

Hydro-Politics and Regional Security: Assessment of Uganda's Contribution to Peace Stabilisation of the Nile River Basin

Asiimwe Bosco



Owen Falls Dam in Jinja, along the Nile River in Uganda

Source: Photo by Nao Izuka on <https://www.flickr.com>

Table of Contents

1.0 Introduction	5
2.0 Study Findings	7
2.1 Legally Binding Framework on the Nile Waters	7
2.2 Ugandan State Contributions towards Stabilization of Peace and Security in the Nile River Basin	9
2.3 The Role of Civil Society in Uganda in Promoting Peace and Security in the Nile Basin	12
3.0 Conclusion and Policy Implications	14
3.1 Conclusion	14
3.2 Policy Implications	14
4.0 Bibliography	16

List of Acronyms

AU: African Union

CFA: Cooperative Framework Agreement

CFPE: Cooperative Framework Panel of Experts

CSOs: Civil society organizations

DRC: Democratic Republic of Congo

GERD: Great Ethiopian Renaissance Dam

NBI: Nile Basin Initiative

NGOs: Non-Government Organizations

TECCONILE: Technical Cooperation Committee for Socio-Economic Development of the Nile Basin

UN: United Nations

UNDP: United Nations Development Program

1.0 Introduction

River Nile is the longest international river system in the world that crosses eleven countries with the absence of a binding legal framework to guarantee equitable management and usage of its water resources. This situation presents an unabated challenge that causes conflict among the riparian countries.

The paper examines the contribution of Uganda to peace stabilisation processes in the Nile Basin, evaluating new strategies that should be adopted by Uganda in solving the Nile water conundrum, as well as scrutinising the involvement of civil society/NGOs as non-state actors in the national security and foreign policy making processes in Uganda, particularly on matters of the Nile.

Uganda has played a significant role towards peace stabilization in the River Nile Basin through advocacy and mobilisation towards a cooperative framework, mobilising development partners and donors, that play a pivotal role in the establishment of the Nile River related institutional bodies and allowing these bodies to be headquartered in Kampala since 1968 to date.

The findings underscore the need for the Nile riparian states to ratify the Cooperative Framework Agreement (CFA) so that it enters into force as an all-binding legal framework regarding Nile governance and management to replace the obsolete and anachronistic colonial agreements. They also show that Uganda has been a key and strategic player in the region, has continuously headquartered all the Nile Basin-related institutional mechanisms since 1968, and has been the champion of a cooperative framework and locally sourced solutions to Nile Basin problems.

Uganda has done this by actively participating in the formation of all institutions that intended to bring Nile Riparians together in search for a cooperative framework and Uganda has offered herself as a base by providing headquarters of all

these institutions since 1968 to date. Finally, they indicate that civil society and non-state actors in Uganda have played a minimal role in the pursuit of peace and stability in the Nile Basin.

This paper recommends that all the Nile riparian states should agree to a legally binding agreement so as to ensure equality in the usage of the Nile water resources that Uganda should keep up her efforts as a strategic and strong base between the two triangles (Nile west riparian countries and Blue Nile riparian countries). Nile riparian states should embrace democracy, structural violence alleviation, cognitive reintegration efforts and the civil society, non-state actors in Uganda should build capacity and play a more crucial role in security and peace stabilisation processes and mechanisms in the Nile Basin.

The Nile Basin system is not only the largest but also the longest in the world. It is a trans-boundary water body that is home to about 430 million people spread across eleven states, flows 6,700 km from its source in the Equatorial Lake Basinto the Mediterranean Sea, north of Cairo, Egypt. It covers territories and has dependents across Egypt, Sudan, South Sudan, Ethiopia, Eritrea, Uganda, Tanzania, Kenya, Democratic Republic of Congo (DRC), Rwanda, and Burundi or a land area of 3,200,000 km².

Throughout the years, the Nile River has caused major impact on "interstate politics of the region" as it is the only reliable renewable water supply in the area. An officer from the African Union (AU) posited that the Nile River supports more than 160 million lives in the region and remains the key ingredient of foreign policy objectives of all riparian states. Despite its extraordinary natural endowment and cultural history, the Nile Basin faces considerable challenges.

These include water scarcity reinforced through the decreasing quantity of Nile water, poverty, environmental degradation and (food) insecurity.

4. EXAMINING UGANDA'S FOREIGN POLICY

The recurrent droughts and desertification in the basin, coupled with increasing population pressure, have escalated water scarcity, and thus increasing the possibilities of a conflict.

The population in the basin is expected to double leading to further increases in agricultural and industrial water demand in urban and rural settlements and putting increased pressure on available water and other resources. Simultaneously, satisfactory stocks must be maintained in the environment to ensure the long-term sustainability of ecosystems.

The modern history of hydro-politics in the Nile Basin is very complex and the above-challenges cause large scale security and political implications on the national, regional and global level. The collective ownership of River Nile has caused tensions among the riparian countries. The natural resource is of critical (geo-) strategic importance to all Nile basin members.

