



Members of the Nile Council of Water Ministers at Nile Day Celebrations in February 2024 in Bujumbura, Burundi

The Nile River Basin Commission: Unveiling a New Era of Cooperation in the Nile River Basin

Issue Paper 1

Six riparian countries of the Nile River Basin have ratified the Agreement on The Nile River Basin Cooperative Framework, which is expected to come into force on 13th October 2024. The Agreement will establish the Nile River Basin Commission to succeed all the rights, obligations, and assets of the Nile Basin Initiative (NBI). The Second Summit of Nile Basin Heads of State and Government will be held on 17 October 2024 to celebrate this important milestone in the history of Nile cooperation, and to flag off the transition from Nile Basin Initiative to the Nile River Basin Commission. The Summit will guide on approaches for encouraging engagements amongst Nile riparian countries, and urging them to look beyond the Commission and aspire for greater collaboration to drive the economic transformation of the Nile region. This Issue Paper provides a historical perspective on inter-state cooperation on management of the Nile waters, and marks the historic transition from NBI to the Commission.

INTRODUCTION

The Nile River Basin

1. The Nile, which has dual origins in the Nile Equatorial Lake's region and the Ethiopian Highlands, is one of the major rivers on the African continent. The river has a drainage area of 3.18 million km², which is about 10% of the land area of continental Africa. The basin traverses the boundaries of 11 countries, namely Burundi, Democratic Republic of the Congo, Egypt, Eritrea, Ethiopia, Kenya, Rwanda, South Sudan, The Sudan, Tanzania and Uganda. The population of the 11 riparian countries is 556 million, which is about 42% of the population of Africa.

Why transboundary water cooperation is important

2. Transboundary water cooperation, which refers to the collaboration between two or more countries that share a freshwater water body, is a public good that benefits all parties. Transboundary water cooperation, by providing a platform for coordinated management, can bring riparian states closer in the management and utilization of the shared resource. Transboundary water cooperation can also encourage dialogue and collaboration among riparian states, thereby fostering regional peace, security and stability. Furthermore, transboundary water

cooperation enables countries to develop joint strategies that ensure that the resource is protected and managed efficiently and sustainably for the benefit of present and future generations of the basin.

PAST AND PRESENT ARRANGEMENTS FOR TRANSBOUNDARY WATER COOPERATION

Past efforts at cooperation on the Nile River

3. Given the importance of cooperation in transboundary water basins, there have been many attempts at setting up a cooperation framework on the Nile. The notable previous cooperation arrangements that involved more than two countries were the Hydrometeorological Survey of the Catchments of Lake Victoria, Kyoga and Lake Albert (HYDROMET), UNDUGU and Technical Cooperation Committee for the Promotion of the Development and Environmental Protection of the Nile (TECCONILE). These are briefly described in the text box below.
4. The present framework for cooperation i.e. the Nile Basin Initiative (NBI), is unique from past attempts at cooperation in three distinct ways: (a) it represents

the first effort at setting up a basin-wide and multilateral mechanism for cooperation on the Nile River bringing together all Nile riparian countries; (b) it endeavours to tackle the issue of a legal framework for cooperative management and utilization of the shared Nile water resources alongside technical cooperation amongst Nile riparian states and; (c) it attempts to anchor the cooperation effort in a comprehensive institutional setting and within the ambit of a shared vision.

5. Starting under TECCONILE and continuing under NBI, a legal track for cooperation was adopted through which the Nile riparian countries engaged directly in negotiations on the text of an agreement on the Nile River Basin Cooperative Framework. This track of cooperation ran parallel to a technical cooperation track (under the Nile Basin Initiative) under which many projects and programs for the cooperative management and development of the Nile Basin water resources was implemented.

