

Statement of Egypt's Foreign Minister before UNSC session on GERD

Your Excellency Ambassador Nicolas de Rivière, Permanent Representative of France to the United Nations and President of the U.N. Security Council
Distinguished Representatives of the Member States of the United Nations Security Council,

Dear Sister the Foreign Minister of the Sudan and Dear Brothers the representatives of the Democratic Republic of the Congo and of Ethiopia,

At the outset, I would like to extend my congratulations to Ambassador de Rivière on assuming the presidency of the Security Council, and to thank Under-Secretary-General Inger Andersen, the Executive Director of UNEP, and the U.N. Special Envoy for the Horn of Africa for their remarks.

Mr. President,

Egypt – a nation of over one hundred million souls – is facing an existential threat.

A grand structure of mammoth proportions has been constructed across the artery that bequeaths life to the people of Egypt

A colossal wall of iron and steel has arisen along the banks of a great and ancient river and has cast a long, dark shadow over the future and fate of the people of Egypt, With every brick and every layer of mortar ... the GERD grows higher and its reservoir grows larger and it continues to constrict the lifeblood of innocent millions living downstream of this giant dam.

Last year, on June 29, 2020, Egypt came before the Security Council to warn the international community of this burgeoning danger that was brewing on the horizon.

We alerted the world to the impending first filling of the GERD, and we cautioned against the costs of seeking to establish exclusive control over a river on which our survival depends.

We implored this august body to act with vigilance and vigor to avert an escalation of tensions that could prejudice the peace in a fragile region.

We called upon our brethren with whom we share the riches of the Nile to exercise responsibility and to recognize that the future and fortunes of our peoples are intrinsically intertwined.

And yet ... within days of the previous Security Council session held on the question of the GERD ... the Rubicon was crossed.

Ethiopia commenced the unilateral filling of the GERD, and its foreign minister declared ... with no small measure of impudence ... “the river became a lake ... the Nile is ours”.

Nonetheless, Egypt's response to this assault on the river was to act with restraint and pursue the path of peace by seeking a settlement to this crisis through an equitable agreement that preserves the interests of all three parties.

We wholeheartedly embraced the initiative of the-then Chairperson of the African Union, H.E. President Cyril Ramaphosa of South Africa, to initiate negotiations under the auspices of the African Union and we engaged in a whole year of talks that were convened and facilitated by our African brethren to forge an African solution to this intractable problem.

And yet, we have failed.

After a year of abortive negotiations and despite the tireless efforts of the Chairpersons of the African Union and our international partners we find ourselves – again – confronted by the reality of the unilateral execution of the filling of the GERD without an agreement to protect downstream communities against the dangers of this dam.

Indeed, in a further demonstration of its obstinacy, Ethiopia announced, on July 5, 2021

– a mere three days before the convening of this session – that it has commenced the second year filling of the GERD.

This blatant act of unilateralism is not only a manifestation of Ethiopia's irresponsibility and its callous indifference to the damage that the filling of this dam could inflict upon Egypt and Sudan but it also illustrates Ethiopia's bad faith and its attempt to impose a *fait accompli* in defiance of the collective will of the international community as expressed and embodied in the holding of this Security Council session to discuss and take action on the question of the GERD.

And in this regard, I take note and commend the European Union for issuing a statement today expressing regret that Ethiopia has begun executing the second filling without an agreement. And I encourage the Security Council, and its member states, to take a similar position in response to this deeply troubling development.

This persistent practice of unilateralism betrays Ethiopia's disregard – if not its contempt –

of international law and reflects its underlying policy objectives of seeking to arrest the Nile

and transform this transboundary river of life into an instrument of political influence and control,

all of which threatens to undermine peace and security in the region.

This is why, Mr. President, Egypt has elected to – again – bring the question of the GERD before the Security Council.

