nile water.
- The nomadic pastoralists and other people who are crossing the borders from north to south to access Nile water, they have to be considered in the negotiations.
- National civil society from the North and South, and political parties who are not NCP or SPLM must be involved in negotiations to ensure the consideration of citizen's interests.

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