Textbox 1: Past cooperation arrangements on the Nile

- **The HYDROMET Project (1967- 1992):** The "*Hydrometeorological Survey of the Catchments of Lake Victoria, Kyoga and Lake Albert*" Project (shorted to HYDROMET Project) was a technical cooperation initiative between eight Nile Riparian countries (Burundi, Democratic Republic of Congo, Egypt, Kenya, Rwanda, Sudan, Tanzania and Uganda) with technical and financial support from the United Nations Development Program (UNDP) and World Meteorological Organization (WMO). The Project was formed to improve understanding of the hydrology of the Upper Nile basin following a period of very heavy rains of 1961-62 that led to big rises in the levels of the Nile Equatorial Lakes, and flooding of vast areas on the shorelines of the lakes and the Sudd wetlands. HYDROMET's main achievement was the establishment and operation of an expanded hydrological and meteorological observation network in the Upper Nile and creation of a database of hydrological, meteorological, sediment and water quality data.
- **UNDUGU (1983 - 1992):** UNDUGU, which is a Swahili word for '*brotherhood*', was a platform established for exchange of information and viewpoints on the wider economic development of the Nile region. The higher objective, which was not realized, was to establish a Nile Economic Community (the equivalent of a regional economic community). Member countries of the platform were Burundi, Central African Republic, Democratic Republic of Congo, Egypt, Rwanda, Sudan, Tanzania and Uganda. Ethiopia and Kenya were never members but participated as observers. This cooperative arrangement was abandoned by the upstream countries because it was promoting discussion without any tangible benefits for them while Egypt was independently developing projects on the Nile in its territory.
- **TECCONILE (1992- 1998):** The *Technical Cooperation Committee for the Promotion of the Development and Environmental Protection of the Nile* (TECCONILE) was established in 1992 as a direct successor of the HYDROMET Project. The cooperation was established by six Nile countries (Democratic Republic of Congo, Egypt, Rwanda, Sudan, Tanzania and Uganda), with the other riparians (Burundi, Eritrea, Ethiopia and Kenya) participating as observers. TECCONILE, which had a strong technical focus, was established as a transitional arrangement with the expectation that after three years, a permanent basin-wide institution would be established, but this did not happen. TECCONILE's greatest contributions were in developing the first ever Nile River Basin Action Plan (NRBAP) that comprised of 22 projects under five thematic areas with an estimated cost of about US\$100 million; in launching negotiations of the Nile Cooperative Framework Agreement (CFA) through Project D3; and in preparing for the creation of the Nile Basin Initiative ■

The Nile Basin Initiative

6. The Nile Basin Initiative (NBI) is a ten-member inter-governmental partnership established on 22nd February 1999 to provide a transitional regional mechanism for joint action to deliver a **Shared Vision Objective**, which is "*to achieve sustainable socio-economic development through equitable utilization of, and benefit from the common Nile Basin water resources*". The NBI was set up as a transitory cooperative arrangement to facilitate cooperation until a permanent legal and institutional framework for management and development of the shared Nile water resources is in place. The member countries of the NBI are Burundi, the D.R. Congo, Egypt, Ethiopia, Kenya, Rwanda, South Sudan, Sudan, Tanzania and Uganda. Eritrea participates as an Observer of the NBI.
7. Until 2017 when the First Summit of Nile Basin Heads of State and Government was held, the NBI's principal

governance organs were three: (a) the Nile Council of Water Ministers "Nile-COM", which was the highest policy and decision-making body of the Nile Basin Initiative; (b) the Nile Technical Advisory Committee "Nile-TAC", which provides advisory services to the Nile Council of Ministers; and (c) the Nile Secretariat "Nile-SEC", which is the executive organ of the Nile Basin Initiative (NBI). The three organs are briefly described below. The 26th Nile-COM meeting held in Bujumbura, Burundi in 2018 adopted the Summit of Heads of State and Government (HoSG) as a permanent feature of the governance framework for the Nile River.

8. The NBI has three core functions, which are (a) forging closer cooperation amongst Nile riparian countries on the management of the transboundary Nile water resources; (b) promoting knowledge-based Integrated Water Resources Management in the Nile Basin; and (c) supporting the identification,

preparation, and mobilization of resources for implementation of water-related investment projects.

- In the early years of the NBI, the Nile River Basin Action Plan (NRBAP), which was developed under TECCONILE, was reorganized and transformed into a portfolio of priority projects termed the Nile River Basin Strategic Action Program (NRB-SAP). The Nile River Strategic Action Program, comprised of two mutually reinforcing components: the **Shared Vision Programme (SVP)** and the **Subsidiary Action Programme (SAP)**. The Shared Vision Program was a set of actions at basin-wide level meant to nurture and build commitment for a basin-wide vision, and create a coordinating mechanism and enabling environment for realization of the Shared Vision through activities on the ground. Seven thematic projects were implemented under the Shared Vision Program between 2004 and 2009. The Shared Vision Program was supported by the complementary Subsidiary Action Programs (SAPs), which were designed to coordinate actions on the ground at local, national and sub-basin levels seeking to meet development needs of people and build trust and confidence to support cooperation on the Nile River.