These circumstances created an environment full of opposing demands on the rivers resources and caused water-related (inter-)conflicts between upstream riparian and downstream riparian countries. The potential for conflict about the water resources in the Nile Basin is unacceptable if states continue to refuse to cooperate and to share the Nile's resources.

Currently, there is no legal binding framework guaranteeing the equitable management and control of the Nile waters accepted by all the riparian states in the Nile River Basin. In absence of such an institutional framework, binding all riparian countries with the legal jurisdiction to enforce equitable trans-boundary water sharing, the unequal distribution of Nile waters in favour of the basin's hegemony, Egypt, will maintain.

Egypt persists on the legality of two colonial agreements from 1929 and 1959 and continues to threaten the upstream riparian countries if

tampering the flow of the Nile waters. Egypt's main purpose is to maintain and consolidate the status quo characterized by its dominance over the Nile River water.

To resist this hegemonic pressure, the upstream riparian countries, led by Ethiopia and Uganda, should promote the signing of the Cooperate Framework Agreement (CFA). This legally binding agreement would counterbalance any regional hegemonic aspirations regarding the Nile Basin and would replace its superseded and anachronistic colonial predecessors.

Uganda should enforce its critical role in the promotion of regional peace, security and stability. Kampala finds itself in strategic position to influence the security narratives in the Nile Basin and has been acting in consent with other upstream countries to reach an equitable and binding agreement on the use of the Nile waters.

The country is already active at the regional level in a number of activities, which make Uganda a supporter and contributor of peacekeeping and peace building as a mediator and guarantor, an interventionist, provider of humanitarian assistance. It is from this background that a further contribution from Ugandan side to the hydro-politics, peace stabilisation and regional security in the Nile Basin would be of great value.

Civil society organisations (CSOs) and non-state actors should be fully engaged in the search for peace and security in the Nile Basin. They play a central role in preventing the aggravation of the conflict. But the affairs surrounding the Nile Basin and the water conflict in the region have largely remained state-centric and inaccessible for most of the local CSOs in Uganda. Consequently, CSOs that deal with or are interested in the Nile Basin are very few and inactive or non-existent in the search for peace and security in the Nile Basin.

2.0 Study Findings

2.1 Legally Binding Framework on the Nile Waters

2.1.1 Water ownership among states

There is nothing like ownership of trans-boundary watercourses in international law. Therefore, a natural resource that is shared by many countries like the Nile River should be equitably used and managed by all the riparian states without causing significant harm to downstream riparian states. The property rights of a trans-boundary water resource need to be secured in order to contribute to the level of sustainable and equitable natural resource management among all riparian nations. The absence of such property rights on water ownership easily has an influence on foreign policy objectives among the riparian states.

2.1.2 The 1929 and 1959 colonial agreements on the Nile Basin administration

At the heart of the tensions of the Nile River are the 1929 and 1959 Nile Water Agreements, respectively signed between Britain and Egypt and then Sudan and Egypt, which impose obligations on the upstream riparian states but nothing on the downstream riparian states, especially Egypt. However, such agreements without reciprocal obligations are deemed to be invalid and have been rejected by upstream states. The 1929 agreement expresses the recognition of Egypt's natural and historic rights to the waters of the Nile by Great Britain. Thus, this agreement was one of the basic tools used by Egypt to attain and project its hegemonic influence in the Nile Basin.

Furthermore, the existing Nile River agreements from 1929 and 1959 on the ownership and sharing of the waters are of colonial nature signed before most of the upstream riparian countries gained their independence.

To promote this, interviews were conducted for the study and most of the participants agreed that as an international principle, upstream riparian states cannot be bound by such agreements which they were not party to during their signing and that such agreements cannot grant third-party rights unless countries agree.

Consequently, the colonial foundations do not constitute binding agreements on the ownership and use of water of River Nile. In addition, majority of the respondents noted that some of the upper riparian states upon gaining their independence declared that they were not to be bound by colonial agreements. These countries wanted to start from scratch.

For instance, in 1963 shortly after independence, the Prime Minister of Uganda wrote to the Secretary General of the United Nations rebutting all treaties concluded during colonial era. This was followed by a declaration by Parliament in Sessional Paper No.3 of 1963. The position of upstream states in refuting the colonial agreements is in tandem with Knobel's doctrine of the Clean Slate. This doctrine established that newly independent countries do not inherit the agreements of their colonial predecessors so long as the treaty does not demarcate territorial or other lines.

Likewise, the international laws of succession of colonial treaties following the independence of a nation indicate that this type of agreement (one that concerns resource use and allocation) is not territorial or 'localised treaty' that must remain binding following the birth of a newly independent state.

