

Appendix 3

Rivers of Ethiopia that flow to the Nile:

"..the only matter that would take Egypt to war would be over the Nile."

[Boutros Boutros-Ghali, Egypt's Foreign Secretary after signing the peace treaty with Israel in 1979, said the above. Later as UN Secretary General, he strengthened the interest of his country Egypt, and weakened Ethiopia by facilitating the division of Ethiopia into coastal (Eritrea) and landlocked regions (FDRE).

The Butros Ghali family had inimical relations with Ethiopia. "On the 6th February 1884, the British Government announced its intention of protecting Suakin" (Brownlie, 1979, p. 616). On 19th January 1889, Butros Ghali signed a Treaty with Cromer of Britain to colonize the Sudan. On 10th July 1889, Butros Ghali for Egypt and Cromer for Britain signed a treaty to include the so-called Eastern Sudan as an Anglo Egyptian colony. By that act part of northern Ethiopia, which was wrongly placed in the so-called Eastern Sudan was deeded to non-Ethiopian authorities, and Ethiopia lost its territories south of Swakin, including Kassala and the maritime territories and interests south of Swakin to Ras Kassare.]

a) 1902 Treaty, b) International conditions of the last decade, c) Concluding quotations.

Many Ethiopians do not know that Egypt claims the existence of international treaties that allows her to control the waters of Abay within Ethiopia, and even less number of people know the treaties for that claim. The principal reason is the 1902 treaty, which is written in English and Amharic, and both of which are agreed to be authoritative. Remarkably, articles III and IV of the Treaty the Amharic version clearly shows that Emperor Menelik had knowingly signed no document regarding the waters of Ethiopia that will outlast the eviction of Britain from Sudan. What he understood was the Amharic version of the Treaty. The English versions had additions of phrases that are not found in the Amharic version. In all cases, the 1902 treaty does not present Egypt as a co-signer.

Included herein are article III and IV, both in English, and in Amharic that are prepared by using the Latin alphabet, though the original Amharic was written in the Amharic script. An English translation of the Amharic version, which Emperor Menelik understood and agreed to, is provided firstly. The document used for the translation is the one that was commented on by Ullendorff (1967).

This document is written with the view of providing information to as many Ethiopians as possible so that they will know about the pertinent aspects of the 1902 treaty. It will enable them to argue from a position of knowledge on this vital issue. It is extremely important that firstly Ethiopians know about the articles. Secondly, they should share with all people the English translation of the Amharic

version along with the English version of that treaty. They then should correctly indicate that the Amharic version of the 1902 treaty, on the rights of Britain on Ethiopian waters, does not ban Ethiopia from constructing dams across its Nile waters. The Amharic version is more valid because it was what Emperor Menelik, and hence Ethiopia, understood. For whatever reasons, the English versions have added phrases that are not found in the Amharic versions of the treaty articles. Only two articles, III and V are pertinent in this report.

Part 1 provides, a) a translation of the Amharic version into English by HG, b) the Amharic version written in Latin script by HG, and c) the English version of the treaty y (Ullendorff, 1967). This is protocol is pursued for Article III and V in the 1902 Treaty

Part 2 provides a synoptic view of recent international activities concerning the Nile Basin countries. It is important that Ethiopians know the POE (panel of experts) members of Ethiopia in the Nile issue.

Part 1): The Anglo-Ethiopian Treaty of 1902 pertaining to the Nile

1A: Concerning Article III

1A1) Article III (translation into English of the Amharic version by HG: 6/9/2003).

His Imperial Majesty Menelik II, King of Kings of Ethiopia agrees that he will not give permission to anyone to construct structures across the Black Nile, Lake Tsana, and the Sobat River that would completely block the passage of waters to the White Nile without securing a prior agreement with the Government of England.

1A2) 3 tegna Kifl *(Article III Amharic version written in the Amharic script (Ullendorff, 1967, p. 642) and transcribed herein by HG by using the Latin script.