The Agreement on the Nile River Basin Cooperative Framework

- The Agreement on the Nile River Basin Cooperative Framework, or the Cooperative Framework Agreement (CFA) as it is commonly known, is a basin-wide agreement on the Nile River that sets a new era of Nile cooperation based on principles of duty to cooperate, equitable and reasonable use, and causing no-significant harm to others.
- Countries started to engage in the preparation of the text of the CFA in 1997 under the TECCONILE arrangement. After a decade of negotiations, agreement had been reached on all but one clause – sub-Article 14(b). The CFA annexed this sub-article and provides that it will be “resolved by the Nile River Basin Commission within six months of its establishment.”
- A total of six instruments of ratification/ accession are needed for the CFA to enter into force, and these have been secured (Figure 1, Table 1). Between 2013 and 2023, five countries (Burundi, Ethiopia, Rwanda, Tanzania and Uganda) ratified the CFA and deposited

the ratification instruments with the African Union. South Sudan acceded to the Agreement in August 2024, providing the sixth instrument of ratification or accession needed for the CFA to come into force. It is understood that Kenya has signed the agreement but not yet ratified it. Another country – the Democratic Republic of the Congo – has not yet signed the Agreement. Two countries – Egypt and The Sudan – have outrightly opposed the signing of the Agreement.

- The CFA remains open for ratification/accession by the countries that have not signed or ratified it.
- The CFA will enter into force on the 60th day from the date of deposition of the sixth instrument of ratification/accession with the African Union Commission. When it comes into force, the CFA will establish a legal basis for a permanent institution – the **Nile River Basin Commission (NRBC)**- which would be vested with legal personality and replace the NBI.

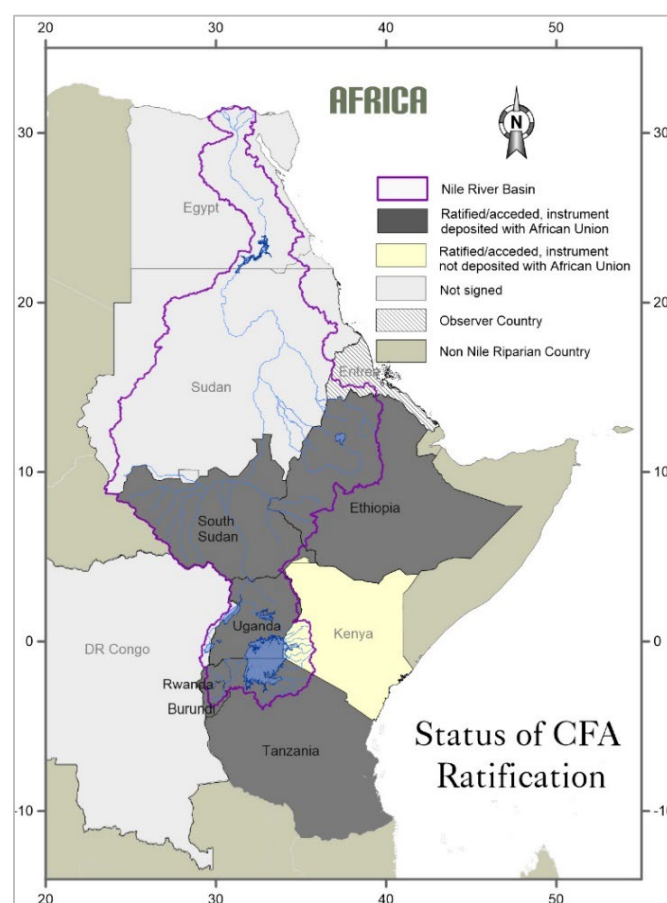


Figure 1: Status of ratification of the CFA as of August 2024.