The 1929 and 1959 colonial agreements were bilateral agreements that were not in permanence, thus susceptible to amendments. This is in agreement with the doctrine of *rebus sic stantibus* which allows a party to rescind a treaty if there is a material change of circumstances that transform the rights and obligation of the

treaty. In addition, Article 34 of the 1969 Vienna Convention on the Law of Treaties states as a general rule asserts that “[a]treaty does not create either obligations or rights for a third party without its consent.”

Consequently, Egypt and Sudan should ensure that both equality and equity are observed with other riparian states when it comes to using the Nile River water resources rather than sticking to colonial agreements that became outdated and need to be renegotiated. Remarkably, Egypt has stayed blatantly rigid with regard to the historical clause of the 1929 agreement in order to project its power, capabilities and hegemonic ambitions in the Nile Basin and the Horn of Africa.

Egypt's continued desire to maintain the imbalance of power in the Nile Basin was to consider its own interest without other riparian states as other great actors in the region. Continuously, Egypt threatened the other riparian countries to wage war against them if they dare to tamper with the flow of the Nile waters.

However, two respondents from the legal fraternity and academia argue that those colonial agreements are still binding since there are no new agreements to replace them.

This underlines the importance and urgency for a new equitable agreement by other riparian states that fit into the present governance structure to replace and remove the colonial treaties forever. It is also the best thing the upstream riparian states could do to counterbalance Egypt's hegemonic position in the region.

2.1.3 Great Ethiopian Renaissance Dam (GERD) and Cooperative Framework Agreement (CFA)

Since the 1980s, Nile River upstream riparian states have been involved in numerous bilateral and multilateral initiatives to resolve the long-standing dispute over the usage of the Nile, but Egypt on several occasions has used its military dominance to threaten and coerce war in order to protect its national interests regarding the waters of the Nile.

In April 2011, Ethiopia took a unilateral decision to construct, fill and operate the Grand Ethiopia Renaissance Dam (GERD). The GERD project is a crude indication that Ethiopia, as one of the upstream riparian states, has already made a bold statement that it is not bound by the colonial agreements, by unilaterally constructing the largest hydropower facility along the Blue Nile without prior permission from Egypt, which the 1929 agreement requires. Ethiopia's unilateral decision caused concern among the River Nile downstream riparian states – Egypt and Sudan Ethiopia's continued intransigence and unilateralism regarding.

The Cooperative Framework Agreement (CFA) which was negotiated by all the riparian states except South Sudan (gained independence in 2011) under the auspices of the Nile Basin Initiative (NBI) that was a realistic option to ensure the equitable sharing and management of the River Nile water resources. It also addresses all the injustices that were caused by the 1929 and 1959 agreements.

Consultations began as early as 1997 and up to date where four countries (Uganda, Rwanda, Ethiopia and Tanzania) have ratified to the agreement. Only two ratifications are pending for it to enter into force, although Egypt and Sudan contested. Article 14b, where they wanted their historical rights to be entrenched in the CFA. In case it gets all the six ratifications and enters into force, it will absolutely replace the so-called colonial agreements.

Modern politics between the riparian states is centered in the creation of the CFA. As worded within the CFA, the present Framework applies to the use, development, protection, conservation and management of the Nile River Basin and its resources and establishes an institutional mechanism for cooperation among the Nile Basin States. In other words, the CFA aims to create a platform for cooperation between the Riparian states and a set of guidelines for the use and development of the river.

However, the main point of contestation with the CFA in its current form is the unresolved Article 14b on water security. The way which the upstream states have Article 14b written is *“not to significantly affect the ‘water security of any other Nile Basin States,”* but Egypt and Sudan have remained steadfast on that they will not sign the agreement unless it reads *“not to adversely affect the water security and current uses and rights of any other Nile Basin State”*.

Every arrangement that has been attempted to govern the use of the Nile, especially the Cooperative Framework Agreement (CFA), has been jeopardised by Egypt and Sudan by upholding their historic rights claim, a position that has been rejected by other riparian states. Persistent failure to reach a just settlement on the management of the river has bred continuous tension, suspicion, mistrust and an arms race between the riparian states.

Nevertheless, integrated water resources management is the most efficient approach to watershed control and it requires cooperation and the creation of institutions to implement joint actions. To ensure peace and security in the Nile Basin, the river should be a binding factor between states in the basin and should create a collective identity.

2.2 Ugandan State Contributions towards Stabilization of Peace and Security in the Nile River Basin

2.2.1 Uganda's contribution to peace and security in the Nile Basin

Uganda's national interest that majorly shape its foreign policy objectives is premised on three main pillars: national security (state survival, people, regional peace and security), national prosperity (provision of trade, investment, tourism and regional integration), and provision of protocol and consular services at home and abroad, and protection of the Ugandan diaspora).

However, the formal bodies that are responsible for formulation and advancement of a country's foreign policy, like Parliament and Ministry of Foreign Affairs, have either been put aside or assumed a shadow role and a mouth piece of powers. In other words, foreign and security policy making is guided by the perception of the President depending on the situation at hand. This is manifested in the interview conducted with the official from the Ministry of Foreign Affairs, *“The issue of River Nile is a matter to be handled at that level of the Presidents. So that has been the position of our President! It is not an issue that can be solved by technical people or by the minister”*.

