



Harnessing the Indus Waters: Perspectives from India

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Invariably every comment on the Indus Waters Treaty (1960) between India and Pakistan have focussed that despite the wars of 1965, 1971 and 1999 and a border confrontation during 2001-02, India and Pakistan have not violated the Treaty. Besides, this is seen as the only success story, between India and Pakistan; hence there is a hesitancy to tinker/amend the treaty.

Few points need to be highlighted. True, the treaty has survived the four wars, a border confrontation and military stand offs; however, if the Treaty could be violated, it can be done only by one party to the contract – India. Pakistan, being a lower riparian state, cannot violate the treaty, unless it prefers to make military actions, to implement the Treaty. A radical section within Pakistan has been claiming that Islamabad should even consider the use of nuclear bombs, to protect its water rights.

Though India claims that it has not violated the treaty in principle, some of its constructions, especially relating to barrages and dams, are seen by Pakistan as against the Treaty and has been regularly complaining at the international forums, including that of the Indus Water Commission. India has its own reasons to undertake those constructions, to make better use of the water systems in J&K and the surrounding region. D

It is also interesting, while on the one hand people on both sides talk about the IWT as the most effective one (comparatively) in the last five decades, on the other hand, there have been numerous complaints on how those who actually negotiated the treaty in the 1950s, on both sides failed to achieve the interests of their respective countries.

Finally, the Treaty was signed in 1960, almost fifty years back, in a different political, economic, demographic, ecological and energy environment. Today there has been a considerable change in all these five areas. Should India and Pakistan take into account the contemporary issues/problems/challenges in managing the Indus Waters, or keep it aside, for the fear of not tampering something that is believed to be working smoothly? How can India and Pakistan work together to make optimum use of the Indus Waters? How can both countries get ready to address the impending environmental, demographic, economic and political challenges, through efficient management of the Indus Waters? Finally, should India and Pakistan, waste all their energies in accusing and defending, what could be done and not done, legally under the IWT, or should both countries think beyond pure legal terms? In short, should the focus be “legal” interpretation of the IWT or Indus Water “Governance”?

SHARING THE INDUS WATERS: MAJOR ISSUES/PROBLEMS

The recent annual meeting between the Indus Water Commissioners of India and Pakistan ended with same complaints from Islamabad and almost regular defence from New Delhi. Baglihar and Kishenganga though appear to be the main reason for the complaints, there are other fault lines, internal, bilateral and multi lateral, which is straining the Indus Water Treaty (IWT). However, there are other serious issues that never get noticed in the IWT debate between the two countries. The IWT is likely to come under larger stress in the near future; it is imperative, that people living along the Indus river understand the gravity of issues, beyond looking through their national and regional prisms.

Changed History



Indo-Pak dialogue on Conflict Resolution and Peace Building is an ongoing project of the Institute of Peace and Conflict Studies, New Delhi.

As a part of this project, the Institute is publishing a series of background papers on various Indo-Pak bilateral issues. Besides, the Institute is also organizing track-II dialogue between the two countries in October 2009. For more information about this project, kindly visit IPCS website.

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The IWT was signed in 1960, in a different regional and international environment – immediate pangs of partition, settlement of refugees, Kashmir in the United National, Cold War and Pakistan being a part of the US led pack, while India insisting on pursuing a non-alignment approach to its international affairs. Regional pulls/pressures within India and Pakistan were relatively less, if not totally non-existent; hence neither the Indian government in New Delhi nor the Pakistani government in Rawalpindi/Islamabad had to take into account the regional political demands for “their share” of water on a particular river system.

More importantly, the federal governments in India and Pakistan were strong vis-à-vis provincial governments. The latter was more dependent on the former and in most cases, regional politics was very much controlled by the governments at federal level. In India, the towering personality of Jawaharlal Nehru and the Congress played an important role on this process, while in Pakistan the pressure at the national level between the military and polity, kept the regional politics at a low key level.

