

Imposing Fees on Nile Water is an Infringement of Public Property and a Clear Violation of Islamic Shariah Law

(Translated)

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On Friday, October 16, 2025, the platform Mazid reported on its website that Egyptian Prime Minister, Mustafa Madbouly, issued a new decree, No. 3744 of 2025, imposing financial fees on the use of water from the Nile River and other water bodies, as well as for pumping water for non-agricultural purposes. This was done under the justification of “proper management of water resources” and addressing water shortages. The decree came just one day after another similar decree and stipulates that a fee will be collected for every cubic meter of water used, depending on its purpose. The funds collected from these fees will go into a fund called “Restoration to Original State,” which is designated for maintaining water channels, irrigation and drainage systems, and removing violations.

These decisions come at a time when Egypt’s per capita water share has dropped to half of the global water poverty line, compounded by the ongoing Grand Ethiopian Renaissance Dam (GERD) crisis, which threatens Egypt’s share of Nile water. Recently, the government has also taken additional steps to conserve water, such as gradually raising water prices, imposing fees on the installation of pumps, criminalizing the use of clean water for non-essential purposes, and banning the cultivation of water-intensive crops outside authorized areas.

Although these numbers might seem small to some, they reflect a dangerous shift in the government’s attitude towards its natural resources. The state is treating water as a source of profit and a means of collecting money, rather than as public property that the Islamic law mandates it to protect and provide to the people free of charge.

According to Islamic Shariah Law, river water and other water bodies, especially the Nile, are considered public property for all people. No individual or government has the right to sell, lease, or impose fees on the use of such resources. The Prophet Muhammad (saw) said, «الْمُسْلِمُونَ شُرَكَاءُ فِي ثَلَاثٍ: فِي الْمَاءِ، وَالْكَلَاءِ، وَالنَّارِ» **“The Muslims are partners in three things: water, pastures, and fire.”** This is a clear indication that water is a common resource that belongs to all Muslims, and no one has the right to monopolize or sell it.

Imam al-Shawkani (الإمام الشوكاني), in his book Nayl al-Awtar (نيل الأوطار), said, دل "the hadith evidences that these three resources are not allowed to be privatized for any one individual, and people are equal in their right to them."

Ibn Qudamah (ابن قدامة), in his book Al-Mughni (المغني), said, ولا "it is not allowed to privatize or withhold water or sell it, as it is permitted for all Muslims."

This is a matter of public property, which Islam has made a shared right for all people. The state only manages, oversees, and distributes it fairly, not selling it or charging fees for its use.

The state is not a business looking for ways to generate income from the people's resources. Instead, it is an executive body responsible for managing the affairs of the Ummah, both domestically and externally, in line with the saying of the Prophet Muhammad (saw) «الإِمَامُ رَاعٍ، وَهُوَ مَسْئُولٌ عَنْ رَعِيَّتِهِ» **"The Imam is a guardian, and he is responsible for his charge."** This includes ensuring the basic needs of the people—such as water, food, clothing, shelter, and security—and making sure these resources are accessible to everyone without discrimination.

The Companion Umar ibn al-Khattab (ra) said, *لو أن بغلة عثرت في العراق لسئلت عنها يا عمر: لم لم تسو لها الطريق؟* "If a mule stumbles in Iraq, I would be asked, 'O Umar, why didn't you pave the road for it?'" If that is the case for something as small as a mule stumbling, how can it be justified to charge people fees for drinking from a river that originally belongs to them?

Islam has made the state treasury (Bayt al-Mal) responsible for funding water, irrigation, sewage systems, and maintenance, not for picking the pockets of the people. If there is a need for maintaining water channels or operating pumps, this must be funded from the resources of the public treasury, like taxes on land (kharaaj), spoils of war (fay', anfaal), and treasures (rikaz), not by imposing fees on people for using these resources.

