Abstract

The principle of fairness encompasses distributive justice (i.e. substantive rights and duties of concerned parties) and legitimacy (i.e. right process). Testing the eminent public international lawyer—Thomas Franck’s principle of fairness to international water law more generally and to the Nile basin more specifically, the lecture inquiries into two broader questions: First, do the various Nile agreements provide a fair legal framework and outcome? And secondly, how do we resolve the fairness dilemma in sharing Nile waters? It is proposed that modern legal rules of international (water) law, as found in the UN Watercourses Convention 1997 and the Nile Cooperative Framework Agreement 2010 should be utilised as the basis for promoting fairness and cooperation in the sharing of Nile waters. It is further suggested that the endorsement and realisation of fairness in the basin is likely to enhance mutual trust and compliance with existing and future agreements among Nile basin countries that are crucial to do justice to all riparians’, communities and the river itself.