Today the situation is different at political level, in terms relations between federation and provinces/states in India and Pakistan. Regional politics and parties play a larger role at national level, and the federal governments have to take into account the regional aspirations. On the Indus Water basin, Sindh, Balochistan, Punjab, NWFP, Northern Areas and the governments on both sides of the LoC in Srinagar/Muzaffarabad play an important role in the national politics.

Clearly, the political situation in the Indus Water basin today, is not what it was fifty years back. Given the progress in the last two decades, one is likely to see more problems in the next decade. Both New Delhi and Islamabad should consider this important change, and what is likely to happen in the next decade.

On the positive side, one should also consider the positive breakthroughs that have taken place in the last one decade, despite the military and political upheavals at the bilateral levels. Both countries have matured and taken certain measures, for the first time in the last sixty years, for example opening the LoC for the movement of people and goods. Prime Minister Manmohan Singh has made a statement on making the borders irrelevant between the two countries. Despite the negative happenings, the political atmosphere today, is not how it was sixty

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years back. Both countries should be willing to pursue a bold political step, in terms of harnessing the Indus Waters.

Demography, Industrialization and Increased Emphasis on Water

Unlike the 1950s, both countries have grown tremendously, in terms of their population and industrialization. Despite the expansion of various sectors, agriculture still remains the primary focus of occupation for many in rural India and Pakistan. In this decade, both India and Pakistan have achieved new heights in their economic growth and have a high expectation for the next decades. Manmohan Singh has categorically stated that 9 percent growth rate will be his primary emphasis – at the national and international levels; his domestic and foreign policies are likely to reflect this basic exposition.

Clearly, this has already placed enormous stress on the effective use of water in both countries – for the purposes of irrigation and generation of electricity. Worse, these demands on the water resources for agricultural and industrial purposes are likely to expand in the coming decades. Pakistan in particular has been facing an energy crisis in the last couple of years; given the problems associated with the energy production and the equation between the independent power producers and the government of Pakistan, one could only conclude the energy crisis will continue. For India, to achieve and sustain a nine percent growth as Manmohan Singh has envisaged, energy security is equally important; with the Iran-Pakistan-India gas pipeline now placed in a limbo and the Indo-US nuclear deal unlikely to produce large scale electricity in the near future, India’s energy demand is no less.

Indus Waters will become an increasing bone of contention, not only between the two countries, but also between the regions/states/provinces in these two countries. In fact, there are already clear signs of an impending disaster on managing the waters at national and bilateral levels. For J&K, on both sides of the LoC, Indus rivers are likely to be primary source of energy production. Invariably all the projects – Baglihar, Kishenganga, Mangla and Diamer-Basha are facing political and technological problems, in terms of creating electricity, besides issues between the provinces and federation, in terms of governments of Srinagar and New Delhi, Muzaffarabad and Islamabad, and the Northern Areas administration and Pakistan. Besides the huge uncomfot that the lack of electricity creates for the ordinary people, it energy insecurity also affects industrial production and any new investment and tourism sectors. Who would like to visit those hill stations, how ever scenic they are, if there is electricity only for a few hours, every day?

Differences Within and the Disasters Without

As mentioned above, internal differences within India and Pakistan have the potential to become a major crisis, straining the IWT at the bilateral level. First, there is a clear divide between Jammu and Kashmir (J&K) and the federal governments on the nature and use

of IWT. The people and government of J&K, where the Indus and most of its important tributaries flow through, are against the IWT, as they feel it is against their interests. A resolution was passed in J&K Legislative Assembly in 2002, calling for annulling the IWT. A section inside J&K even considers the IWT as an Indo-Pak conspiracy against the Kashmiris. The Kashmiri grievances are based on emotional and economic issues; for Kashmiris, water and land have always been an emotional issue.