Ethiopia's unrelenting unilateralism ...

the continued failure of negotiations ... and the absence – at this juncture – of a viable path towards a political settlement of this matter ... have all impelled Egypt to call upon the Security Council to intercede – expeditiously and effectively – to prevent an escalation of tensions and to address this situation which could, as stated in Article 34 of the United Nations Charter, endanger the maintenance of international peace and security.

We have come to this chamber out of an abiding faith in the value of international law and an unwavering belief in the virtue of multilateralism as a vehicle for promoting peace and preventing conflict and strife.

We are driven by a commitment to the principles enshrined in the United Nations Charter and an enduring confidence in the capacity of the Security Council to discharge its duty to maintain international peace and security by taking the necessary action in relation to the question of the GERD.

Indeed, the great value to humanity of this body is its ability and authority to act preemptively to protect and uphold the peace, and not to stand-by in a state of indifferent abeyance as the rights of nations and their very existence are threatened.

Mr. President,

Egypt has engaged in a whole decade of negotiations on the GERD.

Since Ethiopia unilaterally commenced the construction of this dam – without fulfilling the duties incumbent upon it as an upstream state to notify and consult its downstream co-riparians – Egypt has sought to reach an agreement on the GERD that would preserve the rights of our three countries and promote their common interests.

Our hope was – and remains – to conclude a legally binding agreement that enables Ethiopia to achieve its developmental objectives by generating hydropower from the GERD expeditiously, efficiently, and sustainably.

This reflects the fact that Egypt was – and remains – committed to Ethiopia's stability and prosperity and it also exemplifies Egypt's longstanding policy of engendering and expanding cooperation with our co-riparians throughout the Nile Basin. However, any agreement on the GERD must be equitable, reasonable, and legally binding.

It must include provisions to mitigate the adverse effects of this dam, especially during periods

of drought it must prevent the infliction of significant harm on the riparian interests of Egypt and Sudan it must guarantee the safety, functionality, and resilience of downstream dams and it must ensure that Egypt's water security is not imperiled by the filling and operation of what will become Africa's largest hydropower facility.

Realizing this objective of concluding a fair

and balanced agreement on the GERD is not unsurmountable nor is it beyond reach.

Indeed, the continued failure of negotiations is not due to a lack of scientific solutions to the outstanding technical issues, nor is it because we lack the requisite legal expertise to draft an agreement.

Rather, the singular source of our failure has been – and remains – Ethiopian intransigence.

This reality is best reflected in the following statement from the letter addressed by H.E. the Minister of Foreign Affairs of Ethiopia to the Security Council on June 23, 2021

“Filling and operating the GERD without seeking agreement from Egypt and Sudan is the bare minimum of the exercise of this sovereign prerogative as a riparian country of an international watercourse”.

The sentiment in this statement,

Mr. President, is the root of the problem.

It demonstrates that the cause of this crisis is political.

It reveals that Ethiopia is operating under the assumption that it is engaging in negotiations on the GERD out of comity or charity

Ethiopia has conveniently decided to ignore the realities of geography and appears to be under the

illusion that the Blue Nile is an internal river that it can exploit to its exclusive benefit

and it seems to presume that this watercourse that freely and naturally flows to the territories of

its co-riparians can be subjected to its sovereignty and placed under its dominion.

This unfortunate posture has thwarted every effort to reach an agreement and has been echoed in the positions that Ethiopia adopted throughout a decade of negotiations.

For instance, Ethiopia refuses to sign a legally binding agreement It has even objected to calling the instrument being negotiated an “agreement” and has proposed to designate the

text as merely “guidelines and rules”.

Ethiopia also refuses to include any form

of binding dispute resolution provisions and insists on codifying an unlimited right to alter and amend the GERD agreement whenever it so desires.

Ethiopia has sought to justify these unreasonable positions by invoking some mythical injustice that had been wrought upon it by so-called colonial treaties or by an unfair status quo.

Nothing can be farther from the truth.

Ethiopia was never a colony, and has never concluded a treaty relating to the Nile under the threat of coercion or compulsion Moreover, Egypt has never objected to Ethiopia’s right to harness the resources of the Blue Nile.