"Janhoy Dagmawi Menelik Negusse Negist zeItyopya keTequr Abayena kebahere Tsana keSobat wenz wede Netch Abay yemiwordewoun wouha keEngliz mengist gar askedemo sayesmamu wenz tedar edar yemidefin sira lemserrat lemanim fekad indesTu bezih woul argewal"

1A1) Article III English version (Ullendorff, 1967, p.643)

His Majesty the Emperor Menelek II, King of Kings of Ethiopia, engages Himself towards the government of His Britannic Majesty not to construct or allow to be constructed any work across the Blue Nile, Lake Tsana or the Sobat, which would arrest the flow of their waters into the Nile except in agreement with His Britannic Majesty*s Government and the Government of the Sudan. ---

Commentary by HG: Notice that, as per the agreement in the Amharic version, it is perfectly okay for Ethiopia to place any dam it wishes to. The requirement placed by Britain is to disallow the Emperor from giving permission

to others to place structures across the Sobat and the river from Tana without Britain's prior consent. Even then, the permission from Britain would not be required if the aim was to partially dam the named rivers, or otherwise to partially redirect the rivers. All that the Amharic version states is that Ethiopia needed to get agreement from Britain before it would give permission to others to build structures across the Sobat, the Blue Nile, and Lake Tana that would completely disallow the flow of water through the rivers. Even in the English version of the agreement, so long as the flow of water to the Nile is not arrested, and no structures are constructed across the Blue Nile, the Sobat, and Lake Tana that would arrest the flow of water to the white Nile there is no restriction whatever on what Ethiopia might wish to do on the other rivers.

All tributaries to the Sobat, and the Blue Nile, are not under any restrictions. Ethiopia can judiciously do anything including constructing dams across the Akobo and Baro, that are tributaries to the Sobat. Likewise, tributaries to the Abay may be dammed for none is under any restriction, and even dams may be constructed Across the Abay except that the flow of water is not to be arrested or stopped. Of course none of the tributaries to the Atbara River, e.g., the Tekezze, the Angereb, and Atbara are under any restrictions by the 1902 agreement. Nor does the Amharic version contain a restriction that disallows Menelik from constructing work across the stated waters. The Amharic version states only that He may not give permission for others to construct structure.

Furthermore, as also commented upon by Professor Ullendorff (1967, p.642), Article III in the Amharic does not contain the Government of the Sudan in it. This clearly demonstrates that Emperor Menelik was well aware that he was making an agreement with Colonial Britain that will be removed "lekeko iskhed" from the region as indicate in article IV below.

1B. Concerning Article V of the 1902 Treaty

1B1) IV Article (translation of the Amharic into English by HG)

His Imperial Majesty Menelik II, King of Kings of Ethiopia has lent to the Government of Britannia and Sudan a four sided plot of land measuring 2000 meters on the sides for building a treading town by the Baro River. The people of that plot of land shall be governed in the manner of the Sudanese administration until the government of England gives up Sudan. The two governments have agreed not to introduce war implements and political issues in the borrowed land.

1B2) 4 tegna Kifl *(Amharic version originally written in the Amharic script,-Ullendorff (1967, p.644), and herein transcribed by HG by using the Latin script.

"Janhoy Dagmawe Menelik Neguse Negest zeItyopia
leBritaniyaen leSudan mengist keBaro wenz lie keItan
aTegeb beye 4 maizen 2 2 she meter yemihon 1 bota

yengd ketema indiserubet yawousalu. beizh bota yeminoru
sewotch yeEngliz mengist sudanen iskilek dired besudan
gizat serat tedagnetewu yenoralu. yeheninem yetewasuten
bota yeTor inna yepoletika neger endayegebu huletum
mengistat wul adergewal."

1B#) English version (Ullendorff, 1967)

His Imperial majesty the Emperor Menelek, King of kings of Ethiopia engages Himself to allow His Britannic Majesty's Government and the Government of the Soudan, to select in the neighborhood of Itang on the Baro River, a block of territory having a river footage of not more than 2000 meters in area not exceeding 400 hectares, which shall be leased to the Government of the Soudan to be administered and occupied as a commercial station so long as the Soudan is under the Anglo Egyptian Government. It is agreed between the two High Contracting Parties that the territory so leased shall not be used for any political or military purpose. --

Commentary by HG- 6/9/2003

Article IV makes it abundantly clear that Emperor Menelik agreed with Britain in the fullest expectation that the agreement is valid only until Colonial Britain gives up its colonial reign over the Sudan. This thought is spelled out in Article IV. This is how Ullendorff (p.654, 1967) puts it: "The passage 'so long as the Soudan is under the Anglo Egyptian Government' is rendered in Amharic 'until the English Government gives up ([lekeke]) the Sudan'. The English version did not include the clear statements about the duration of the treaty that are spelt out

in the Amharic document.

The two articles cited here demonstrates that Emperor Menelik did not make agreements in Articles III and IV of the 1902 Treaty that will be binding on Ethiopia after the British are evicted from Sudan. Clearly, Egypt has no basis in the 1902 article that would allow her to justifiably claim that she has an agreement with Ethiopia that would give her the power to be consulted or to have the veto power to disallow Ethiopia from placing dams across the Ethiopian rivers to the Nile. That it may have agreement with the Sudan, which might have given a certain percentage of Nile waters to Egypt and another to the Sudan, may only apply for that body of water, which reaches and passes through the Sudan.