Islamic jurists (fuqaha) have made it clear that the benefits of public property cannot be sold on and bartered, because that would mean transferring ownership of a shared right, which is not permissible in Islam. If the government collects money from people for using public water, it is taking something unlawfully, placing an unjust burden on the people, which is not allowed by Islamic Shariah Law.

It is established in the Islamic jurisprudence (fiqh) that taxes should only be imposed on people in very specific situations—when the resources of the public treasury are exhausted, but there are still obligated needs that must be met, such as funding for Jihad or financially supporting the poor. Even in such cases, the tax is only imposed on the wealthy, and only to the extent necessary, as opined by the jurists. However, for the government to continuously impose taxes and fees on its citizens to fund its expenses is considered *maks*, a form of unlawful taxation. The Prophet (saw) warned against such actions, saying, «لَا يَدْخُلُ الْجَنَّةَ صَاحِبُ مَكْسٍ» **"The one who takes Maks will not enter Paradise."** Maks refers to money taken from people unjustly, whether it is called a tax, fee, or charge. The Ulema have classified Maks as a severe injustice and theft. Imam al-Qurtubi said, *"المكوس من أعظم المآثم وأشنع الظلم"* **"Maks are one of the greatest sins and most shameful injustices."**

The fees imposed on the use of the water of the Nile fall under this category, as they are a charge on a fundamental right of the people, which cannot be sold or taxed.

The Egyptian government justifies these fees by claiming the need for "efficient management of water resources" and addressing the water scarcity that has worsened with the construction of the Grand Ethiopian Renaissance Dam.

This issue is not isolated. Instead, it is part of a larger economic system that treats every resource as an opportunity for taxation and profit, while shirking the state's responsibility to care for its people. To ensure water security, the government must:

1. Protect Egypt's water rights seriously, without compromising them through agreements or concessions.
2. Develop water and irrigation networks to prevent massive losses caused by leaks, corruption, and poor management, which are estimated to waste billions of cubic meters of water annually.
3. Distribute water fairly, prioritizing essential needs like drinking water and agriculture, rather than wasting it on luxury or industrial projects that do not benefit the Ummah.
4. Using public funds to finance maintenance and modernization projects, not imposing fees on the people.
5. Create a water policy based on the Ummah's values, not dictated by the World Bank, the IMF, or foreign funding conditions.

Water security can only be achieved by this kind of responsible management, not by turning water into a commodity that is bought and sold, burdening the people.

The imposition of fees on Nile water is not an isolated action. It is part of a broader capitalist system that treats every resource as a chance to extract money, while evading the state's responsibility to care for the people. At a time when the state is unable to protect its share of Nile water against Ethiopia and fails to manage its water resources efficiently, it resorts to the easiest solution—placing the burden on the people. This goes against the core of governance in Islam, which sees the state as a servant of the people, not a tyrant over them.

The Nile water and waterways are not the property of the state to sell to the people. They are public property, which Islam has commanded the state to preserve and provide for the people without charge. Imposing fees on them is a violation on the people's rights and a clear violation of Islamic Shariah Law. The solution is not in taxation, but in establishing a government that fully applies Islam, cares for the people's affairs, distributes resources justly, uses the public treasury appropriately, and does not trade away the people's rights. As the Prophet (saw) said, «مَنْ وَلِيَ مِنْ أَمْرِ الْمُسْلِمِينَ شَيْئاً فَأَحْتَجَبَ دُونَ حَاجَتِهِمْ وَفَاقَتِهِمْ وَفَقَرَهُمْ أَحْتَجَبَ اللَّهُ يَوْمَ الْقِيَامَةِ عَنْ خَلَّتِهِ وَحَاجَتِهِ وَفَقَرِهِ وَفَاقَتِهِ» **“Whoever is entrusted with any of the affairs of the Muslims and then withdraws himself from their needs, their poverty, and their destitution, Allah will withdraw Himself from his needs, his poverty, and his destitution on the Judgment Day.”** (Reported by al-Tabarani).

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