

## **Regime Evolution in Nile River Basin and Peaceful settlement of Nile River Disputes: An Interdisciplinary Assessment of the Role of Law**

Chukwuebuka Chidozie Edum<sup>1</sup>

### **Abstract**

The Nile River has been the source of political tension and conflicts among surrounding riparian countries. The situation is exacerbated by the absence of an all-inclusive legal and institutional framework governing the utilization and management of its water resources. Unilateralism and incompatible riparian claims negating the fundamentals of international water law still continue to be the defining features of the basin. Attempts on reconciling these claims and formulating a cooperative front for all the riparian at the Nile basin is still on-going. Launched in such a setting, the Grand Ethiopian Renaissance Dam (GERD) constitutes a significant shift in the regional hydrological dynamics of the last decades and a catalyst of future cooperation development in the Nile Basin, capable of inducing a positive transformation in the basin. 1) The role of law in the development of the Nile river basin is considered epiphenomenal, when viewed from a formalist or legal positivist perspective. Recent debates on Nile river also accords subordinate role to law. However, recent development in the areas of international law and international relations (IR) provide a great opportunity to re-examine the role of law in the emergence and evolution of regimes, 2) including transboundary river regimes. One of the most significant contributions in this area is the work of Butta and Toope in utilizing the linkages between the theory of constructivism of IR and interaction theory of law in examining the role of law in the development transboundary water regime. 3) It will be interesting to see the outcome of the application of this interdisciplinary approach in the context of Nile River Basin. This chapter presents geographical and hydrological context of Nile River, as well as the political economy and legal arrangements for the management of the Nile Basin. The political economy analysis will provide the background towards the understanding of the nature of Nile water disputes. The article discusses the various cooperative initiatives in the basin and provides an analysis of the GERD, including its historical development and current status. Building on the works of Butta and Toope, the article develops analytical frameworks – effect of the norm-generating process, water-related agreements and international water law - for the analysis of developments in the Nile Basin. The approach presents a unique opportunity to provide for the full range of contributions of legal norms in the evolution of Nile basin and peaceful settlement of Nile disputes.

<sup>1</sup> PhD candidate at the University of Geneva and visiting-scholar at the University of Cambridge Email: [chukwuebuka.edum@etu.unige.ch](mailto:chukwuebuka.edum@etu.unige.ch)

2

**Keywords:** Nile River Basin, Nile River disputes, Role of law in water dispute, International law and international relations, Works of Butta and Toope