However, Egypt expects, and indeed demands, that its upstream co-riparian complies with its international legal obligations, which require it to prevent the infliction of significant harm against the interests of its downstream neighbors.

Ethiopia is also seeking to use the GERD negotiations as a back-door through which to consecrate an unlimited and an unregulated right

to construct future projects along the Blue Nile and has demanded that its co-riparians sign a hydrological blank-check that grants it unrestricted control of the river.

This was expressed in no uncertain terms in a letter dated January 8, 2021 from H.E. Ethiopia’s Minister of Water in which he stated

“Ethiopia does not have an obligation emanating from law or practice to acquire agreement from downstream countries to construct the GERD or any future water development project.”

This policy was put into practice when the H.E. the Prime Minister of Ethiopia announced, on May 30, 2021, that his country plans to construct over 100 dams over the coming fiscal year, without even the slightest mention of the interests or equities of its co-riparians, as if Ethiopia holds exclusive proprietary rights over the Nile and the other rivers that it shares with its neighbors, which was especially apparent in the damage inflicted by Ethiopia on

Lake Turkana in Kenya.

Mr. President,

Despite Ethiopia's persistent pattern of bad faith and in spite of its incessant unilateralism, Egypt continued to negotiate in good faith and with a genuine political will to reach an equitable agreement.

For a whole decade ... we explored every avenue and exhausted every opportunity to conclude a document that would enable Ethiopia to fill and operate the GERD while mitigating

its harmful downstream impacts ... an agreement that would become an instrument of regional integration and collaboration and that would herald a new era of cooperation between our three countries.

We sought an agreement through years of fruitless trilateral negotiations during which Ethiopia effectively torpedoed our efforts to undertake joint studies on the socio-economic impacts of the GERD and to assess its environmental impacts and as a result of Ethiopia's obstructionism we now have no impartial scientific record of the adverse effects of this mega-dam.

Egypt also accepted an invitation to participate in negotiations facilitated by the United States of America and the World Bank Group, and in which Ethiopia participated fully and freely, and that led to the drafting – after twelve rounds of intensive negotiations – of a comprehensive agreement on the filling and operation of the GERD, which Egypt signed, but which Ethiopia rejected.

We also engaged in negotiations held upon an invitation from H.E. the Prime Minister of Sudan, which – despite the significant progress achieved – were ultimately undermined by Ethiopian intransigence.

Moreover, for a whole year, since the previous session convened by the Security Council on the question of the GERD, Egypt participated actively in the negotiations that were led by the African Union.

We engaged in this A.U.-led process with a sense of optimism and faith in the ability of our African brethren to facilitate the adoption of an agreement on the GERD.

We worked diligently to implement the instructions of the Bureau of the Assembly of the African Union at the summit level to reach a legally binding agreement on the filling and operation of the GERD and we welcomed the constructive engagement of our partners from the European Union and the United States in this process.

However, after a year of faltering negotiations and despite the highly appreciated good offices and untiring efforts of H.E. President Cyril Ramaphosa of South Africa and H.E. President Felix Tshisekedi of the Democratic Republic of the Congo during their respective periods as Chair of the African Union the A.U.-led process failed to yield the desired agreement.

Our three countries were even unable to execute the simple task of compiling a complete text of a zero-draft of the GERD agreement that provides a record of their negotiating positions and countless weeks were exhausted in ineffectual virtual meetings and disagreements on peripheral matters of procedure.

More troublingly, throughout this process, Ethiopia effectively derailed the A.U.-led negotiations.

It repeatedly attempted to redirect the talks towards reaching non-binding arrangements for the filling of the GERD or for the appointment of focal points for the exchange of technical data.

While these ideas may appear reasonable to the untrained eye the reality is that these Ethiopian proposals contravene the instructions of the Bureau of the Assembly of the African Union on the summit level, which directed us to agree on the rules governing both the filling and the operation of the GERD.