As with his 1896 Treaty with Italy over Eritrea, Menelik gave a part of Ethiopians to be temporarily administered by alien governments. Treaty making by giving part of Ethiopia and its inhabitants to be governed by an alien force is abhorrent. However, in both cases, there are articles in the Treaties, which stipulate that the agreement is temporary and non transferable to others. Perhaps the frame of reference of Menlik's thinking, which might help gage the spirit of his treaties may be gleaned in Article II of the 1900 convention that is based on the Italo-Ethiopian 1896 Treaty. Article II of the 1900 Convention states, "The Italian Government binds itself not to cede or sell to any other power the territory comprised between the line Tomat..., left by His Majesty Menelek II,.. to Italy". Clearly, the territory is Ethiopian and Italy was afforded administration over it. Moreover, in the last paragraph of the 1900, it is stipulated, ".. in mutual agreement, have written

this convention, in the Italian and Amharic, both to be considered official save that in the case of error in writing the Emperor Menelek will rely on the Amharic version, and in witness of their approval have sealed it with this seal". In the case of the Anglo-Ethiopian 1902 Treaty, as shown above, Article IV makes it clear that the agreement will last so long as colonial Britain does not give up its dominion over the Sudan.

Part 2: International efforts of the last decade. Several different actors, agencies and interest groups have been created to benefit from lucrative contract work from the use of the Nile and for the benefit of the Nile Basin countries. These agencies include: CIDA (Canadian International Development Agency), IUCN (The world Conservation Union), WO, FAO. UNDP, UNEP (United Nations Environmental Program), NDSK (The Nile International Discourse Desk -headquartered in Switzerland- a joint venture of agencies to involve civilian groups in the work of the Nile), INBA (The International Association of the Basin of the Nile, an NGO), Western universities either supported by Egypt or through other national research foundation: Georgis Tech -Nile Basin project, NSF Funded NileSim- Maryland University

The international agencies and private groupings, NGOs, some of which have been mentioned above, have caused the creation of the **NBI** (Nile Basin Initiative). The Secretariat for the NBI is housed in Entebbe, Uganda. "The Nile Basin Initiative (NBI) is a transitional mechanism that includes the ten Nile riparian countries as

equal members in a regional partnership to promote economic development and fight poverty throughout the Basin. The vision of the NBI is to achieve sustainable socio-economic development through the equitable utilization of, and benefit from, the common Nile Basin water resources."

The ten equal partners are Ethiopia, Eritrea, Rwanda, Burundi, Democratic Republic of The Congo, Uganda, Tanzania, Kenya, Sudan and Egypt.

By 1997, a **POE** (panel of experts) composed of three members representing each Nile Basin country has been assembled to dialogue on cooperative framework of the Nile member nations. The POE has met several times since its inception.

Concluding Remarks and Quotations:

A) It should be remarked that over 85% of the water of the Nile that goes to Egypt is from Ethiopia.

B) Quotation from Abdel Darwis:
<http://www.mideastnews.com/water002.html>

"After signing the peace treaty with Israel in 1979 Egypt's foreign secretary at the time Boutros Boutros-Ghali - later the UN secretary General says that the only matter that would take Egypt to war would be over the Nile.

Within 24 hours of the arrival of Israeli Hydrologists in

Ethiopia in 1989 to examine the proposed site of building dams on the Blue Nile the Ethiopian ambassador was called to the Foreign Office in Cairo. He was left in no doubt about Egypt's stern response while moving special forces near Ethiopia was reported in the press.

At the time Ethiopia was under the Marxist regime of Mengistu Haile Mariam and had little chance of getting finance to build dams or little support worldwide. The story is now different, which makes the more hawkish trend in the Egyptian military urge for a strategic control of Sudan to be able to carry out military operations, if needed in Ethiopia."

C) Quotation from UNEP, 2000, Water Sharing in the Nile Valley, pp.35-36, "Ethiopia's potential for hydroelectric power is enormous. A proposition of far reaching potential importance to the future of the Nile water supplies would be the construction of a series of dams in Ethiopia. It is argued that Egypt's development is constrained more by lack of power than lack of water. Thus, a mutually beneficial arrangement would appear to be possible with respect to water and power, whereby Egypt would agree to a greater water allocation for Ethiopia and the construction of Blue Nile Reservoirs on the condition that a certain percentage of the electricity generated would be sold to Egypt at a specified price. "

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