

DOI: <https://doi.org/10.20372/JSSHR.V2.i1.03>

ISSN: 2226-7522 (Print) and 2305-3372 (Online)

Journal of Social Science &amp; Humanities Research

J. Soci. Sci. &amp; Hum. Res., Jan. – June, 2026, 2(1), 43-57

Journal Homepage: <https://journals.wgu.edu.et>

Original Research

## Veiled Consent and Open Contest in Ethio-Egyptian Hydro-Political Interactions during the Turn of 21<sup>st</sup> Century

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### Abstract

*Cooperation and Conflict seem to largely coexist in trans boundary water interactions at different levels. This seems more visible in the Nile Basin during the turn of the 21st century. Based on secondary data sources and corroborations with primary data elicited via key informant interviews, this study uses qualitative research to explain the nature of 'veiled consent' and 'open contest' during this period which culminated with Ethiopia's launch of the Grand Renaissance Dam project as open contest to the status quo. In doing this, the study is conducted based on the conceptual framework of dynamic trans boundary waters interactions by focusing on the implications of the cooperative processes within Nile Basin Initiative and concludes that the challenges especially in the Cooperative Framework Agreement process has paved the way for the unilateral move to open contest by Ethiopia in the face of the difficulty that was conceived as a process of stalling. Accordingly, the future resolution of the deep conflict requires revisiting the Cooperative Framework Agreement process beyond preoccupation with a single project within such broad process.*

### Article Information

#### Article History:

Received: 11-12-2025

Revised : 13-02-2026

Accepted : 20-02-2026

#### Keywords:

*Veiled Contest, Open Contest, Hydro-politics, Regional Institutions*

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## INTRODUCTION

Since the second half of 20<sup>th</sup> century, several regional organizations have been created in the Nile basin. These include Hydro-meteorological survey of the Equatorial Lakes

(Hydromet) as the first institution in the basin formed in 1967, Undugu as a successor of Hydromet, and Technical Cooperation Commission for the Promotion and

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Development of the Nile (TECCONILE) (Yacob, 2008; Tesfaye, 2011). However, all failed largely because they were partial and “[t]he aims and objectives of those institutions, and their agendas, were set by the downstream states to suppress the interests and wishes of the upstream states... ironically, they served only to deepen suspicions and mistrust among the riparian states of the Nile” (Tefaye, 2011: 273-4). Later, the emergence of NBI can be considered as a new positive development which is normatively rooted to the emerging developments at a global level.

The long process of coexisting cooperation and conflict in the Ethio-Egyptian hydro political interactions is often overshadowed in the contemporary media and academic studies isolated focus on the GERD controversy more recently (Cascao, 2016). However, as GERD is now completed and appears to have not caused the significant harm as often portrayed, the more fundamental difference between Ethiopia and Egypt over the Nile Basin governance requires broader contextual understanding. Basically, the launching of the GERD project by itself was also intimately connected to the challenges in ‘cooperative’ approaches in the NBI and CFA frameworks that were based on the ideas of a new sanctioned discourse of Integrated Water Resource Management after the end of Cold-War (Allan, 1999; Paisley & Henshaw, 2013).

Generally, the end of Cold War enabled the establishment of new norms and institutions for the governance of shared natural resources that were often considered as a reason for the outbreak of violent conflicts largely based on liberal principles. Nile Water is among such resources that was widely thought to provoke conflict because of the new pressures on this scarce resource compounded by poor governance and deep discontents about the

established governance system over 20th century. Then, with the emergence of new norms like the 1997 UN convention which is also related to the establishment of more inclusive institutions, both cooperation and conflict have continued to coexist in the broader basin; especially between Ethiopia and Egypt (Cascao, 2009; Dereje, 2010).

Even though these two countries have come to a new mutual understanding and agreement since the early 1990s, again they seem to focus on different processes within NBI and CFA. While NBI was more technically oriented and favored by Egypt, CFA has been connected to more fundamental legal and governance revisions on the existing order in the Basin as promoted by Ethiopia even though it was more in veiled form (Nicol, 2017). Then, as the long process of ‘cooperation’ within these frameworks have become more challenging and the early optimisms about the ‘shared vision’ for the Nile Basin became less promising in the eyes of Ethiopia, the process has transformed to open contest with the official unilateral launch of GERD following the withdrawal of Egypt and Sudan from both NBI and CFA after the signature of the CFA by upstream countries (Tawfik, 2015). Yet, with the completion of GERD, South Sudan’s decision to sign CFA gave it a new life as it has contributed to the fulfilment of requirements for it to become effective. Despite the continued oppositions to it by Egypt and Sudan, the recent revival of the CFA agenda has also reignited the broader debate and the long-established difficulty between upstream and downstream countries (CGTN Africa, 2024).

Accordingly, the proper understanding of such developments demands revisiting the dynamics by locating the roots of contemporary interactions by reconsidering the process of the move from veiled consent to

open contest by Ethiopia. Accordingly, notwithstanding its implications, a narrow preoccupation with a single project which has now become a reality on the ground needs to be re imagined within the broader context. This article aims to contribute to such effort by reconsidering the significance of the emerging global norms and the processes within NBI and CFA during the turn of the 21st century and how the challenges then have contributed to the launch of the GERD project in the first place. Then, it draws pragmatic lessons from such process for a more realistic way forward for more sustainable resolution of the broader conflict beyond the continued controversy over a single infrastructural development.

