

Changing Tides of Egyptian Hydro-Hegemony Shawna Moore

The 1929 Water Basin Agreement granted Egypt dominance over the Nile River through priority appropriation and veto-power over competing water projects. This agreement was later reinforced by the 1959 Nile Waters Agreement, cementing unrivaled Egyptian hydro-hegemony through the 20th century. Recent shifts in the regional balance of power have undercut Egypt's claim to historic and natural rights and exacerbated their diminished ability to enforce existing legislation, signifying the end of the era of Egyptian dominance. Recent riparian cooperation suggests a promising future for the Nile River Basin: one founded in equitable utilization and peaceful negotiation.

The Nile River, among the world's most significant waterways, supports the irrigation and hydro-electric power needs of approximately 200 million people living in the 3,350,000 km² river basin (Obeng, 2012). The 6,700 km river travels through eleven East African countries, the riparian states (Shih & Stutz, 2012). The Nile River has two main tributaries, the White Nile and the Blue Nile. Eighty five percent of the total water flow originates in Ethiopia. Despite Ethiopia's persistent claims to absolute sovereignty of the waterway, the international community has historically recognized Egypt as the dominant force in the region, permitting near complete Egyptian control of the river (Tesfaye, 2014). Since the colonial period, Egypt has sought to protect absolute riverine integrity by preventing any use or contamination of the river by the upper riparian states. In recent decades, Egypt's domination of the Nile has been structured upon a political and legal foundation shaped by Great Britain during the colonial era. As an imperial force, the British aspired to control the Nile in its entirety to protect their economic and strategic interests in Egypt. Of all actions taken by the British, the 1929 Water Basin Agreement was the most influential. This agreement established Egyptian *de facto* sovereignty over the Nile by granting legal veto-power over any water projects attempted by other riparian actors. This agreement served as the critical antecedent to the 1959 Water Agreement, which further enshrined Egyptian hydro-political control through the post-colonial era. The 1929 and 1959 legislation determined Nile water usage until increased demand for water resources, significant changes in the regional economic landscape, and Egyptian instability in the 21st century spurred initiatives to renegotiate the terms of regional Nile River usage.

In the late nineteenth century as Great Britain extended its Empire by establishing colonies throughout Africa, the British Government took extensive measures to secure unrivaled control of the Nile River. Evelyn Baring, Earl of Cromer and British Controller-General in Egypt, described this British strategy as insuring that, "The waters of the Nile, from the lakes to the sea, are brought fully under control it will be possible to boast that man, in this case the Englishman, has turned the gifts of Nature to the best possible advantage" (Tvedt, 2011, p.182). With time, Great Britain extended its colonial reach beyond the Egyptian borders by pursuing control in Sudan

and the surrounding upper riparian states. Ethiopia was among the only kingdoms to successfully withstand these colonization efforts throughout the late 19th century. In the newly acquired lands, Great Britain imposed indirect control caring to only put forth minimal resources and effort to secure the uninhibited flow of the Nile (Rodney, 2006). Successful imperial expansion was a key step toward ensuring Egyptian hydro-political control, but the British were not so shortsighted as to assume these measures were enough. They recognized the long-term value in endowing their claims and pursuits with legal legitimacy through treaties and colonial decrees.

Imposing western laws and diplomatic tradition, British officials wrote and forced the acceptance of treaties and agreements in African colonies, creating a patchwork of documentation and regulations. In 1891, Great Britain and Italy agreed to clarify spheres of influence over East Africa to prevent Italian intrusion in the Nile River Basin and assure expansion for both European empires without the threat of war with each other (Tvedt, 2004). This became the first of numerous legal steps designed to limit external interference with British monopolization of the Nile. In evaluating possible threats, the British recognized the potential for Ethiopia, in possession of the headwater of the White and Blue Niles, to interfere with British plans.