Table 1: Key events related to the development of the CFA

Location and date	Activity	Outcome
1997	Nile-COM Meeting	Countries appoint negotiation teams and start negotiations on the text of the CFA
Entebbe June 24-25, 2007	The 15th Nile-COM meeting	Nile Countries reach agreement on the text of all but one sub-article 14(b). Nile- refers the matter of article 14(b) to the Heads of State and Government for resolution
Kinshasa May 22, 2009	Extra-Ordinary Meeting of Nile-COM	7 member countries agree to annex Article 14b for later resolution by NRBC; reservation by Egypt; The Sudan not present at time of decision, but subsequently expressed its reservation.
Nairobi July 3, 2009	Meeting of country negotiators	7 countries agree on a cleaned text; reservations by Egypt and The Sudan.
Alexandria Meeting July 27-28, 2009	17 th Nile-COM Meeting	Joint decision to allow for more time to seek joint agreement.
Entebbe, September 2009; Dar es Salaam, December 2009 Sharm El Sheikh, April 2010	Joint Nile-TAC and Negotiators Committee	Deliberations on options to move forward together
Sharm El Sheikh April 13, 2010	Extra-ordinary Nile-COM Meeting	7 Countries agree to open CFA (cleaned text) for signature; position rejected by Egypt and The Sudan
Entebbe May 14, 2010	CFA opened for signature	4 Countries (Ethiopia, Rwanda, Tanzania, and Uganda) sign the opened CFA in Entebbe, Uganda
Nairobi May 19, 2010	Signature	Kenya signs the CFA in Nairobi, Kenya
Bujumbura February 28, 2011	Signature	Burundi signs the CFA in Bujumbura, Burundi
Addis Ababa June 25, 2013	Ratification	Ethiopia ratifies the CFA
Addis Ababa September 2, 2013	Deposition	Ethiopia deposits CFA ratification instrument with the African Union Commission
Kigali May 21, 2014	Ratification	Rwanda ratifies the CFA
Addis Ababa May 26, 2014	Deposition	Rwanda deposits CFA ratification instrument with the African Union Commission
Dodoma May 23, 2016	Ratification	Tanzania ratifies the CFA
Addis Ababa June 28, 2016	Deposition	Tanzania deposits CFA ratification instrument with the African Union Commission
Entebbe June 17, 2017	Summit	First Summit of Nile Basin Heads of State and Government held in Entebbe, Uganda
Kampala August 15, 2019	Ratification	Uganda ratifies the CFA
Addis Ababa October 8, 2019	Deposition	Uganda deposits CFA ratification instrument with the African Union Commission
Bujumbura September 25 2023	Ratification	Burundi ratifies the CFA
Addis Ababa October 19 2023	Deposition	Burundi deposits CFA ratification instrument with the African Union Commission
Juba August 1, 2024	Accession	South Sudan accedes to the CFA.
Addis Ababa August 14, 2024	Accession	South Sudan deposits Accession Instrument with the African Union Commission.