Second, J&K also considers the IWT as an economic liability. Majority in J&K consider that the IWT discriminates the Kashmiris by not letting them tap the potential of Indus and its tributaries in terms of using the waters for agriculture, transport and energy. It is believed that the losses that the IWT cause to J&K are around 8000 crores annually. In the recent months, there appears to be a politicisation of waters, by the opposition party against the government, purely for political reasons. Mehbooba Mufti, the leader of the opposition, has been making statements on the "Loot of Water", primarily to embarrass the government. Given the fact the ethnic Kashmiris are extremely emotional about "land" and "water", this is another powder keg.

Third, the people of Northern Areas consider the IWT against their interests. The controversy over the construction of Diamer-Basha dam highlights the tensions between Northern Areas and Islamabad on sharing the Indus Waters. Many in Northern Areas feel that Islamabad has not provided any political status to the region, precisely to exploit them over the Indus Waters. They argue, had Northern Areas been a political entity, Pakistan then would have to share the waters and royalty. Worse, a section also believes, that while the Basha dam will submerge parts of its land and result in displacement, the royalties will go to the NWFP.

Fourth, Pakistan occupied Kashmir, has a serious problem with the rest of Pakistan on Mangala dam. Muzaffarabad feels exploited by the rest of Islamabad over the Mangala dam; the construction in Mirpur has dislocated the entire city, whereas the benefit goes to Pakistan. Islamabad is too sensitive about any water related issues involving PoK and the Northern Areas. A government official was suspended for writing a book on the Mangala dam; subsequently all his books were banned during 2002-04 and accused for "anti-state and an attempt to promote nationalist feelings amongst Kashmiris."

Fifth, the four provinces of Pakistan are deeply divided within, in terms of sharing the Indus waters. The controversy over the construction of Kalabagh alone will amplify internal problems relating to the water conflict. While Punjab wants to build the dam at any cost, leaders of Sindh has warned Islamabad to choose between Kalabagh and federation, meaning that construction of the dam will result in Sindh walking out of the federal structure.

Ineffective Water Governance

South Asia as a whole has a serious deficit relating to water governance. All countries in SAARC fail to use

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water judiciously; as a result, there is a huge water wastage. Besides, despite knowing that water is previous commodity, South Asia has failed to evolve alternate modes of irrigation; canal and river irrigations are the most preferred in South Asia.

Methods like drip irrigation and crop rotation to use the available water judiciously, are yet to be effectively evolved. South Asia as a whole, wastes water.

Receding Glaciers & Shrinking Sources

All the above mentioned issues/demands focus on the increasing demands on the Indus Waters, based on the presumption that the supply will continue, as it has been in the past. What if there is a reduction in supply, purely on geological/environmental reasons?

Studies on the Himalayan glaciers highlight the possibility of a decline in water flow in the Indus and its tributaries. Invariably every one agrees today, that the glaciers are receding and all the major Himalayan river system – Indus, Ganges and Brahmaputra are likely to face shortage of water supply. Unfortunately, neither India nor Pakistan, at the governmental levels have initiated any major studies – either independently or jointly. While the environmentalists in India and Pakistan have undertaken some excellent studies, their acceptability by the governments is yet to happen. With an expanding population and growing energy and economic needs, any decline in water flow will only increase the stress on the IWT. Given the inter-state and intra-state political and emotional issues along the Indus river basin, the possibility of water scarcity resulting in water wars between the states and within them, cannot be completely ruled out.

It is imperative, that India and Pakistan and their sub regions work together to address the growing concerns and avoid any future conflict over the sharing of waters. IWT has an inbuilt provision to rework sections of this treaty. India, Pakistan and its sub regions should work together towards creating Indus Water Treaty – II, addressing the issues mentioned above. IWT-II could very well be a conflict preventive measure relating to water issues along the Indus river basin..

II DEBATING THE OPTIONS

What are the options available for India and

Pakistan? The extremists in India have already talked about the abrogation of the Indus Water Treaty. Nothing would harm India more than abrogation of a treaty, which was negotiated along with the World Bank, and withstood the sea-saw relations of the two countries. Besides, the international ramifications, in terms of India adhering to treaties and agreements that it has signed, it would have a series of implications for similar treaties it had signed with its other neighbours. India has similar treaties on water with Nepal (Mahakali Treaty) and Bangladesh (Ganges); any abrogation of the IWT will affect the confidence India's neighbours on similar treaties relating to water.

