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The Right to Development in Transboundary Water Context: The Case of Grand Ethiopian Renaissance Dam (GERD)

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The Grand Ethiopian Renaissance Dam (GERD) is Africa's largest hydroelectric developmental project, which has been under construction for the past decade in Ethiopia. With the potential to generate over 6000 megawatts of power, this dam has the potential to significantly improve the quality of life in Ethiopia and other countries in the region. It also presents a significant opportunity for regional cooperation and development in the Nile basin. However, this project has been fraught with tension between Ethiopia and its neighbors as it affects their access to water resources. Another important reason is the distribution of the Nile water share under the colonial legal regime governing the Nile watercourse, which has ignited tension more.

Although there are a lot of contributions on the Nile River and GERD in the literature, there is little from the human rights perspective. Hence focusing on the right to development (RtD), this paper considers the human rights ramifications of the legal agreements regarding restricting upper-stream countries from utilizing the Nile water as a critical component for the Nile basin development. The paper uses qualitative analysis to highlight the importance of presenting the human rights discourse when evaluating such projects. It also aims to contribute to the African jurisprudence of the RtD to empower people's rights and the quest for growth using their natural resources. The finding demonstrates that the Nile River's utilization is directly related to and critical to the RtD. Further, it indicates that the colonial legal regime remains a key obstacle for the Nile basin countries to access the Nile water for protecting, promoting, and realizing the RtD.