Transboundary Resource Utilization and Its Influence on Interstate Relations: The Case of the River Nile in Kenya - Egypt Bilateral Relations, by Dr. Fred Jonyo and Millicent Ochieng’

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Abstract
The river Nile, a strategic resource shared by Kenya and Egypt amongst other upper and lower riparian nations is an important reference point in any discourse on Kenya-Egypt bilateral relations. In pursuit of their respective unique national interests, as far as can be achieved from the waters of the Nile, these states have in place domestic policies, at best designed to steer the realization of and safeguard these interests yet the same can be argued run parallel to the states’ individual interests as relates to the use of the Nile waters. The strategic interests that these states have in the River Nile play a critical role in determining the character and nature of their relations. Kenya’s engagement in the CFA, a joint initiative by the upper riparian states to repeal the hitherto existing Nile treaties that gave Egypt the greater share of the Nile waters is a manifestation of her interest in increasing her access and exploitation of this water resource. This is in sharp contrast with Egypt’s interest in maintaining critical reference points in the fresh initiative that would ensure that its access is not compromised and by extension get a guarantee that the fresh initiatives would still sustain the status quo. The practicality of the existing legal mechanisms in facilitating equity of access, the ongoing initiatives aimed at improving access and exploitation of these waters by the upper riparian states and the different positions taken for and against these initiatives are key determinants of the character and nature of these relations. Egypt’s earlier pronouncements that it could go to war over the waters of the Nile notwithstanding, this paper explores the prospects of peace and enhanced cooperation between the two states despite their apparent divergent standpoints on the future of sharing the Nile waters. Drawing from the realist theory of co-operation, a variant of the power based theories of International co-operation, states are able to co-operate even in the most conflictious situations if only for the sake of the states’ concern with security, independence and autonomy. Hence, this co-operation would have to be absolutely necessary. This background offers the basis for this paper.

Key Words: Riparian States; National Interest; Trans-boundary Resource; Bilateral Relations; Hydropolitics

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