More importantly the practical effect of these Ethiopian proposals is to deny the downstream states any meaningful protection against the adverse effects of the GERD and entitle Ethiopia to fill its reservoir and activate its massive turbines without instituting rules to mitigate the harmful impacts of this dam and regulate its operation, thereby posing a grave danger to our rights and interests.

Furthermore, despite claiming to support the granting of an enhanced role to our partners who attended the A.U.-led negotiations as observers the reality is that during the latest ministerial meeting held in Kinshasa on April 4-6, 2021, upon a kind invitation from H.E. President Felix Tshisekedi, Ethiopia rejected every proposal submitted by Sudan and Egypt to augment the A.U.-led process and expand the role of our partners in order to assist us in reaching an agreement on the GERD.

As such I find it deeply disheartening

that I must report to the Security Council that the

A.U.-led process, in its current format, has reached an impasse.

A whole year of negotiations was expended in fruitless talks, while Ethiopia continued the construction of the GERD and has now reached the point of continuing to unilaterally fill its reservoir.

Mr. President,

Throughout these winding and arduous processes and at every juncture of the negotiations, Ethiopia remained implacable.

It refused every proposal and rejected every idea presented by Egypt that would have guaranteed that Ethiopia would be able to generate hydropower from the

GERD at optimal levels of efficiency, while protecting downstream states against the potential harms of this dam.

Ethiopia also blocked every compromise formula submitted to us by our international partners, and continued to adopt inflexible positions designed to evade and elude any commitment to protect – or even provide minimal safeguards – to the interests of Egypt and Sudan.

Even our efforts to engender confidence and build bridges of trust between our countries came to naught.

We signed the 2015 Agreement on Declaration of Principles to affirm our commitment to reaching a fair and equitable agreement on the GERD.

We presented a plan to establish a common infrastructure fund to broaden the horizons of cooperation between our countries we proposed to contribute to the financing of the GERD to turn this dam into a symbol of friendship and brotherhood between our peoples and we suggested to extend our power lines to help energize Ethiopia and assist its quest for development; and still Ethiopia remained unyielding in its intransigence.

As a result, the two downstream states are now left vulnerable to the evils of the GERD.

We have no independently verifiable guarantees regarding the safety and structural stability of the GERD and as such 150 million Sudanese and Egyptians are condemned by Ethiopia to live under the harrowing specter of a towering structure that can hold up to 74 billion cubic meters of water without assurances regarding its safety and reliability.

Nor do we have any protections against the incalculable damage that the GERD can inflict during future periods of drought.

At a time when the river grows dry ... and the land gets parched under the searing sun and the livelihood of Egyptians is imperiled ... Ethiopia is unwilling to release the waters of the Blue Nile to quench the thirst of the downstream valley.

Indeed, that is the crux of the problem.

All that Egypt has called for and sought is a binding agreement that includes an insurance policy against the harmful impacts of the GERD on Egypt's water security by designing a mechanism through which our three countries would cooperate to collectively bear the burden of addressing future periods of droughts. Unfortunately, however, Ethiopia remains steadfast in its rejection of any form of agreement that provides any meaningful measure of protection to the interests of downstream states.

And so, Mr. President, it is not an overstatement to affirm that, for Egypt, the GERD is an existential threat.

Our estimates and scientific models indicate that this mega-dam can wreak incalculable damage on Egypt, despite the precautionary measures that we have taken in anticipation of Ethiopia's unilateral filling of the GERD and our tireless efforts at conservation and water reuse.

For us, the harm that the GERD might inflict will affect every aspect of the lives of the Egyptian people like a malignant plague.

In the absence of an agreement that regulates its filling and operation, the GERD can cause cumulative water shortages in Egypt amounting to 120 billion cubic meters it will diminish access to clean drinking water it could deprive millions of farmers of the water they use to irrigate their fields it will rob countless families of their income and livelihood it will destroy thousands of acres of arable land it will increase desertification and degrade the riparian eco-system and it will increase vulnerability to the effects of climate change.