### **CONCEPTUAL FRAMEWORK AND METHODOLOGY**

The study of conflict and cooperation over trans-boundary rivers remain the preoccupation of many scholars since the second half of the 20<sup>th</sup> century (TFDD, 2006). However, often it has been characterized by the long-standing debates between ‘water war’ thesis and the promise of potential cooperation over water resources (Matthews and Vivoda, 2023). In addition, while both processes of hegemony and counter-hegemony coexist and function in parallel, most studies still focus either on hegemony or counter-hegemony as they are distinct processes (Goitom, 2014; Tawfik, 2015; Nasr and Neef, 2016). Against this backdrop, a conceptual framework of dynamic trans boundary water interactions is developed

by Zeitoun et al (2017). Most importantly, this conceptual framework also views trans boundary waters relations as a dynamic process where both conflict and cooperation coexist rather than just opposite ends in the spectrum as often suggested in the previous approaches.

‘*A conceptual framework of dynamic trans-boundary water interaction*’ is basically the upshot of the concepts of hydro hegemony and counter hegemony. This framework can be also clearly seen as integration of both theories of hydro hegemony and counter hegemony as a process that co-exists together at different levels. First, all forms of power- coercive, bargaining and ideational are postulated to be used by both forces in different contexts. Second, specific tactics used by both hegemonic and counter hegemonic forces are also based on four compliance producing mechanisms of hydro hegemony that include coercive, utilitarian, normative and ideological as identified earlier by the theory of hydro hegemony. Thus, as this new framework can transcend such limitation, this study basically employs the conceptual framework of dynamic trans-boundary water interactions to explain the transformation from veiled consent to open contest in Ethio-Egyptian Interactions during the turn of 21<sup>st</sup> century. Generally, Ethiopia’s transition from partial compliance with the emerging order in the late 1990s to the open contest as symbolized by unilateral construction of GERD is conceptualized as represented bellow.

## From Veiled Consent to Open Contest: Ethio–Egyptian Water Relations (1990–2012)

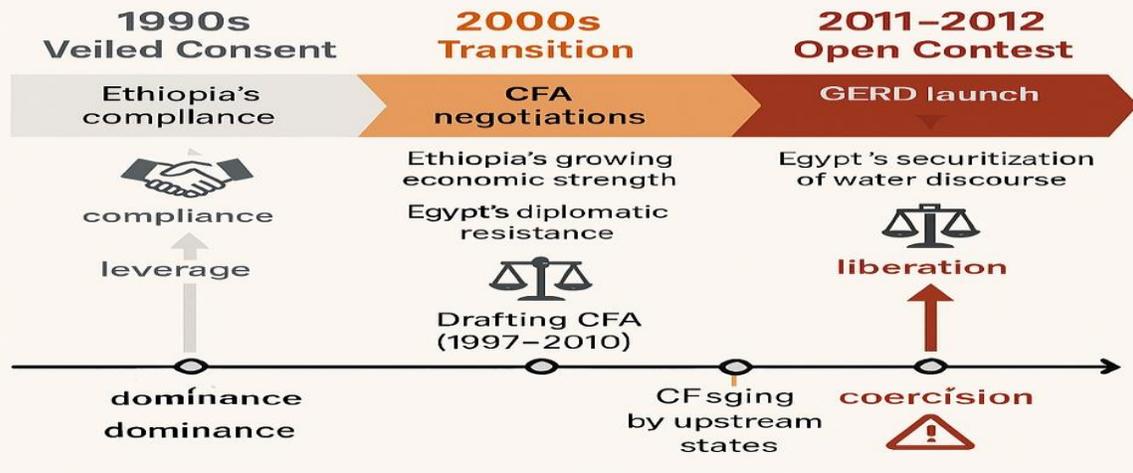


Figure 1: Transition from Veiled Consent and Open Contest based on DTWI<sup>1</sup>.

Accordingly, this article seeks to get in-depth understanding of the dynamics of conflict and cooperation over the Nile River by focusing on two key and 'historical' states in the basin during this specific period. Thus, qualitative approach is considered as the most relevant in such context (Creswell, 2007; Nelson, 2013). In this regard, both primary and secondary data are used. First, secondary data sources including books, journals, websites, media reports, and the broader sources of both published and unpublished official documents are considered. In addition, using the advantage of the location of the researcher in Ethiopia, there is a relative comparative advantage to use primary data based on 12 key informants from the most relevant institutions like MoFA and MoWE in particular. Efforts were also made to contact few Arabic speaker actors who follow the Egyptian perspective closely on the issue. Yet, because of the sensitivity of the issue, the anonymity of individual participants is opted for as ethical consideration.

The technique of eliciting the most relevant data in all types of research needs to be grounded in the consideration of its value in terms of effectively answering the research questions posed (Alasuutari, 2007; Unger, 2021). Accordingly, this study opted to use interview and document review for primary and secondary data collections respectively as they are considered more relevant to address the objective at hand.

By focusing on the early processes that led to the launching of GERD, key informant semi-structured interviews and more open conversations with the major actors remain more relevant to access relevant information from major actors. The information elicited from these key actors is expected to complement openly available documents and literature if used in a systematic way to address this goal. Accordingly, for this specific study semi-structured interviews were conducted with authorities in the Ministries of Water and Energy, Ministry of Foreign Affairs, and Academic advisors in Ethiopia at Addis Ababa

<sup>1</sup> Adopted from (Zeitoun et al, 2017)

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from August to November 2023. Similarly, efforts were also made to integrate the Egyptian perspectives via official perspectives of respective organizations in Egypt that are accessible in the contemporary platforms by using the opportunity provided through contemporary information age despite the difficulty posed to materialize face to face interviews like it is the case in the case of Ethiopia. Moreover, the webinars organized by different organizations on the issue have also enhanced to balance the data source from both countries and other relevant organizations like the NBI in different platforms.