The Ministry of Foreign Affairs asserts that Uganda has made solid strides as a key player in ensuring peace, stability and security in the region. Uganda's role is illustrated in four strands: Uganda as a peacekeeper and builder, mediator and guarantor, Uganda as an interventionist and Uganda for humanitarian assistance.

Uganda has been an important player in the peace and security arenas of countries in the Nile Basin. Six different strategic ways through which Uganda has played an instrumental role in ensuring peace and stability in the Nile Basin.

Uganda has enjoyed a joint role of monitoring the Nile with Egypt since 1895/7 before the colonial government had established a monitoring system on the rivers and lakes, and this position was later reinforced by the colonial government. This indirectly put Uganda in a strategic neighbourhood with Egypt to influence the security narratives in the region.

Between 1968 and 1982 Uganda implemented the HYDROMET survey project funded by UNDP that was in Entebbe. This project provided technical data on the catchments of Lake Victoria, Lake Kyoga and Lake Albert for the benefit of other countries in the Nile River Basin. This project helped Uganda to build good relations with the other riparian countries, notably Egypt, Sudan, Tanzania and Kenya.

8. EXAMINING UGANDA'S FOREIGN POLICY

Ethiopia took up an observer status since the data collection was done in Uganda, Kenya and Tanzania. Ethiopia was suspicious and objected to any move supported by Egypt just as Egypt was suspicious of any move supported by Ethiopia.

Uganda was pivotal in the formation of the 1991-1997 TECCONILE (Technical Cooperation Committee for Socio-Economic Development of the Nile Basin) which was comprised of Egypt, Sudan, Uganda and Tanzania. This was later on joined by Rwanda, Burundi and DRC, which participated but did not contribute. Kenya refused to join but was allowed to participate in almost all the activities.

The body was formed as an interim organization following the winding up of the HYDROMET survey project to foster cooperation in the Nile Basin as a stop-gap measure of the riparian countries prepared the long-term framework for the cooperative management and development of the Nile Basin. Uganda took the lead in organizing other upstream countries which were not interested since Egypt never wanted the upstream countries to get organized and concentrate on the Nile. TECCONILE was also headquartered in Entebbe, in the same building where HYDROMET had been headquartered.

In 1995 Uganda, as the Chair of TECCONILE, managed to negotiate and brought the World Bank and UNDP to join and help to mobilize other donors to fund the activities that would lead to tangible outcomes. This stature made Uganda an important actor appealing to all parties that is, Nile River riparian states and development partners, thus contributing to peace stabilisation processes in the Nile River Basin.

Uganda spearheaded the formation of the Cooperative Framework Panel of Experts (CFPE) on the Nile in 1997. The project embarked on thinking through and working out elements that would be acceptable by all that could lead to a new agreement that would ensure equitable sharing of the Nile water resources. The panel of experts was also headquartered in Entebbe.

This endless effort by Uganda to mobilise other riparian states towards a cooperative framework over the usage and management of the waters of the Nile created a forum which kept states in constant dialogue to discuss and collectively address the concerns emerging from individual states so as to prevent interstate conflicts over the Nile waters.

Uganda has played a leading role in the formation of the Nile Basin Initiative (NBI) in 1999, which is in Entebbe the same offices where HYDROMET, TECCONILE, and CFPE were. The riparian states negotiated a CFA which has since been ratified by four countries out of the six required for it to enter into force.

As efforts to see this agreement get the necessary ratifications continue, Egypt attempts to jeopardize this agreement remain visible where it engages some countries on small bilateral projects to divert them. For instance, Kenya has not yet ratified to the CFA because of Egyptian influence. However, Uganda has remained committed towards mobilizing other upstream counties to ratify the CFA.

In other words, Uganda as an upstream state wants to conserve the Nile and get more voice through the CFA, and it is still maintaining good relations with Egypt to maintain relations with Egypt and protect its interests in hydropower.

The stable relations between Uganda and Egypt are reflected in joint development and water cooperation projects which started in 1949 for instance, Uganda-Egypt Aquatic Weed Control Project (UEAWCP) which is ongoing till now with an Egyptian grant of 24.4 million USD.

2.2.2 Strategies that Uganda should adopt to address the Nile question

Uganda is located in a strategic position to influence politics that address the Nile question and to encourage other states to sign and ratify the CFA. As shown, Uganda has played an important role in promoting peace and security among the countries that share the Nile Basin. This includes hosting all the Nile

Basin institutional organisations formed since 1968; mobilising fellow riparian states towards a cooperative framework in the governance and management of the Nile River; and being a peace builder and peacekeeper in the region.

Uganda has actively advocated for regional integration so as to enable addressing regional security threats collectively. The country is based on a strategic baseline that can form a strong base between the two triangles (the triangle of the West Nile riparian countries and the triangle of the Blue Nile countries).