On May 5, 1902, in Addis Ababa, British and Ethiopian officials reached an agreement whereby Great Britain recognized Ethiopian independence and Ethiopia relinquished all claims to usage of the waterway (Henshaw & Paisley, 2013). Article III of the document reads, “His Majesty the Emperor Menelik II, King of Kings of Ethiopia, engages himself towards the government of His Britannic Majesty not to construct, or allow to be constructed, any works...which would arrest the flow... [of] the Nile” (Sheferawu & Wuhibegezer, 2014, p.59). Inconsistencies in translation, speculated to have been intentional by the British, drastically reduced the efficacy of this agreement. While the British understood the term “arrest the flow” to refer to interference with the waterway affecting flow in any way, the Ethiopians believed this wording only prohibited halting water flow completely (Henshaw & Paisley, 2013). Undaunted, British officials continued to pursue legislative measures and more specific treaties. In 1906, they signed a Tripartite Agreement with Italy and France, again in an attempt to protect Egyptian interests in the Nile River Valley. This treaty included nonspecific policies that still failed to thwart utilization of the waterway outside of Egypt (Kasimbazi, 2010). The pre-World War I British Empire was unable to legislatively regulate and enforce total control of the Nile, as so desired.

At the conclusion of the First World War, Great Britain absorbed several of Germany’s colonies, tightening its grip on the Nile. In 1929, Great Britain instituted the Water Basin Agreement, legitimizing Egyptian control over the Nile River and eliminating the ambiguity that made preceding treaties ineffective. Egypt won nominal independence in 1922, and existed thereafter as a nominally sovereign protectorate of Great Britain. However, Great Britain maintained its hydro-imperialist aspirations and continued to bolster its economic domination of the former colony (Tvedt, 2010). Instability in Egypt had the potential to be detrimental to European profits, so Britain exerted subtle control, both indirectly and directly. Within Egypt, nationalist independence movements gained momentum, imparting fear in the British (Abdalla, 1971). Still, the British Government refused to relinquish its economic and political

power, although they did attempt to gain favor by supporting Egyptian claims to the Nile (Tvedt, 2004).

The 1929 Water Basin Agreement between Great Britain and Egypt explicitly enumerated rights granted to Egypt regarding Nile River control. It was the first treaty to cite a self-governing riparian state as a signatory. Originally just an exchange of notes between the Egyptian Prime Minister, Mohamed Mahmoud Pasha, and the British High Commissioner in Cairo, Lord Lloyd, the discussions evolved into a water-security treaty (McKenzie, 2012). The provisions of the agreement protected Egyptian interests by redefining regional water usage, giving Egypt final veto power, and outlining very limited toleration for Sudanese water extraction. The treaty specified that 92.3% of the river's water flow was reserved for Egypt, leaving the remaining percentage to Sudan. During the dry season, however, all water would be allocated to Egypt, barring all other riparian states from any usage. Paragraph 4(b) of the document granted Egypt the authority to veto any Nile development initiatives. Egypt maintained the, "Right to vote on development in the upstream territories without any corresponding restriction on [Egypt's] own freedom of development" (Adar & Check, 2011, p.36). This clause effectively established explicit Egyptian legal hydro-hegemony.

The 1929 agreement was effective not only as a result of its specificity, but international recognition of legitimacy. A history of reliance on the Nile allowed Egypt to reasonably claim natural rights to the river, rendering the agreement both reasonable and ethical in the eyes of the international community. Egypt was first riparian state to effectively claim legal ownership of this waterway. With the calculus of power on the European continent clearly favoring Great Britain, the 1929 agreement was accepted without resistance. No country was willing to risk severing political and economic ties with Great Britain in favor of bolstering favor with the weak riparian actors in Nile River Basin. In short, British economic and political power carried the day.

The legal power of Egypt resulting from the 1929 agreement was further expanded and reinforced in the 1959 Agreement for the Full Utilization of the Nile Waters. The 1959 agreement was the first to be signed in the post-colonial era between two riparian states. To placate the Sudanese Government, Egypt slightly adjusted water usage standards in Sudan's favor. Nonetheless, the 1959 agreement rendered Egyptian control numerical and concrete. Together with the 1929 agreement, it established the legislative framework that governed Nile water usage until the 21st century.