Ultimately, the study has used thematic analysis based on the objective of the study and the suggested conceptual framework. Qualitative analysis of the encounter between the two key actors, Egypt and Ethiopia as representatives of the established statuesque or hydro hegemony and counter hegemony respectively is employed via process tracing of this interaction within the suggested framework. Moreover, sensitivity is also maintained to the diverging and converging interpretations of actions and reactions in the process in which such qualitative analysis is most required.

### **The Nature of the Institutional Efforts in Cooperation amid Continued Conflict in the New Context**

The root of NBI is basically connected to the broader global development, in particular the UN water convention of 1997 as a multilateral negotiation for the establishment of this organization which also started in the same year in February 1999 (Nicol, 2017). As Nicol argues NBI can be also considered as “a shift

from dyad to diffusion of power” or as a beginning of the breaking up of the traditional dominance of Egypt and Sudan and representation of strong acknowledgement of the principle of collective action (Ibid). Since then, at least it has served as a forum for leaders and experts of the basin as at least they meet regularly and exchange perspectives on how to deal together on the issue and this is considered as important new development by many authors (Allan, 1999; Mason, 2004; Nicol et al., 2001).

Even, some studies about Nile were more optimistic about the potential evolution of cooperative arrangements despite the longstanding dominance of Egypt and the implications of emerging unilateral projects (Brunnee and Toope, 2002; Collins, 2006; Nicol, 2017). On the other hand, Egypt also seems to continue playing significant role in the NBI to shape the future direction. “Speculation and skepticism aside, one should acknowledge Egypt’s agreement to come up with a legal and institutional framework as a confidence-building measure.”<sup>2</sup> (Tefaye, 2011: 274). Yet, by referring to the emerging competition over CFA between Egypt and Ethiopia, Cascao (2008:24) considers that this cooperative institution is becoming ‘battle ground’ between upstream and downstream countries. Moreover, later this turned to more confrontation and even the withdrawal of Egypt and Sudan from the whole process following the end of negotiation over CFA in 2007. Then, the signing of CFA in 2010 against the will of Egypt and Sudan resulted in the coexistence of two different agreements in the

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<sup>2</sup> One viewpoint asserts that Egypt’s concession to the NBI is designed to bring the World Bank’s investments into its ambitious out-of-basin projects, whereas the

other attaches Egypt’s confidence-building measure to its ambition in becoming a powerhouse in the basin and beyond. (Tefaye, 2011. Elaborated in end note 47)

same basin at a time- the 1959 agreement and CFA (Cascao, 2020).

Accordingly, while one may consider the basin wide initiatives like NBI as encouraging and a move in the right direction in the development of new norms for cooperation as suggested by Ostrom (1990), still it is struggling with challenges that are rooted in the basin's historical and contemporary realities. Referring to the 2010 'deadlock' that followed the decision made by the seven upstream states in Sharm-el-Sheikh in April 2010 to sign CFA. In this context, some also warned that "unless mechanisms are found by which the identified hydraulic projects in the Nile Basin can be translated into reality and the CFA is signed and ratified sooner rather than later, frustrations may rage among upstream states and unilateralism may reign." (Tesfaye, 2011: 274). Then, the long-anticipated transition from NBI to Nile Basin Commission (NBC) is still stalled until Ethiopia has moved to launch GERD unilaterally as a signal of transition from veiled consent to open contest.

### **The significance of the new global regimes for regional mechanisms in the Nile Basin and Ethiopia's veiled consent**

Historically, despite its geographical disadvantage, Egypt managed to establish its hydro hegemony in the basin by using all forms of power in different contexts. After the construction of Aswan High Dam in the second half of 20<sup>th</sup> century all its limited cooperative mechanisms tend to exclude Ethiopia. However, now, partly due to the emerging new norms and concerns dealt with in the 1997 UN convention in the new context, no longer it can

'ignore'<sup>3</sup> Ethiopia as it often used to since the second half of 20<sup>th</sup> century.

Even though both Ethiopia and Egypt have abstained from voting for the 1997 UN convention, the establishment of the NBI can be generally seen as one manifestation of the emerging norms in the trans boundary waters governance at global level. In addition, NBI has also attempted to address the new concerns in a broader 'securitization' of Environment and 'water security' in particular. The stated goal of the UN convention was also to provide a framework for specific regional and bilateral negotiations that can deal effectively with emerging competing demands and conflicts (UN). However, largely, despite its broad ambitions and some major achievements gained by the 1997 UN convention, it is still haunted by significant limitations in terms of solving the trans-boundary rivers conflicts in different basins.