Uganda should encourage more dialogue with all the Nile River riparian states since the Nile question is a sensitive issue which does not need force but rather diplomacy. Dialogue and negotiations will pave way for equitable sharing following the international principles of trans-boundary water management should be provided. These principles call upon riparian states to, as they use the waters pay regard to the interests of the others and to avoid causing significant harm especially to the downstream riparian states.

Uganda should fully democratise at home even when it is to intervene in the affairs of other Nile River riparian states like it has done in DRC, Burundi and South Sudan, can do so by exporting democratic dividends. Respondents from academia and civil society have regarded some of the River Nile riparian states such as Uganda and Rwanda as authoritarian states since their reigning governments have emerged through revolutions.

In other words, the leaders of authoritarian regimes who took over power through revolutions will try hard, to cling to power domestically by whatever means, and will intervene in the affairs of neighbouring countries in friable regions like Nile River Basin in a guerrilla way of doing things. In the famous 'democratic peace thesis' it is well put that democracies are hesitant to go to war with other identified democracies.

More so, Uganda should democratise foreign and security making processes to allow the participation and contributions of non-state actors/NGOs and civil society. The multi-stakeholder approach in foreign policy making would help governments to benefit from vast knowledge from diverse actors and that would make citizens to own formulated policies and the implementation mechanisms.

Governments should understand and appreciate that the concept security has since widened and deepened to include non-military threats. The crisis over the usage and management of the Nile waters in the advent of the climate change crisis and surging populations within the riparian states does not only challenge the survival of the riparian states but an existential threat to citizens as well thus moving from state as the referent object to individuals as referent objects.

Uganda should respect the sovereignty and territorial integrity of her neighbours in the region. Uganda under President Yoweri Museveni has over time nurtured the culture of intervening in the affairs of River Nile riparian states through military interventions which is against the UN charter and the principles of international customary law.

These unilateral military interventions have always narrowed space for dialogue between the conflicting parties, jeopardised the systemic conflict resolution mechanisms.

Most importantly, raising divisions, bias, suspicions and mistrust in a security volatile Nile Basin. Uganda's interventions in other Nile states like DRC, South Sudan and Burundi can be easily misinterpreted by other riparians as a pursuit of hegemonic ambitions in the Nile Basin which derail any possible cooperative arrangements in addressing the Nile question. Developments of this nature create an '(In) security dilemma' within the already fragile and fluid Nile Basin, hence jeopardizing peace stabilization processes by creating a more complicated security puzzle in the Nile Basin.

2.3 The Role of Civil Society in Uganda in Promoting Peace and Security in the Nile Basin

2.3.1 The extent of civil society engagement in foreign policy objectives

There are not many civil society organisations (CSOs) or NGOs that are dealing with issues regarding the Nile Basin. There is one organisation that deals in the Nile Basin issues; Nile Basin Discourse Initiative (NBD). Much as NBI is composed of the Nile River riparian states, it is a network for civil society established in 2003 with support from World Bank and other development partners to strengthen civil society participation in the Nile Basin development process, projects, programs and policies. However, the work of NBD as a forum for civil society has not been felt in Uganda.

This is evidenced by the fact most respondents from government, civil society and security noted that civil society organisations in Uganda in search for peace and security in the Nile basin do not exist. This dysfunctional stature of NBD could be as a result of limited space and hostile operating environment in Uganda, as this is manifested in cracking down and suspension of CSOs/NGOs activities for instance, the suspension of Democratic Governance Facility (DGF) activities in 2021.

The Government of Uganda has not been keen to engage civil society and other non-state actors in matters of national security and foreign policy because most of them get funding from abroad and thus pursue foreign interests. Lack of funds by government is what drives the need to have the foreign NGOs that have the money but which, however, does research that principally benefits foreign governments and actors.

This makes the government hesitant whether civil society can be of help especially when it comes to matters of statecraft, nation-building and strategic security. The government does

not trust and exercises little transparency in its relations with civil society when it comes to national security and foreign policy issues.

The government has consistently 'cordoned off' this area and, in any case, Uganda's foreign objectives are simply an embodiment of Museveni's views and how it wants things to be done in the Great Lakes Region. Thus, what should have been the country's official foreign policy is actually President Museveni's foreign policy. This is because there is a mismatch between the foreign policy found in the official documents of the Foreign Affairs Ministry and what is actually done by the head of state.

The Nile Basin states have different types of government, for example, in Uganda, Ethiopia and Rwanda, these governments tend to centralise power and specifically, monopolise the functions of foreign relations and foreign policy because security constitutes a very important component of those functions. They also tend to monopolise the function of security and to have very strong leaders. It becomes hard for civil society to thrive in such an environment where a state is very strong and has a history of revolution and military government, weak civil society and, therefore, any state policy will by and large be the function of the ruling party.