After gaining independence in 1956, Sudan intended to construct a series of dams along the river to increase hydro-power capabilities and water supply. The proposed project would violate the 1929 agreement, whose legitimacy went unrecognized by the new Sudanese Government. Sudan claimed the agreement, "Gave no consideration to the interests of Sudan...therefore the Government of Sudan refuses to accept the Agreement...as a criterion for what it does or refrains from doing concerning the waters of the Nile" (Abdalla, 1971, p.334). Legally, recognition of treaties and agreements signed by a state must be maintained despite governmental succession. Treaties were only abrogated by means of mutually consented rejection, lapse of time, or by legal revocation (Shih & Stutz, 2012). Regardless, the newly-sovereign Sudan showed every intention to proceed with the dam. Initial diplomatic efforts proved ineffective. Egypt began challenging the Sudanese initiative by pursuing the construction of the Aswan Dam to increase its own irrigation capabilities and

hydroelectric power supply. The backflow of the dam would infringe on Sudanese territory, threatening to cause flooding and system imbalance. Amidst rising tensions, neither country wanted to acquiesce. Fierce debate eventually yielded to productive negotiation, resulting in the 1959 Agreement for the Full Utilization of the Nile Waters (Cookson-Hills, 2013).

The five-part 1959 agreement explicitly detailed updated water allocation of the Nile, still divided entirely between Egypt and Sudan. Egyptian usage was limited to 55.5 bcm annually, while Sudanese usage was capped at 18.5 bcm. This compromise, though asymmetrical, met the needs of both parties considered. If the annual flow of the Nile fell below the projected value, a Joint Technical Committee would convene to redefine allocation standards and maintain peace (Abdalla, 1971). The 1959 agreement verified that the new agreement did not void the 1929 legislation, only establish updated water allocation proportions (Adar & Check, 2011). As the most explicit legislation, the 1959 agreement remained the primary hydro-political standard of reference in the Nile River Basin throughout the post-colonial era.

Egyptian vetoes of Nile River projects, as authorized by the 1929 and 1959 legislative frameworks, were legitimized by the support of international financial institutions. Though impervious to the demands of the Egyptian Government, many international institutions recognized the economic benefits that could result from fostering strong ties with Egypt, the wealthiest and most stable of the riparian states. The World Bank and International Monetary Fund (IMF), for example, refused to fund water projects on the Nile until they obtained explicit consent from Egypt. Ethiopia's Tana-Beles Project is case and point. The Ethiopian initiative intended to draw and distribute water from Lake Tana, a source of the Nile River. Redirected by dams, water would be transported through the Beles River to provide irrigation for 20,000 farmers (Tvedt, 2010). Concerned about reduced water flow, Egypt exerted influence over the African Development Bank (ADB) to prevent necessary financing. Without funding, the project failed. Egypt's actions demonstrate the extent of its domination of Nile River Basin development (Tesfaye, 2014).

Egyptian dominance is now weakening as increased demand for resources, growing political instability, and changes in the regional socioeconomic landscape act in conjunction to undermine the efficacy and acceptance of the 1929 and 1959 agreements. Increased water demand among Nilotic countries challenges Egyptian claims to natural rights. Population growth is an integral factor in projecting water needs of the future. The Nile River supports approximately 200 million people throughout the basin, currently (Obeng, 2012). Population growth rates are projected to rapidly increase in coming decades, with estimates of the regional population reaching 400 million by 2025 and 1 billion by 2050. Populations in Ethiopia and Sudan are projected to grow with disproportionate rapidity. Ethiopia, alone, is expected to be home to 130 million residents by 2025 (Kasimbazi, 2010). By this analysis, the number of Ethiopians will substantially exceed the population of Egypt in the coming decades. Research suggests that half of each country's population is primarily dependent on the Nile for its livelihood; thus, the demand for water resources, especially in Ethiopia, is expected to increase drastically (Swain, 2002). As a result of this regional demographic shift, Egypt will no longer be able to monopolize the waterway on the basis of natural rights.

Climatic factors further threaten the Nile's ability to meet the demands of the region. Desertification has eliminated approximately 40% of the regions forests, causing irreparable damage to the ecological cycle. Compounded with other human and natural influences driving degradation and environmental changes, experts foresee a dramatic increase in crop hydration requirements and water consumption per household, among other first and second order effects (Jeuland, Waterbury & Whittington, 2014). The effects of such increases will be compounded by exponential population growth trends, necessitating expanded irrigation projects to establish viable farming and living conditions throughout the basin. Irrigation and hydropower expansion projects constructed solely for the propagation of Egyptian initiatives are no longer considered sufficient or acceptable. Other riparian states have initiated the expansion of irrigation projects within their national borders without Egyptian consent. Having constructed several hundred dams to expand irrigation from the currently irrigated 200,000 hectares to a greater percentage of its total of 3,600,000 hectares of arable land, Ethiopia is leading the charge (Swain, 2002).