Yet, this can be seen within the broader limitations of International Law in general. As Hawkins claims, "International law simultaneously reinforces hegemonic institutional structures, all the while offering itself as a dynamic counter-hegemonic tool" (2020:120). This is related to its foundations and ideational and bargaining powers involved in the process by unequal actors that can be posed as equals theoretically. Similarly, others also express their skepticism on the nature of broader international law including international water law in different contexts. In another words, as argued by Zeitoun *et al*, "International law, which is subordinate to bilateral treaties, is transgressed more often than it is followed, and is notoriously difficult

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<sup>3</sup> According to Ambassador Fiseha Samuel, director general for neighboring countries at MoFA Ethiopia was "rejected twice." In 1959 when AHD was constructed and on the Toshika project as Egypt has refused even to

replay to Ethiopia's letter that requested for consultation. See Centro Studi Africani, <https://youtu.be/TkW5MQW4rKE>

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to enforce. Nonetheless, states- especially less powerful- frequently use international law to support their formal negotiation stance” (2020:117).

Thus, the major achievement of the 1997 UN convention is the attempt made to reconcile the interests of upstream and downstream countries by moving to the principle of ‘limited territorial integrity’ which can potentially balance the ‘equitable utilization’ by the upstream countries and the concern of ‘significant harm’ by downstream countries. This aspect seems very relevant in the context of Ethio- Egyptian interactions. In addition to this substantive principle, as argued by some observers, the focus on the significance of procedural rules like the duty of cooperation’ also plays important role. For example, Hawkins (2020) argues that such procedural rules are more static and unambiguous compared to the substantive rules like ‘equitable utilization’ and ‘no significant harm’ which are open to interpretations and maneuver by states according to their conditions in negotiations like what Ethiopia and Egypt are doing now. Still, in practice the relative power of riparian states and their diverse interests remain to influence existing interactions in subtle ways and different contexts.

As Zeitoun *et al.* (2020) more recently reflected on the Convention after it finally came in to force just only in 2014, those states who are satisfied with the existing trans boundary water arrangements tend not to support the UN convention and those who are not satisfied with the existing arrangements tend to support it. However, in the context of the Nile basin, it is questionable that the votes of the states really reflect their genuine interests and how it conforms to this broader trend. Specifically, only Kenya and Sudan voted for the convention and the majority- seven other

states just abstained including Egypt and Ethiopia, while Burundi opposed to it like China and Turkey (Eckstein (2002). Yet, the general behavior of upstream and downstream countries seems to conform to the above generalization on who tends to favor or oppose the status quo. In addition, while most hydro hegemon- Egypt is ironically the most vulnerable downstream country who literally contributes nothing to the basin’s water. Whatever the case, finally the 1997 UN convention has contributed to the emerging basin wide initiatives in the broader post-Cold War context to provide new platforms for states who are either focusing more on ‘water security’ or ‘equitable utilization’ basins. Thus, after a long period of Egypt’s dominant engagement in the basin that largely excluded Ethiopia, the newly emerging norms and context necessitated the re-engagement of all basin states differently in more inclusive ways.

Generally, one major development in such interaction is that the turn of the 21<sup>st</sup> century is accompanied with the emergence of a new all-inclusive basin wide initiative in which both Egypt and Ethiopia began to engage deeply. In this regard, others also identify about five factors that led to the “nascent Nile River Regime” that are intimately connected to the broader global development. These include concerns over water scarcity, environmental degradation, and water quality on one hand and the involvement of bilateral and multilateral organizations, and the new role of international water law on the other (Aron, 2014:136-40). Accordingly, these factors can be generally boiled down to two interrelated trends and concepts discussed above- namely the ‘securitization’ of environment and the

emerging norms in the new context of post-Cold war.

Moreover, the recent hydro political cooperation in the Nile basin is comprised of two parallel and related processes. While the first was NBI which is conceived as transitional institution, the second was CFA which focused mainly on the negotiations for a new legal and institutional arrangement that is expected to lead the replacement of NBI by a permanent Nile Basin Commission (NBC) (NBI, 1999; Cascao, 2009; Yacob, 2012).

Thus, unlike the previous regional cooperative initiatives, NBI was also not initiated by Egypt and now it includes all riparian states in the basin<sup>4</sup>. In this regard, Nicol observes the connection between these global and regional processes in general in the following words:

Hegemonic control by Egypt and Sudan began to break down in the 1990s at the same time as the 1997 UN Water Convention...enshrined the notion of equitable sharing of both resources and benefits in shared river courses. This supported the efforts of bilateral and multilateral donors to establish high-level negotiations on a new institutional and legal framework agreement for the Nile in 1997 and to launch the Nile Basin Initiative in February 1999 (Nicol, 2017:26).

In addition, other international organizations like World Bank, CIDA and UNDP also engaged in the process as a major partner of NBI that became to supersede the TECCONILE as a new transitional organization that can lead finally to the

establishment of permanent organization (Metawie, 2004; WB, 2016; Teferi, 2018).