However, a respondent from government noted that when NBI was being established, many civil society and non-state actors were involved and supported it. For instance, they supported the formation of the Nile Basin Discourse they created a forum for Members of Parliament, and also supported academia, the media and the legal fraternity. Furthermore, they created an environment and education forum so as to make Nile River issues be taught in schools.

Thus, there was a broadening of participation and involvement of all actors. However, much as the civil society and non-state actors have been involved in the Nile River case, if one weighs the involvement of the non-state actors versus that of the state actors, the balance becomes unequal and biased in favour of the latter.

2.3.2 How civil society can be optimally engaged in peace and security processes in the Nile Basin

The search for peace and security in the Nile Basin has for a long time been more of a political affair and has mostly been undertaken by the state actors in the riparian states. This huge gap in government's efforts to involve civil society and other non-state actors in the national security and foreign policy-making processes need to be addressed and counteracted. It is advisable that each riparian state should give more trust to the CSOs with their expertise in different fields which consequently play significant roles together with state institutions during the negotiations over the Nile Basin issues.

CSOs are important actors in promoting regional peace and security because they offer a biased free environment. Thus, they act as mediators in achieving equitable water use in the Nile Basin. Further, they support in general the interest of the public and are not bounded by election processes and short-term political goals. Civil society also plays a great role in demanding accountability from government for its conduct during and after elections.

Moreover, they would promote a diverse environment of actors engaged in foreign and security policy objectives. Through their work with communities and different categories of

people such as the directed focus on women bring fresh knowledge, perspectives and expertise. Besides, they have large capacities in the research departments.

The urgency that Uganda and other riparian states need to engage civil society and other non-state actors in the search for a lasting solution to the Nile question has been raised. CSOs in Uganda, in collaboration with other riparian states of the Nile Basin, should focus on finding possible means through their research departments to come up with a permanent road map for achieving peace and security in the region.

One respondent from a regional organisation noted that it is through drawing upon the history of the River Nile ownership rights that civil society can come up with ideas for a more effective way for riparian nations of the Nile River to live in harmony with their fellow member states.

CSOs should remain non-biased entities in the process of searching for peace and security; should be committed only to the cause of preaching peace, harmony and tranquillity, should be preoccupied with policy alternatives and promoting dialogue between the Nile riparian states. Governments should not view them as traitors and conduits of foreign influence but as partners as they build a multifaceted approach in the search for permanent peace and security in the Nile Basin.

A section of the River Nile, Murchison Falls Uganda in Uganda
 Source: Photo by K3N on <https://unsplash.com>



3.0 Conclusion and Policy Implications

3.1 Conclusion

The absence of a binding legal framework for the management of the Nile water resources is a recipe for conflicts in the light of the development challenges faced by states in the Nile Basin. The increasing population and climate change, with its effect of rising temperatures, the ambitious economic development goals of individual riparian states, the increasing frequency of droughts and the general fragility and fluidity of the entire region with unique security dynamics.

The establishment of an acceptable legal framework that is binding on all the riparian states is a prerequisite for amicable conflict resolution as well as ensuring peace, stability and security in the region.

The paper set out to explore the influence of water ownership rights on the foreign policy objectives of the state in Uganda. The results indicate that water ownership on River Nile is linked to imperial and colonial foundations based on agreements signed between the former colonial masters and some states before they gained their independence. Thus, after attaining their independence, especially the majority upstream riparian states repudiated the colonial agreements regarding them as superseded and outdated since they had not been a party to them.

To solve this problem, the CFA must be ratified, and increased cooperation among all riparian states is needed. Uganda provides a useful framework for this, as it has already been involved in a number of multilateral attempts to jointly manage the Nile such as HYDROMET survey, TECCONILE and CFPE. Strong participation by civil society organizations can help break down the rigidity and stiffness of riparian states' approaches to resolving tensions.

3.2 Policy Implications

3.2.1 States

- a. River Nile riparian states should ratify the Cooperative Framework Agreement (CFA)

of the Nile Basin Initiative (NBI). It needs six ratifications to enter into force but so far four have ratified (Uganda, Rwanda, Ethiopia and Tanzania). In other words, countries that have ratified to the CFA should mobilize other riparian states to ratify the agreement for equitable utilization of the Nile waters in the context of internationally acceptable principles and obligations.

- b. Nile River being a common interest of all the riparian states, a cooperative security framework should be put in place through regional initiatives and other agreed mechanisms to reduce tensions and suspicions, build confidence among riparian states.
- c. Nile riparian countries should enhance trade relations that will lessen likelihoods of conflicts. Riparian states should conduct economic activities around the river but should allow water flow and movement not to cause significant harm to downstream riparian states.
- d. All riparian states should endeavor to sensitize their publics to heighten awareness about the River Nile and the associated complex dynamics and implications for regional security and peace. For instance, in Uganda majority do not know about the River Nile hydro-politics and its implications towards national security which is not the case with Egypt.
- e. States should support their civil society and engage them through stakeholder engagements to keep them active in any developments in the Nile Basin.

