

**Final Recommendations of the Conference on  
Nile Basin Agreements in Light of the  
Provisions of the International Law  
“The Centre of Judicial Studies  
and Research of the State Council”  
March 30/31, 2013**

**1<sup>st</sup>: As regards the Legal Value of the Nile Water Conventions Signed during the Colonial and Post-colonial Eras of the Basin Countries:**



**T**he Conference recommends abiding by the international agreements on the River Nile that foster the historical and acquired rights of Egypt which were mentioned in the provisions of the international law, including the principle of succession or the international inheritance.

**2<sup>nd</sup>: As Regards the Cooperative Framework Agreement (CFA) known as Entebbe, 2010:**

The Conference asserts that Basin States can accede to the Framework Agreement conditional on preserving Egypt's acquired rights by virtue of the provisions of the international law. The final recommendations of the Conference stated that the Upstream States had broken the procedural rules followed in the Nile Basin Initiative (NBI) and had solely signed the Framework Agreement without ending the negotiations in this respect. This makes it incumbent upon Egypt to insist on resuming negotiations and attaching clear-cut texts in the NBI. Such texts include the rights and current uses of Egypt and the inevitability of a prior notification before establishing any project on the Nile. This should come according to the notification measures adopted by the World Bank (WB) in this respect. Furthermore, the agreement or any of its annexes should not be amended by the majority of members, but rather by consensus; a legally sound stance according to the previously mentioned provisions of the international law.

**3<sup>rd</sup>: As Regards Establishing Projects on the River Nile Course**

The Conference had stressed on the importance of abiding by the provisions of the international law on establishing projects over the River Nile courses, especially the principles of consultation among the riparian countries, of prior notification over the measures that should be adopted and finally, the principle of injuring others. This makes it incumbent upon the state to stress the fact that the inter-

national financing institutions and the donor countries should abide by the provisions of the international law in this respect.

**4<sup>th</sup>: As Regards Egypt's Management to the Nile Water Profile:**

The Conference has recommended:

- 1- Constituting a Higher Committee on Nile Water under the supervision of the President of the Republic and with the membership of the ministers concerned, bodies and specialized experts in this field. This committee should be the national body responsible for preparing studies, research and proposals concerning this profile. It should also be responsible to determine an integrated and long term strategic vision for the Egyptian stance and to present recommendations and proposals to the decision makers, not to mention documenting cooperation with the Nile Basin States.
- 2- Establishing an integrated database under the supervision of the Higher Committee on Nile Water. This committee should contribute to assisting the Egyptian negotiator to obtain the necessary information and data that would effectively help realize the Egyptian water interests.
- 3- Establishing a common forum between Egypt and the Nile Basin States on discussing the mutual economic studies and research, especially those related with the distribution of the Nile water and up hoisting the principle of common destiny among the Basin States.
- 4- Holding negotiations between Egypt and the Nile Basin States that should take place within a framework of mutual respect for the aspirations of each state in development and in organizing and maximizing the mutual use of the Nile water, along with developing its resources in a manner that would realize the mutual benefit for all parties.
- 5- Establishing a common fund for developing the water investment projects of the Nile Basin under the supervision of the Higher Committee on Nile water.
- 6- Fostering the political, economic and cultural relations of cooperation among the Basin States on the executive and parliamentary levels.
- 7- Applying a conflict settlement agreement among the Nile Basin States and considering the establishment of a (special international tribunal) for resolving conflicts related to the Nile water uses.

**5<sup>th</sup>: Legal Alternatives for Conflict Settlement**

In case the Basin States insist on moving forward without violating the rules of the international law concerning the regulations on establishing water projects on the river course, the Conference has recommended that certain legal means can be tackled as follows:

- Finding the possibility of using the legal means for resolving conflicts peacefully. Such means are represented in negotiations, good offices, mediation and investigation.
- Addressing the concerned international organizations to find a settlement for the problems resulting from such projects.
- Resorting to arbitration; a voluntarily system based on the consent of the parties to resort either to this method or to the International Court of Justice (ICJ) for resolving the conflicts.
- Taking an advisory opinion from the ICJ according to the well-known mechanisms in this respect. This advisory opinion shall foster the stance of the Egyptian negotiator in facing the Basin States.
- Resorting to the Security Council as it is mainly concerned with preserving the international peace and security. This should take place according to the well-known mechanisms in this respect.