### **The specific expectations from NBI and CFA from Ethiopia's and Egypt's perspectives**

Within this emerging 'veiled consent', however, different expectations seem to continue haunting the effectiveness of these institutions. As Dereje aptly argues still the NBI can be seen as both "a break from and continuity with the Past" (2016:86). First, the major departure is that it became the first cooperative initiative which was not the handmade of Egypt as usual; and that includes all riparian states; especially, the end of Ethiopia's isolation in a similar 'cooperative' arrangement in the second half of 20<sup>th</sup> century (Teferi, 2018; Yacob, 2011). In addition, it also represents the increasing acknowledgement by the international community that collective action is the best way to address natural resource conflicts including over trans boundary rivers that are emerging (Nicol, 2017). Second, "Egypt's official recognition of the principle of "equitable utilization" of the Nile waters resource by all riparian states for the first time" (Teferi, 2018:87) is also remarkable. While Teferi remains skeptical on whether this is the result of Egypt's genuine transformation, it is more likely that Egypt has endorsed this principle of "equitable utilization" now because it has already become the major substantive principle in the 1997 UN convention and a global norm at least in principle. Finally, while it is still uncertain, the departure also implies the broader recognition by Egypt that it can no longer ignore the rising demands from upstream countries to whom it

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<sup>4</sup> During its establishment NBI embraced Burundi, Congo, Egypt, Ethiopia, Kenya, Rwanda, Sudan, and

Uganda as full members and Eritrea as an Observer (NBI, 1999).

totally depends for its water supply in the context of changing environment- which is not limited to natural environment (Waterbury, 1997; Daniel, 1999).

In this context, looking at the NBI's formal declarations and procedural progress over its early decade can be considered as a great leap forward, at least in principle. First, NBI came with two connected programs that seemed innovative at the time. The first is Shared Vision Program (SVP) which is based on broader grant-based activities to foster trust and cooperation in the broader basin and the second is Subsidiary Action Program (SAP) that deals with practical and specific investment projects for the two sub-basins- Eastern Nile and Equatorial Lakes (NBI, 2002). Declarations like "achieving sustainable socio-economic development through the equitable utilization of, and benefits from, the common Nile Basin water resources"<sup>5</sup>. in its Shared Vision and further breakdowns of its Subsidiary Action Program into two SAPs to realize the indicated vision was considered as more realistic and can potentially transform the situation of conflict in the basin through cooperation (Brunnee and Toope, 2002; Cascao, 2009). In addition, the parallel development in the negotiations for a new legal and institutional regime (CFA) based on the above principles as a culmination of new relations was laudable. However, in practice little is achieved both in specific areas and the broader goal of negotiating and settling the CFA that can lead to the establishment of the

new legal and institutional regime (Fasil, 2008; Nicol. 2017).

However, in practice NBI's achievements remain very limited when evaluated against its formally stated ambitions. In explaining such failures some also focus on the inherent weakness and legitimacy of the institution while dealing with crucial issue (Fasil, 2011), political differences among member states and lack of required funds for the proposed projects (Yacob and Imeru, 2005; Tadesse, 2017), and/or the behavior of downstream countries in general and extreme dependence on external financial support as demonstrated by the activities of about ten development partners who formed Nile Basin Cooperation Fund (NBCF) and managed by the World Bank (Nardos and Chen, 2020). While there can be different reasons for such discrepancy between the declared goals and the actual achievements on the ground, diverging expectations between Egypt and Ethiopia from these institutions and Ethiopia's focus on CFA as it was considered as a way to more equitable and just redistribution in the basin remained strong<sup>6</sup>. On the other hand, Egypt seems to focus more on the technical NBI process to postpone the CFA process which has sought to reconsider the 'historical right' established over the last century (Cascao, 2020).

### **The tourney process within the CFA negotiations and Ethiopia's turn to the GERD project as a signal of 'open contest'**

<sup>5</sup> NBI, "Shared Vision," [www.nilbasin.org/](http://www.nilbasin.org/).

<sup>6</sup> Interview with an Ethiopian diplomat and expert from MoWE at Addis Ababa on January 16, 2024.

<sup>7</sup> Interview with a Senior Ethiopian scholar and government advisor at Addis Ababa on February 7, 2024.

<sup>8</sup> This concept is just one specific aspects in the use of ambiguities intentionally in decision making process as

recently explored from the perspective of different disciplines. Generally, Political Scientists tend to focus on 'campaign ambiguity', in International Relations 'constructive ambiguity' and 'strategic ambiguity' became more familiar, Economists focus on ambiguity in contracts, and more recently in Linguistics and broadly discourse analysis ambiguity is considered as a 'double speak' that requires 'disambiguation' (Fischhendler, 2008 (a)).

The negotiations for a new legal and institutional regime (CFA) based on the above principles in the culmination of new relations in the basin remain more difficult. As suggested by one renowned Ethiopian scholar in the area, the basic differences between upstream and downstream counties remain deeply entrenched and they could not bridge their interests after a long period of negotiations over the CFA that can lead to the establishment of the new legal and institutional regime<sup>7</sup>. Basically, they have settled most issues as can be seen from their agreement over most articles in the draft CFA document (CFA, 2010). However, the bone of contention remains over one specific sub article- 14 (b) that deals with water security (Dereje, 2010). While the concept of water security was introduced by Egypt in 2006, Ethiopia's or upstream counties' response was to accommodate the concept as a 'constructive ambiguity' to enable the signature of the draft CFA document by all member states (Cascao and Nicol, 2011; Dereje, 2013). The concept of 'constructive ambiguity'<sup>8</sup> is mainly related to the use of deliberate ambiguity in international agreements to reconcile contradictions often "based on the premise that vagueness is required to bring treaties to closure and that the resulting ambiguity can be clarified at some time in the future" (Fischhendler, 2008(b): 111). More recently this approach has also begun to be adopted in the trans-boundary water negotiations to achieve the endorsement of agreements with diverse consequences including that they can be also become potentially destructive (Fischhendler, 2008(a)). Apparently, the potential value of this concept

has been sought by Ethiopia and other upstream countries as a new and creative form of 'veiled' consent and challenge at the same time. However, still while this was based on the continued expectation that it might lead to finalizing the CFA negotiations, its failure can also transform the existing interactions from veiled consent and/or contest to the open contest.