3.2.2 Uganda

- a. Uganda as an upstream riparian and an ally of downstream riparian states should assume an important role in addressing the Nile question. Uganda should mobilize riparian states to ratify the CFA, revise its strategies

of intervening in the affairs of other riparian states in violation of international law, peace keeping and building in the pursuit of her strategic interests in fellow riparian states DRC, Burundi and South Sudan which create mistrust and suspicion that tend to threaten peace stabilization processes and efforts in Nile Basin.

- b. Uganda should strengthen regional integration and boost status of the Nile Basin Initiative (NBI) to that of a supranational body with legal jurisdiction to enforce the equitable sharing of water resources so that the Nile River can be managed and governed in the context of internationally acceptable principles and obligations to reduce friction between the riparian states.
- c. Uganda is a strategic baseline that can form a strong base between the two triangles (the triangle of the West Nile riparian countries and the triangle of the Blue Nile countries). The logic should be on how to create a boundary of these two and remain strong. If you link the apex of the two triangles, that linkage is very weak but if you use the base, it will form a strong bond.
- d. In other words, that base of two triangles is the role of Uganda. Thus, Uganda has to play the role of a base.

3.2.1 Civil Society Organisations

- a. Civil society and other non-state actors should take on the mantle of promoting dialogue on sustainable and equitable development, peace and mutual understanding on the development issues in the Nile Basin.
- b. Civil society organizations in Uganda should advise and guide the country on better steps and alternatives needed in promoting peace and security in the Nile Basin.
- c. Civil society organizations should continuously build their capacity to provide policy options on the entire public life, including foreign policy and the national security arena.

- d. Civil society and non-state actors should interest themselves in trans-boundary natural resources like River Nile as potential causes of conflict instead of being only preoccupied with internal politics and democracy. In other words, shared natural resources are strategic existential threats not only to human beings as individuals but to states as well.

The overall conclusion of this work is that the peace process has taken significant steps over time. All Nile riparian states and the international donors demonstrate a commitment to peace stabilization efforts and development. Despite certain local outbreaks of violence in more than one of the countries, there has been no major war between the riparian states over the Nile waters.

Thus, Uganda should endeavour to mobilise and convince the international donors to promote a development strategy which is based on the immediate need to direct all efforts to reduce the structural violence in the region. This is about dealing with people's basic needs satisfaction. Without this, enormous amounts of people, not least young people, in the region will continue to be vulnerable and receptive to any kind of mobilisation to renewed direct violence.

Cognitive reintegration. This has to do with all the long-term images and perceptions of group relations in the region. The elites and the leadership in the different countries are obviously not free from existing stereotypes in perception of the others. But at much deeper levels of these societies' identity questions have interplayed with material and immaterial basic conditions for a sustainable livelihood.

Thus, the question of structural violence reduction and cognitive reintegration should be dealt with simultaneously. There is a need to highlight the necessity to integrate local and regional elite groups in the future economic and security set-up within the Nile River riparian states.