Though still a dominant force in the region, Egyptian instability in the 21st century has lessened the power divergent among the riparian states. Egypt experienced political and economic fluctuations throughout the 20th century, though remained relatively stable in comparison to the surrounding riparian states. The regional political landscape has since shifted, though. Growing political stability and rapid economic growth among many riparian states now exists in stark contrast with the situation in Egypt. On January 25, 2011, hundreds of thousands of Egyptian citizens took to the streets and demanded for President Hosni Mubarak's immediate resignation (Browlee, 2002). After Mubarak's refusal to resign, the angry mob of Egyptians began marching toward his residence, vowing to remove the sitting president by whatever means necessary. This dramatic political revolution was the manifestation of institutionalized economic and social problems (Amin, 2011). Mubarak's reign left the country battling increased corruption, alienation of the youth, high rates of youth unemployment, bitter division among the Egyptian elite, political oppression, and exclusivity of economic growth (Shehata, 2011). Egyptian unrest weakens its regional influence making it exceedingly difficult for the government to continue enforcing the existing legislative framework. Egyptian leaders recognize this and, out of desperation, have resorted to threats of military intervention should adversaries seek to infringe on Egyptian control of the Nile (Epstein, 2014). The willingness of international actors, both states and financial institutions alike, to support Egypt is quickly waning as confidence in a stable Egyptian future fades. Thus, the international community maintains severely diminished vested interest in maintaining positive economic and political relations with Egypt. International funding organizations such as the World Bank, IMF, and private corporations have recently begun financing Nile development endeavors without Egyptian approval (Shih & Stutz, 2014). The international support that previously attributed legitimacy to Egyptian claims to control over the Nile has faded, effectively making Egyptian veto power over Nile development largely un-impactful.

Both international and regional forces have capitalized on the perceived opportunity to extend their reach in times of diminished Egyptian stability and economic dominance. The Egyptian government has stated that any utilization of the Nile resources is an act of war against Egypt, but these threats are little more than rhetorical

flourishes because the government lacks the means to enforce these claims (Mekonnen, 2010). Ethiopia, now one of the fastest growing African economies, has taken aggressive actions to stake claim over Nile resources, despite Egypt's warnings. The Ethiopian Grand Renaissance Dam, under construction since 2011, was the most substantial of a series of far-reaching Nile River initiatives by both Sudan and Ethiopia. The five billion dollar project proposed the construction of a massive upstream dam to regulate flow of the Nile and provide hydro-power to a greater portion of the region. The Ethiopian Government explicitly articulated their intentions to pursue the project, regardless of Egyptian opposition. Formerly restricted by economic limitations, Ethiopia now, "Has the economic strength to marshal the financial resources needed to proceed unilaterally with the construction of the dam project" (Jeuland, Waterbury & Whittington, 2014, p.598). Ethiopian Prime Minister, Meles Zenawi, further enshrined such sentiments by issuing a statement to Egypt proclaiming, "Ethiopia has reached a stage where it can build its own dam with its own money" (Jeuland, Waterbury & Whittington, 2014, p.598). Such opposition, formerly unprecedented, is now becoming a regional norm.

The combination of increased demand for water, Egyptian domestic instability, and open defiance of existing legislation by riparian states necessitate the official abrogation of past agreements and the redefinition of Nile River appropriation. Regional cooperation initiatives such as Hydromet (1967), Ugundu (1983), and TecoNile (1992) have existed since the late 1960's, but were ineffective for lack of basin-wide inclusion and/or failure to address insufficiencies of the legal framework in favor of focusing on only technological advancements. The Nile Conference Series (1993-2004) was the first to overcome such shortcomings. The series initiated the first wave of change convening politicians and academic representatives together, resulting in the formation of the Nile Basin Initiative (NBI), an intergovernmental organization established in 1999. The NBI serves as a mechanism for transition by promoting multilateral political, economic, and technical reform. The NBI focuses on constructing a shared vision of regional compromise and collaboration and by utilizing programs of subsidiary actions meant to produce tangible technological and legal advances (Cascao, 2009). These initiatives came to fruition with the Cooperative Framework Agreement (CFA). The agreement promotes equitable utilization and water security. According to the stipulations of the document, each state should have the right to reasonable utilization of water resources within their own territory, so long as the state does not cause significant harm to other riparian states. Lower riparian states, Egypt and Sudan in particular, vehemently opposed this agreement because it did not protect absolute riverine integrity (Salman, 2011). In 2010, Egypt and Sudan went so far as to suspend their participation with NBI until their demands regarding the CFA were considered and met. The foremost of these demands require the inclusion of expressed consideration of historic and natural rights in appropriation consideration, and absolute prevention of infringement on water security. Despite powerful opposition by the lower riparian states, the CFA was ratified in 2011 when Burundi became the sixth and final signatory needed to enact the agreement.