In the context of CFA negotiations, the adoption of the concept of 'water security' and the attempt to reconcile the principles of 'equitable utilization' and 'no significant harm' in Article 14 and the controversy over Article 14(b) was related to the adoption of this concept (Nicol and Cascao, 2011; Cascao, 2009). However, still there is ongoing debate on the virtue of adopting such "ambiguity" and on whether it is constructive or destructive even after it has failed to bridge the gap between upstream and downstream countries since 2007<sup>9</sup>. Yet, it is still considered by some as an innovative approach used to avoid the thorny issue of existing treaties and facilitate the possibility of compromise through 'constructive ambiguity' (Girma, 2009). Nonetheless, by questioning altogether even the adoption of the principle of 'water security' in general to the CFA as a 'Trojan horse of the status quo', Dereje dismisses the value of such approach as it "neither helps circumvent the thorny issue of existing treaties nor does it, through constructive ambiguity, provide any space to maneuver efforts towards a compromise" (2013:91).

On top of that, as some also argue 'the return of geopolitics' is a new dynamic that is emerging at a global stage especially in the post

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<sup>9</sup> Interview with a senior Ethiopian ambassador on November 6, 2023.

9/11 which can be also related to the emerging power of China in the new context with clear implications (Dueck, 2013; Merdith and Givental, 2016). These new dynamics can have also significant implications for water resource developments across the world, and in the context of the Middle East, some commentators have argued that the US should use the issue of water as a geopolitical tool to reconfigure the Middle East in the post 9/11 context which was criticized by Selby as “fantasy” (2005:329). At any rate, in the context of the Nile basin, it seems generally that the adoption and subsequent failure of such maneuvers in the ideational and bargaining power based on the emerging international norms like the 1997 UN convention may tempt upstream countries like Ethiopia to resort to exploiting their geopolitical positions as upstream country at least to force Egypt to abide by the emerging international norms from their own perspective.

Generally, while Egypt has continued to stall the process of the CFA, it has also continued to shape the ‘cooperative’ mechanisms that just begun to take roots during the turn of the 21<sup>st</sup> century and still strive to maintain the status quo by employing all compliance producing mechanisms. Yet, after a decade long negotiation over CFA and engaging within the NBI technical process as a veiled consent, Ethiopia resorted to open contest by planning the GERD project in the face of Egypt’s withdrawal from the whole process following the long and complex basin wide arrangements. Accordingly, GERD needs to be understood as the outcome of the long process in the transformation from veiled consent to open contest of the status quo beyond a sudden surprise as a “Project X”. This can be also seen from the recent revival of the CFA talks after the GERD has become the

reality on the ground and seems to emerge as additional bargaining tool in Ethiopia's repository as transpired now.

## **CONCLUSION**

While it's commonly considered that global norms and 'sanctioned discourse' is mostly in favor of hegemonic powers, both Egypt and Ethiopia have resorted to these norms despite their decision to abstain to the 1997 UN convention. The establishment of both NBI and CFA can be also related largely to the emergence of these norms with the end of Cold War and increasing call for more cooperative approaches. Within this framework, Ethiopia's engagement within this regional insurance can be considered as a veiled consent even while Egypt remains the dominant state in the basin as usual. However, while Egypt tends to focus on NBI processes that are largely technical, Ethiopia's expectation was that the legal-political negotiations within CFA can transform the long-established unfair arrangement that favors downstream countries. Nonetheless, after about a decade of negotiations, as Egypt and Sudan refused to give up their long established 'historical rights', Ethiopia's unilateral move to launch its GERD project can be seen as open contest as suggested in our conceptual framework.

However, the transition from veiled consent to open contest by itself is not expected to lead to the sustainable transformation of conflicts in trans boundary waters (Zeitoun et al., 2020). Of course, such transition to open contest can also trigger more intense and complicated interactions as demonstrated over the last decade. Accordingly, the completion of GERD as a new reality on the ground is now followed by the revival of the CFA agenda while both downstream countries remain opposed to this potential new 'compromise' for the long-term sustainable transformation. In

this context, Ethiopia's renewed focus on climate diplomacy at different levels including its selection to host COP 32 can be used to de-securitize the issue by shaping new narratives which can reshape its 'open contest' that can promote more sustainable transformation of the basin wide governance in the new global environment. Yet, this approach requires some form of reconceptualization in our framework to capture both international and regional context from the perspective of power transition and diffusion in the 21<sup>st</sup> century (Nye, 2011). Accordingly, further research could expand on the conceptual limitations of DTWI for sustainable transformation or the link of this new development to the contemporary dynamics in the region and beyond from this perspective.

#### **CRedit authorship contribution statement**

**Ebssa Wakwaya:** Writing – review & editing, Writing – original draft, Visualization, Validation, Resources, Project administration, Methodology, Investigation, Funding acquisition, Formal analysis, Data curation, Conceptualization.

**Demissie Firdissa:** Visualization, validation and supervision, review and editing

**Fikadu Beyene:** Validation, Supervision, review and editing

**Solomon Mebrie:** Validation, Supervision, review and editing

#### **Declaration of competing interest**

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

#### **Data availability**

Data will be made available on request

#### **Acknowledgment**

The authors would like to acknowledge Haramaya University for the support provided to conduct the research. Moreover, we are grateful to the key informants for providing reliable information for the study which is corroborated with the publicly available sources.