4.0 Bibliography

1. Adar, K. G. (2007). Kenya's Foreign Policy and Geopolitical Interests: The Case of the Nile River Basin. *African Sociological Review*, 11(No. 1), 65.
2. Agreement on the Nile Basin Cooperative Framework (CFA), Burundi, D.R. Congo, Egypt, Ethiopia, Eritrea, Kenya, Rwanda, Sudan, Tanzania, Uganda. 2009.
3. Ambassador 3, Ugandan Ministry of Foreign Affairs. Personal Interview. July 12, 2021.
4. Arthur, O.-O. (2004). The Nile Treaty: State Succession and International Treaty Commitment.
5. Ashebir, E. (2009). The Politics of the Nile Basin: Johannesburg: The University of Witwatersrand.
6. Ayoob, M. (1986). *Regional Security in the Third World*. London.
7. Bayeh, E. (2016). Agreement on Declaration of Principle on the Grand Ethiopian Renaissance Dam Project: A Reaffirmation of the 1929 and 1959 Agreements? *Arts Social Sciences SCI J 7*, Vol. 7(2), 170. doi:10.4172/2151-6200.1000170.
8. Berger, T. (2014). Norms, Identity and National Security. *Security Studies: A Reader*.
9. Carroll, C. (1999). Past and Future Legal Framework of the Nile River Basin. 12 *GEO. INT'L. ENVTL. REV.* 269, 278.
10. Case Concerning Military and Paramilitary Activities in and Against Nicaragua (Merits) (Nicaragua v USA) (1986) ICJ p. 6.
11. Corfu Channel Case (UK v Albania) (1949) ICJ Reports (1949).
12. Ferede, W. (2014). The Colonial State Craft and Water Regime Building in the Eastern Nile Basin. *Academia Journal of Agricultural Research*, 62-73.
13. Glaser, C. (2010). *Rational Theory of International Politics: The Logic of Competition and Cooperation*. Princeton NJ: Princeton University Press.
14. Grey, D. (2007). Sink or Swim? Water Security for Growth and Development. *Water Policy*, 9(6), 545-571.
15. Herman, C. (1990). Changing Course: When Governments Choose to Redirect Foreign Policy. *International Quarterly*.
16. Hoekstra, A. Y. (2003). Virtual Water: An Introduction In Virtual Water Trade: Proceedings of the International Expert Meeting on Virtual Water Trade. *Value of Water Research Report Series*, 13-23.
17. Hoskins, H. L. (1943). The Suez Canal as International Waterway. *The American Journal of International Law*, 373.
18. International Court of Justice Ruling in the DRC v. Uganda Case: Ensuring Victim-Focused and Effective Implementation of the Reparations Order, <https://asf.be/blog/2022/03/28/international-court-of-justice-ruling-in-the-drc-v-uganda-case-ensuring-a-victim-focused-and-effective-implementation-of-the-reparations-order/#:~:text=On%209%20February%202022%2C%20the%20DRC%20between%201998%2D2003>.
19. Job Brian (1992): *The Insecurity Dilemma: National Security in the Third World*, Boulder and London: Lynne Rienner.
20. Jordan Williams (2017). *Geopolitical Relations: Uganda's Role in the Development of the River Nile*.
21. Kasaija P. Apuuli, *International Law and Uganda International Law and Uganda's Involvement in the Democratic Republic of the Congo (DROC)*. Vol. 10, Issue 2 SPECIAL ISSUE: 20012002 AFRICA AT THE CROSSROADS: CURRENT THEMES IN AFRICAN LAW. University of Miami International and Comparative Law Review.
22. Kasaija, P. A. (2011). The Cooperative Framework Agreement (CFA) 2010 Legal Regime for River Nile and Future Peace Prospects in the Nile Basin. *East African Journal of Peace & Human Rights*. Vol.17(2).
23. Kemerink, J. S. (2011). Contested Water Rights in Post-Apartheid South Africa: The Struggle for Water Catchment Level. *Water SA*, 37(4), 585-594.
24. Kendie, D. (1999). Egypt and the Hydro-Politics of the Blue Nile River. *Northeast African Studies*, 141-169.
25. Kieyah, J. (2007). The 1929 Nile Waters Agreement: Legal and Economic Analysis.
26. Koutsoyiannis, Y. H. (2008). A medium-range flow Prediction for the Nile: A Comparison of Stochastic and Deterministic Methods. *Hydrological Sciences*, 53(1), 142-164.
27. Mbaku, S. M. (n.d.). *Toward a Consensual and Sustainable Allocation of the Nile River Waters*, Draft Working Paper, August 2010.
28. Meinzen-Dick, R. (2014). Property Rights and Sustainable Irrigation: A Developing Country Perspective. *Agricultural Water Management*, 145, 23-31.
29. Ministry of Foreign Affairs Ministerial Policy Statement FY 2022/23.
30. Modelski, G. (1962). *A theory of Foreign Policy*. London: Pall Mall.
31. Morgenthau, H. (2006). *Politics Among Nations: The Struggle for Power and Peace* (7th E.d ed.). (K. W. Clinton, Ed.) New York: McGraw-Hill Companies Inc.
32. Mwagiru, M. (2004). *African Regional Security in the Age of Globalisation*. Nairobi: Heinrich Boll Foundation.
33. Official from the Ministry of Water, Personal Interview, July 2021.
34. Ofuho, C. H. (2004). Security Concerns in the Horn of Africa. In M. Mwagiru, *African Regional Security in the Age of Globalisation* (p. 8). Nairobi: English Press Limited.
35. Okidi, C. (1980). Legal and Policy of Lake Victoria and Nile Basins. *The Indian Journal of International Law*, 395-420.
36. Okoth, P. G. (2007). The Nile River Question and the Riparian States: Contextualising Uganda's Foreign Policy Interests. *African Sociological Review*, Vol.11, (No. 1), 81-94. Retrieved 07 28, 2018, from <http://jstor.org/stable/24487587>.
37. Parkes, L. (2013). The Politics of 'Water Scarcity' in the Nile Basin: the Case of Egypt. *Journal of Politics & International Studies*, 433-480.
38. Tvedt, Terje. (2010). *The River Nile in the Post-Colonial Age: Conflict and Cooperation among the Nile Basin Countries*. London: I.B. Taurus.
39. UNDP Human Development Report, 1994.



For more information, please contact us:



**Konrad-Adenauer-Stiftung
Uganda & South Sudan**

E: info.kampala@kas.de

51 A, Prince Charles Drive, Kololo
P.O. Box 647, Kampala, Uganda
www.kas.de/uganda

  @KasUganda

Centre for MultiLateral Affairs

E: info@theCfMA.org

T: +256-782-752198

T: +256-789-581006

Plot 67, Bukasa Road, Namuwongo
P.O. Box 4411, Kampala Uganda
www.theCfMA.org