This is a situation that Egypt cannot, and will not, tolerate.

It is, therefore, imperative for the international community to exert every effort including by acting through the Security Council to preempt this eventuality and prevent the GERD from becoming a threat to the very existence of Egypt.

This requires the Council to unequivocally call upon the parties to reach an equitable agreement on the GERD, within a defined timeline, and to encourage them to work diligently and with earnestness to achieve that objective forthwith.

Otherwise, if its riparian rights are jeopardized or if its survival is imperiled Egypt will be left with no alternative but to uphold and protect its inherent right to life that is guaranteed by the laws and customs of nations and the imperatives of nature.

Mr. President,

The fact that Egypt has brought this matter, which is of the greatest consequence, to the attention of the Security Council is a testament to our unshakable faith in the ideals of the Charter of this organization as expressed in its preamble which affirms our collective commitment to “practice tolerance and live together in peace with one another as good neighbors” and to “unite our strength to maintain international peace and security.”

We come here in search for a viable path towards a peaceful, amicable, and negotiated solution to this crisis and to avert the dire consequences of our inability to reach a settlement to this matter.

Our hope is that the Security Council will recognize the gravity of the situation and fulfill its responsibility to maintain international peace and security.

Our expectation is that this Council will take the necessary measures to ensure that the parties engage in an effective process of negotiations that could yield an agreement that serves our collective interests.

Indeed, the people of Egypt – and peoples throughout the region – are watching the deliberations of the Security Council today with great interest and high hope and they look to the United Nations, and to this Council, as the guarantors of peace and the custodians of the collective will of our human family, and are confident that you will not fail in the discharge of your responsibilities in this regard.

It is in this spirit that I wish to underscore that in executing the unique responsibility conferred upon the Security Council to maintain international peace and security, the members of this Council are instructed, pursuant to Article 24 of the Charter to act on behalf of the general membership of the United Nations and in furtherance of the noble purposes for which this organization was established and the principles that guide and inspire its work.

And, therefore, it behooves the honorable members of this Council to consider the matter that is before us today, not from the narrow lens of your respective national interests, but in light of your collective responsibility to act on behalf of the international community to preserve the peace and uphold the principles of justice and equity.

Accordingly, Egypt calls upon the Security Council to adopt the draft resolution on the

question of the GERD that was circulated by the Republic of Tunisia.

As evident from the text of this draft resolution, we do not expect the Council to formulate solutions to the outstanding legal and technical issues nor did we request that the Council impose the terms of a settlement of a riparian dispute on the parties.

Rather, this resolution is political in nature and its purpose, which we believe is eminently balanced and constructive is to relaunch negotiations according to an augmented format

that retains and enhances the leadership of the Chairperson of the African Union and that enables

our international partners, including the

United Nations, to use their expertise in this area to aid our three countries in their quest to conclude, within a reasonable timeframe, an equitable agreement on the GERD.

Indeed – if anything – this resolution aims at implementing and effectuating the outcomes of the two meetings of the Bureau of the African Union Assembly that

were held on this matter which instructed the parties to expeditiously finalize, with the assistance of our partners attending these talks as observers, the text of a legally binding agreement on the filling and operation of the GERD, and called upon them not to take unilateral measures that could jeopardize this process.

Adopting this resolution would reaffirm the Security Council's resolve to upholding its responsibility to maintain international peace and security ... and would send an unequivocal signal of reassurance that it remains committed to the peace and prosperity of our African continent, while failure to take effective action on the question of the GERD would be a disheartening dereliction of duties.

Finally, I assure you, Mr. President and members of the Council, that Egypt will exert every effort to reach an agreement on the GERD that upholds the unbreakable bond of brotherhood between our countries and that reflects the timeless kinship among the peoples living along the banks of the Nile River.

And I call upon my colleagues, brothers, and sisters in Sudan and Ethiopia to embrace this spirit and redouble our efforts to secure a future of peace and prosperity for our countries and peoples.

I thank you, Mr. President.