#### **REFERENCES**

- Aaron T. (2012). Environmental security, regime building and international law in the Nile Basin. *Canadian Journal of African Studies*, 46(2), 271-287.
- Alasuutar, P. (2007). The Relevance of Qualitative Research. *Sociologisk Forskning*, 44 (4), 58- 64.
- Allan, J. A. (1999). The Nile Basin: Evolving Approaches to Nile Waters Management. Occasional Paper 20, KCL/SOAS Water Issues Group, University of London.
- Brunnee, J., Toope, S.J. (2002). The Changing Nile Basin Regime: Does Law Matter? *Harvard International Law Journal* 43(1): 105–159.
- Cascão, A. (2020). “How power is used to maintain and transform the Nile basin statuesque” In Zeitoun, Mark, Naho Mirumachi and Jeroen Warner (2020) *Water Conflicts: Analysis for Transformation*. Oxford: Oxford University Press
- Cascão, A. & Nicol, A. (2011). Against the flow: New power dynamics and upstream mobilisation in the Nile Basin. *Review of African Political Economy*, 38:317-325.
- Cascão, A. (2009). Changing Power Relations in the Nile River Basin: Unilateralism vs. Cooperation? *Water Alternatives* 2(2): 245 268.
- Cascão, A. (2008). Ethiopia: challenges to Egyptian hegemony in the Nile Basin, *Water Policy*. 10: 13-28.
- CFA (2010). *CFA Agreement on the Nile River Basin Cooperative Framework*. Signed at Entebbe, Uganda, 14 May 2010.

- Ebssa et al.,** *Journal of Social Science & Humanities Research, Jan. – June, 2026, 2(1), 43-57*
- Collins, R.O. (2006). Negotiations and Exploitation of Nile Waters at the End of the Millennium. *Water International* 31(1): 116–126.
- Creswell, J.W. (2007), *Qualitative Inquiry and Research Design: Choosing Among Five Approaches*, 2nd edn. London, California: SAGE Publications Inc.
- Daniel K. (1999). Egypt and the Hydro-Politics of the Blue Nile River, *Northeast African Studies*, 6(1-2):141-169.
- Dereje Z. (2013). The Quest for Equitable Resolution of the Nile Waters Dispute, *International Journal of Ethiopian Studies*, 7(1 & 2): 77-100.
- Dereje Z. (2010). The Nile Basin Cooperative Framework Agreement Negotiations and the Adoption of a ‘Water Security’ Paradigm: Flight into Obscurity or a Logical Cul-de-sac? *The European Journal of International Law*, 21(2) :421–440.
- Destradi, S. (2008). Empire, Hegemony, and Leadership: Developing a Research Framework for the Study of Regional Powers. GIGA Working Papers. 79/2008.
- Dueck, C. (2013). Geopolitics Reborn, *Foreign Policy Research Institute E-Notes*. FPR. July 19, 2013.
- Eckstein, G. (2002). Development of international water law and the UN Watercourse Convention” in Anthony Turton & Roland Henwood (eds) *Hydropolitics in the Developing World: A Southern African Perspective*. African Water Issues Research Unit: Centre for International Political Studies (CIPS), University of Pretoria. Pretoria: South Africa. Pp. 81-96.
- Fasil A. (2008). Scrutinizing the Scorpion Problematique: Arguments in favor of the Continued Relevance of International Law and a Multidisciplinary Approach to Resolving the Nile Dispute, *Texas International Law Journal*, 44(1):
- Fischhendler, I. (2008(a)). Ambiguity in Transboundary Environmental Dispute Resolution: The Israeli: Jordanian Water Agreement, *Journal of Peace Research*, 45(1): 91-109.
- Fischhendler, I. (2008(b)). When Ambiguity in Treaty Design Becomes Destructive: A Study of Transboundary Water, *Global Environmental Politics*, 8(1): 111-136.
- Girma A. (2009). Contentious Issues in the Negotiation Process of the Cooperative Framework Agreement on the Nile, Paper Presented at the National Consultative Workshop on Nile Cooperation (Addis Ababa, February 12-13, 2009).
- Goitoum G. (2014). Ethiopia's Grand Renaissance Dam: Ending Africa's Oldest Geopolitical Rivalry? *The Washington Quarterly*, 37:2, 25-37.
- Hawkins, S. (2020). “IWL and Bargaining Power: Wielding Soft Power through Legal Leverage” in Zeitoun, Mark, Naho Mirumachi and Jeroen Warner (2020) *Water Conflicts: Analysis for Transformation*. Oxford: Oxford University Press.
- Mason, S. A. (2004). *From Conflict to Cooperation in the Nile Basin*. Center for Security Studies and Conflict Research, Zurich.
- Matthews, R., & Vivoda, V. (2023). ‘Water Wars’: strategic implications of the grand Ethiopian Renaissance Dam. *Conflict, Security & Development*, 23(4), 333–366.
- Meredith, D. & Givental, E. (2016). Hydro-politics and Hydro-economics, *Yearbook of the Association of Pacific Coast Geographers*, 78 (2016):148-167.
- Metawei, F. (2004). History of Co-operation in the Nile Basin, *Water Resources Development*, 20(1):47–63.
- Nardos, Y.& Chen, Xi. (2020). From Nile Basin Initiatives (NBI) to External mediator, *Journal of African Union Studies*, 9(3):29-46.
- Nasr, H., & Neef, A. (2016). Ethiopia’s challenge to Egyptian hegemony in the Nile River Basin: the case of the grand Ethiopian Renaissance Dam. *Geopolitics*, 21(4), 969-989.