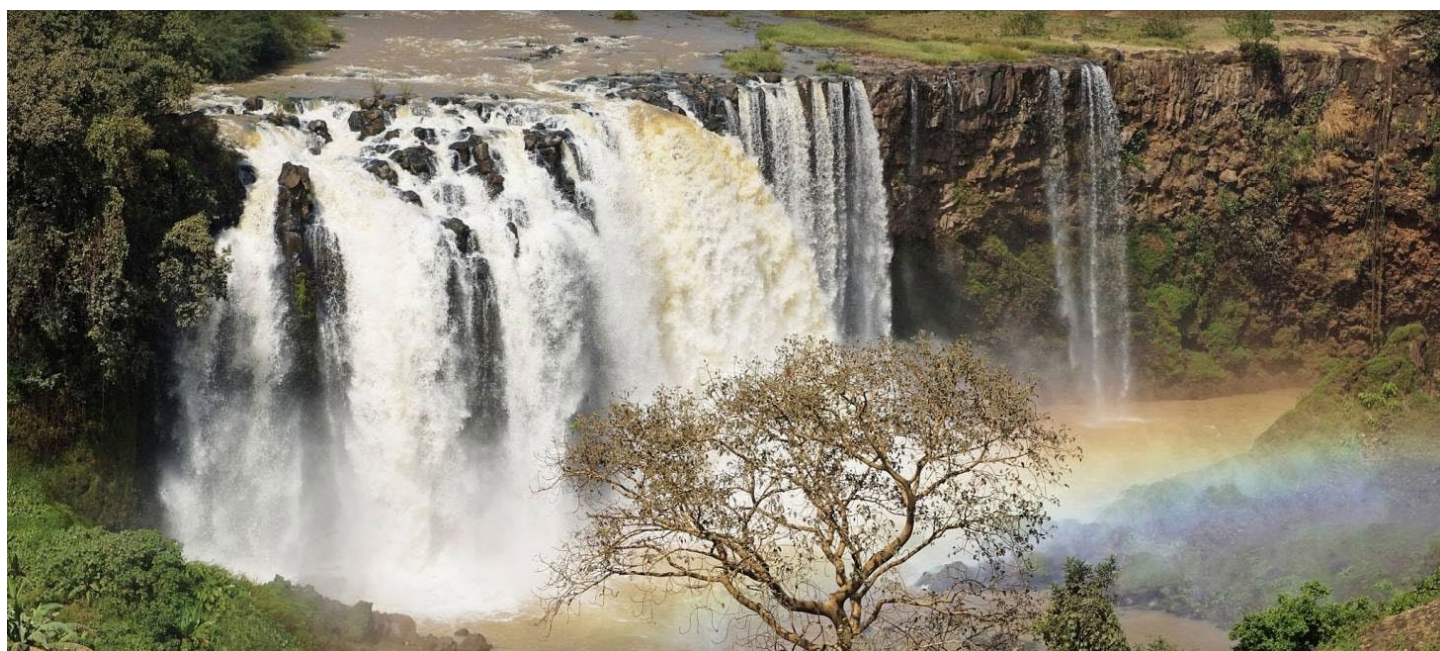


Figure 2: The Tis Isat Falls on the Blue Nile

NILE COOPERATION AFTER ENTRY INTO FORCE OF THE CFA

15. Transboundary Water Cooperation on the Nile River Basin has taken place under various frameworks as described above. The Second Summit of Nile Basin Heads of State and Government will consider two issues related to transboundary water cooperation in the post-CFA ratification period, namely (a) the establishment of the Nile River Basin Commission and transition from the Nile Basin Initiative to the Commission; and (b) The Summit will guide on encouraging engagements amongst Nile riparian countries, and urging them to look beyond the Commission and aspire for greater collaboration to drive the economic transformation of the Nile region.. These are further discussed below.

Transition from the Nile Basin Initiative to the Nile River Basin Commission

16. The CFA will come into force 60 days after deposition of the sixth instrument of ratification/accession with the African Union Commission, and will lead to the activation of the Nile River Basin Commission. The Nile Council of Water Ministers has the responsibility to put in place all organs and procedures of the Nile River Basin Commission as provided for under the CFA.

17. The CFA under Article 31 provides for the Nile River Basin Commission to succeed all the rights, obligations, and assets of the Nile Basin Initiative (NBI) upon entry into force. The phasing out of the NBI has to be clarified, as part of the establishment of the Nile River Basin Commission.

18. The Second Summit is expected to direct Nile-COM to develop a roadmap for the transition that addresses the legal, institutional, administrative and logistical issues concerning the closure of the NBI and operationalization of the Nile River Basin Commission.

Engagement between State Parties and non-State Parties of the Cooperative Framework Agreement

19. One of the successes of the NBI has been in forging close cooperation between riparian countries of the Nile. The evolution in the institutional set-up has potential to create a divide between the countries that are Member States of the Commission, and those that are yet to become members. To safeguard the gains from decades of successful cooperation, it is necessary to put in place mechanisms to consolidate engagements between all Nile riparian States.

20. Some of the possible ways to promote engagements amongst all Nile riparian countries include encouraging countries that have not ratified/acceded to the CFA to do so; and participate in capacity building programs.

21. The NRBC will prepare documents and experiences of other Transboundary River Basin Organizations (RBOs) that promote inclusive cooperation on participation of non-parties for future consideration.

22. In a parallel process, the Nile riparian countries will engage members of the international community to continue providing technical and financial support towards efforts at deepening and enhancing cooperation in the Nile River Basin and cooperative investments for win-win outcomes.



Figure 3: Members of the Nile Council of Water Ministers during Nile Day Celebrations in February 2024 in Bujumbura, Burundi.