Internally, it will also set a bad precedent for the states, that are fighting over sharing of water; for examples, Karnataka and Tamilnadu, with the former being the upper riparian and the latter being the lower riparian, in terms of sharing the waters of Cauvery river.

Second, unilateral abrogation of the IWT is also unlikely to make the energy situation better in J&K. Given the level of bad governance and corruption involved in many of these projects, abrogation of the IWT is not likely to result in J&K becoming a gainer in terms of harnessing the waters.

Pakistan, has been threatening to use even nuclear weapons to secure their water rights. It is a political rhetoric aimed at local audience. Pakistan is unlikely to do anything like that, except objecting to any and every project relating to the western rivers, and perhaps give more support to the movement of militants. None of these options are likely to benefit Pakistan in the long term, in terms of effectively harnessing the Indus Waters. Indo-Pak history has numerous examples of where the Pakistani military exercises have led them to, ever since the IWT was signed.

It is neither in India's interests to unilaterally abrogate the IWT, nor in Pakistan's interests to wage a water war. The extremists on both sides, in worst case scenario may pressurize for such an option, which could be undertaken, but with no positive results. Both the above options, will only hamper the water relations further and negate, whatever has been achieved so far. Clearly, the only option is engage with each other to effectively harness the Indus Waters jointly.

III RECOMMENDATIONS

India and Pakistan could consider the following, given the issues/problems related to the IWT, and those which are likely to arise in the next decade.

A Debate on Indus Water Treaty – II

From New Delhi's perspective, it is important to realise that internal political and emotional situation regarding the sharing of water in Pakistan and in J&K is likely to have a negative impact on the IWT as a

whole. Experts like BG Verghese have already pitched for an Indus Water Treaty – II, which is important from New Delhi's perspective to look into and prepare for the future. IWT-II does not call for the abrogation of IWT, or a parallel treaty; it only aims at, making the existing treaty more effective, taking into account political, economic and environmental developments in the last five decades, and those changes likely to take place in the coming decades.

A collaborative background research

Clearly, neither India nor Pakistan has a vision, in terms of what needs to be done, except for reacting to a domestic audience. There is a need for a joint, but impartial research that would provide alternative approaches to address the present and future challenges emanating from the Indus Waters Treaty.

Indus Waters Experts Group

As a corollary of the above exercises, there is a need to form an Indus Water Experts Group (IWEG), comprising six to ten experts, from different backgrounds, who have been working with the governmental and non-governmental sectors like BG Verghese, Ramaswamy Iyer and Arshad Abbasi, who have undertaken some pioneering work on these issues. The IWEG should spearhead independent meetings in India, Pakistan and both sides of the LoC, with a larger group, in terms of addressing the main concerns of the stakeholders in the national and regional capitals.

Joint Study of Glaciers and Effective Use of Waters

Both India and Pakistan should jointly invest in encouraging independent scientific/environmental studies on the Himalayan glaciers and give them the necessary access. There have been numerous proposals already on converting the Siachen into a peace/science park, and monitor the developments. There is a need for such a focus on all the glaciers of the Himalayas, from which most of the perennial rivers of India and Pakistan originate.

Given the fact that countries like Nepal and Bangladesh also depend on the Himalayan source, it would be prudent to include them, along with China, which also has a stake here on the Brahmaputra system.

Reducing the Water Rhetoric

Both in Pakistan and India, along with both sides of LoC, there is so much of political rhetoric, which is actually harming everyone, including those who are making this statement. There is a clear need to avoid "the loot of our waters," "decide the dam over federation," "we will use any weapon, including nuclear to secure our water rights," and "abrogate the treaty, for we give them the waters, but they send terrorists." While the extremist elements are unlikely to reduce their rhetoric, nothing is stopping the moderate elements to raise their voices in favour.