Unanimous riparian support is necessary to effectively redefine appropriation of the Nile River. Without support from the lower riparian states, the CFA will not institute effective rule of law. The CFA did succeed in reinforcing counter-hegemony momentum

as negotiations continue, though (Ibrahim, 2011). Egypt can no longer claim unrivaled *de facto* sovereignty over the Nile River because there now exists conflicting legislation. In response to this power shift, there was an escalation of tensions in 2011 after ratification (Link, Piontek, Scheffran & Schilling, 2013). Ethiopia aggressively pursued the Grand Renaissance Dam with total disregard for opposition. In response, Egypt threatened Ethiopia and other upper riparian states with violent action, should they continue pursuing development initiatives. De-escalation of tensions began with Egyptian President Abdel Fattah el-Sisi's acquisition of power in 2014. Overwhelmed by domestic matters, President Sisi prudently avoided hostilities and, instead, advocated for the recommencement of peaceful negotiations. On March 24, 2015, Ethiopia, Egypt, and Sudan signed a trilateral Declaration of Principles. This agreement marked a historic turning point in the Nile River Basin because it ensures hostile actors will prioritize joint initiatives and without the threat of war (Dersso, 2015). Furthermore, this agreement marks the first instance of Egyptian acquiescence, and will hopefully spur a new era of cooperation after decades of stalemate and dominance. Recent activity seems to verify such a positive trend. Egyptian President el-Sisi continues to pursue positive relations with regional neighbors, visiting Uganda, Rwanda in past months. Speculations suggest that Egypt may soon resume full cooperation and inclusion with the NBI, following the Egyptian Irrigation Minister's attendance at an NBI annual meeting in Uganda, last July (Alabass, 2017).

The unrest in the Nile River Basin throughout the past century has been a result of asymmetrical dominance of the Nile River instituted by the 1929 and 1959 agreements. The 1929 Water Basin Agreement was the first action to effectively grant legal rights to the Nile. The agreement established Egyptian *de facto* sovereignty over the Nile and acted as the antecedent to the 1959 agreement. After the Second World War, the Nile became home to newly sovereign states still bound by colonial legislation. Considered to be mutually beneficial, Egypt and Sudan ratified the 1959 agreement and granted Sudan limited utilization of the Nile. These treaties established unrivaled Egyptian dominance through the 20th century, but regional changes in the 21st century have since forced Egypt to acknowledge the limits of its power. Regional demand for water has increased drastically and will continue to do so with projections of heightened population growth and the likely reduction in Nile water flow. Other riparian states, specifically Ethiopia, are thriving economically enabling them to capitalize on Egyptian instability by unilaterally developing Nile River projects with expressed disregard for legislative limitations. Such actions exposed Egypt's inability to enforce continued dominance, and have finally yielded to productive negotiations.

Recent cooperation represents a positive shift from an era of hostile relations, but the region is still extremely vulnerable. Without the development and ratification of an agreement with unanimous riparian support, the region will become increasingly volatile, especially with growing environmental limitations. It is critical that new appropriation legislation take into consideration changing regional circumstances and heightened water demands, while denouncing "natural rights" as a legitimate claim to a vital life resource and basic human right. The 21st century has seen the era of Egyptian hydro-hegemony draw to a close. This dominance first established by the British with the 1929 Water Basin Agreement and reinforced by the 1959 Full Utilization of the Nile Agreement is no longer relevant, applicable, or ethical in modern times. Current and

future negotiations will dictate the balance of power in the coming decades, but recent regional changes make it clear that Egypt will never again control the waterway to the extent it has become so accustomed. Let the Nile Basin serve as a cautionary tale for disputed waterways around the globe: unilateral dominance of a waterway by means of force or coercive influence cannot and will not be accepted as a legitimate means of resource appropriation in the 21st century, regardless of how deeply-rooted such establishments may be.

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