- Ebssa et al.,** *Journal of Social Science & Humanities Research, Jan. – June, 2026, 2(1), 43-57*
- Nye, J. (2011). *The Future of Power*. New York: Public Affairs. ISBN 9781586488918.
- Nye, J. (2011). The Future of Power, *Issues and Insights*, 11(8). A Pacific Forum CSISL.W. “Bill” and Jean Lane Lecture in Diplomacy. Honolulu, HI March 2011
- NBI (2014). *Nile Cooperation: Opportunities and Challenges*. Entebbe: NBI.
- NBI (1999). *Policy Guidelines for the Nile River Basin Strategic Action Program*. Kampala: Nile Basin Secretariat in cooperation with the World Bank
- Nelson, A. (2013). Design, Research, and Design Research: Synergies and Contradictions, *Educational Technology*, 53(1):3-11.
- Nicol, A. (2017). Collective Action and Political Dynamics: Nile cooperation and Ethiopia’s Grand Renaissance Dam, *Water Governance and Collective Action*. 21-33. Routledge.
- Nicol, A., van Steenbergen, F., Sunman, H., Turton, A.R., Slaymaker, T., Allan, J.A., de Graaf, M., van Harten, M. (2001). *Transboundary Water Management as an International Public Good*. Stockholm: Ministry of Foreign Affairs.
- Ostrom, E. (1990). *Governing the Commons: The Evolution of Institutions for Collective Action*. Cambridge: Cambridge University Press.
- Paisley, R. K. & Henshaw, T.W. (2013). Transboundary governance of the Nile River Basin: Past, present and future, *Environmental Development*, 7:59- 71.
- Selby, J. (2005). The Geopolitics of Water in the Middle East: Fantasies and Realities, *Third World Quarterly*, 26(2):329-349.
- Tadesse K. W. (2017). The Nile Basin Initiative and the Cooperative Framework Agreement: Failing Institutional Enterprises? A Script in Legal History of the Diplomatic Confront (1993–2016), *Mizan Law Review*, 11(1):196-228.
- Tawfik, R. (2015). Revisiting Hydro-hegemony from a Benefit-Sharing Perspective: The Case of the Grand Ethiopian Renaissance Dam. Discussion Paper. Deutsches Institut für Entwicklungspolitik: Bonn. ISSN 1860-0441
- Teferi M. (2018). Ethiopia’s Quest for and Efforts at Building a Nile Basin Cooperation, *Journal of Ethiopian Studies*, 51: 67-104.
- Tesfaye T. (2011) “Water conflict resolution and institution building in the Nile Basin” in Roba and Berouk (Eds) *Regional Security in the post-Cold War Horn of Africa*. Monograph 178. Institute for security studies. pp. 257-280.
- Tesfaye T. (2001). *The Nile Question: Hydropolitics, Legal Wrangling, Modus Vivendi and Perspectives*. London: LIT Verlag.
- UN (1997).”General Assembly Adopts Convention on Law of Non-Navigational Uses of International Watercourses” UN Press Release GA/9248. New York: United Nations.
- Unger, V. H. (2021). Ethical Reflexivity as Research Practice, *Historical Social Research/Historische Sozialforschung*., Special Issue: Reflexivity Between Science and Society.46(2):186-204.
- Yacob A. (2011). Negotiations for a Nile-Cooperative Framework Agreement, *ISS Paper 222*: Institute for Security Studies.
- Yacob A. (2007). *Ethiopia and the Nile: Dilemmas of National and Regional Hydropolitics*. Center for Security Studies, Swiss Federal Institute of Technology, Zurich.
- Yacob A. & Imeru T. (2005). Ethiopia and the Eastern Nile Basin, *Aquatic Sciences*.67,15– 27.
- Waterbury, J. (1997). Is the Status Quo in the Nile Basin Viable? *The Brown Journal of World Affairs*, 4(1): 287-298.
- Zeitoun, M., Naho M. & Jeroen W. (2020). *Water Conflicts: Analysis for Transformation*. Oxford: Oxford University Press.
- Zeitoun, M., Cascão, A. E., Warner, J., Mirumachi, N., Matthews, N., Menga, F., & Farnum, R. (2017). Transboundary water interaction III: contest and compliance. *International*

*Ebssa et al., Journal of Social Science & Humanities Research, Jan. – June, 2026, 2(1), 43-57*  
*Environmental Agreements: Politics, Law*  
*and Economics, 17(2), 271-294.*

**Online sources**

CGTN Africa (October 16, 2024). Nile River Cooperation Agreement takes effect despite Egypt and Sudan's concerns, <https://youtu.be/9R0JbWf5QKs>. Accessed 10/1/2024.

NBI <https://nilebasin.org/> Accessed 10/11/2021.  
The World Bank (2016), "The Nile Basin Trust Fund",

<https://www.worldbank.org/en/programs/cooperationin> Accessed 8 /8/ 2023.

Transboundary Freshwater Dispute Database (TFDD). (2006). Oregon State University. Available at

<http://www.transboundarywaters.orst.edu/>

Accessed 15/12/2021.

UN <https://www.unwatercoursesconvention.org/>

Accessed 15/12/2021.