

India's water disputes with its neighbour's, with special reference to Pakistan

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Abstract

The present study shows the water conflict between Pakistan and India and its impact on the Indopak relations. Water sharing is remained a major factor in the relations with India's neighbours. Pakistan's opposition to Indian projects created tension in the relations. The provisions of the Indus Treaty are responsible to increase tension between the nations. Thus the results showed that Indopak water treaty is still with stand but the government and people of both sides are still not fully satisfied with it.

Keywords: indus water treaty, terrorism, disputes, indus river, relationship

Introduction

The Indus River and its tributaries – Jhelum, Chenab, Sutlej, Ravi and Beas - are major sources for the irrigation and hydropower of India and Pakistan. After the partition, water dispute started between the two countries. The Indus Water Treaty- 1960 is considered as a successful instance of conflict-resolution between India and Pakistan. The treaty remained in place despite of the three wars between India and Pakistan. It even survived the serious deterioration in the relations between the two countries following Kargil. There is dissatisfaction about the Treaty in India and Pakistan. After the terrorist attack on Uri Army base, Indians demanded the abrogation of the Indus Treaty. Though the people of both the countries criticize the Treaty, still it is relevant.

Methodology

The data were collected from secondary sources like from the libraries of Kashmir University, Sapru House (New Delhi), Indian Institute of Advanced Study, Dr. Babasaheb Ambedkar Marathwada University (Aurangabad), The Hindu Newspaper, Savitribai Phule Pune University (Pune), and Ahmednagar College (Ahmednagar).

Indus Water Treaty- 1960

According to Chellaney, the IWT is the world's most generous water-sharing pact and that this treaty's munificence is unsurpassed in scale in the annals of international water treaties.

IWT was signed on September 19, 1960 after 8 years of hectic negotiation under the auspices of the World Bank (WB) and it came into existence with retrospective effect from April 1, 1960. The IWT is a complex instrument comprising 12 articles and 8 annexures. Under IWT India got 33 MAF (million acre feet) of annual flow from the eastern rivers and Pakistan got 165 MAF from the western rivers.

Evaluation of the Treaty

The Indus Water Treaty 1960 is criticized in both the countries. It is considered as a successful treaty for the conflict-resolution between the two countries that have otherwise been locked in conflict. The treaty remained in place despite the three wars. Though the people of both countries criticize the Treaty, still it is relevant. The Treaty has some causes of the opposition as well as some factors of its survival.

Causes of the Opposition to the Treaty

Water Sharing

Indus Water Treaty Myth: According to Haris Gazdar, (2005), Indus Treaty is a myth. A myth has grown that the IWT is a model of good neighbourliness in an otherwise conflict-ridden bilateral relationship. It is common for contemporary commentators to repeat analyses such as, the IWT is perhaps the most successful confidence-building measure (CBM) between the two countries [having] remained intact all these years, surviving two wars and several phases of conflict. Such judgments are about the political and technical basis of the IWT. The admirers of the treaty appear to be unaware that the terms of the treaty actually require virtually no cooperation between the two parties.

Ramaswamy Iyer (2007) argues, the thrust of Haris Gazdar's (2005) article is that the Indus Treaty is an unequal one; that Pakistan has failed to look after its riparian rights and entitlements; that the division of the waters was more or less on the lines sought by India. In appearance, it is a scholarly paper, but it fails to rise above a nationalistic and partisan approach. In India, many feel that the allocation of 80 per cent of the waters to Pakistan and 20 per cent to India was an unfair settlement. It is foolishly accepted by the Indian negotiators; and many in Pakistan argue that the territories that went to India under Partition were historically using less than 10 per cent of the waters, and that the Treaty was generous to India in giving it 20 per cent of the waters. Both are fallacious arguments.

According to Iyer, Haris Gazdar (2005) may be surprised to know that his criticisms of the Treaty from the Pakistani point of view (unequal, poorly negotiated, negligent of riparian rights, not in the national interest, etc) will be fully endorsed by a strong body of opinion in India, but from exactly the opposite point of view, namely, the Indian one! There are many in India who feel that the Treaty is unfair to India, that our negotiators did a bad job, that they gave away far more water to Pakistan than that country was entitled to under any fair sharing principle, and that the Treaty should be repudiated or renegotiated. When such voices were raised in 2002, Ramaswamy Iyer (2007) wrote against them. He argued that when a Treaty emerges from prolonged inter-country negotiations by teams acting under governmental briefing, and the Treaty is approved and signed at the highest levels, it must be presumed that it was the best outcome that could be negotiated under the given circumstances, and that we are then precluded from saying that it was unfair, unequal, etc. Gazadar (2005) characterizes the treaty as a myth. However, the international view of the Treaty is as a great example of successful conflict-resolution.

Jammu and Kashmir

Haris Gazdar (2005) argues that pending the settlement of the Kashmir dispute, India actually had no riparian claim on the western rivers to begin with. According to Ramaswamy Iyer (1998), Haris Gazdar (2005) puts forward the strange proposition that given the disputed nature of Jammu and Kashmir, India had no riparian rights at all over the western rivers that flowed through that territory, and that only the eastern rivers were up for sharing! In any case, the two governments did negotiate on the Indus system including both the western and the eastern rivers and arrived at an allocation that has been enshrined in a Treaty, and that is an implicit recognition of Indian rights.

All those projects are in the state of Jammu and Kashmir. There is much un-happiness in the state at the fact that the restrictions placed on India in relation to the western rivers make it virtually impossible for J & K to derive any benefits by way of irrigation, hydroelectric power, Navigation, from the waters of the Jhelum and Chenab rivers. Successive J & K governments and legislatures have complained that the treaty did not take care of the interests of the state. That feeling is shared by the people, media, academics and others in the state. From time to time there have even been calls for a scrapping of the treaty. J & K has huge hydro potential that needs to be exploited for the benefit of the state and the country as a whole. There is much unhappiness in the state regarding the restrictions placed on the western rivers to derive limited benefits by way of agri- cultural use and generation of hydroelectric power. It is because of this realisation that a number of political leaders and legislators in J & K have pointed out the huge loss the state is suffering annually. On April 3, 2002, the J & K assembly cutting across the party affiliations called for a review of IWT. Adversarial Situation Created by Treaty:

Pakistan is apprehensive of the structures in question enabling India either to reduce water flows to Pakistan or to release stored waters and cause floods. The Pakistani objections are thus partly water-related and partly security-related. The Indian position is that the security fears are misconceived as India cannot flood Pakistan without flooding itself first and that its capacity to reduce flows to Pakistan is very limited.

Divergent Approaches

The Indian engineers would tend to plan and design techno-economically sound projects that would yield the best benefits in the given physical circumstances. (Fortunately, the need for techno-economic soundness is recognised in the treaty). On the other hand, in their examination of the Indian plans and designs, the Pakistani engineers with protecting Pakistan's interests, would tend to start from the treaty provisions and limitations as the governing and paramount considerations, and treat techno-economic considerations as secondary. They may possibly be negatively inclined and may try to find grounds for rejecting the Indian proposals. They may suggest changes, modifications or alternatives that may appear techno-economically less sound or less attractive to the latter.

Pakistan tends to accuse India of planning works that are violative of the treaty, withholding information, and not cooperating in a resolution of the difference, and India complains about what it perceives as Pakistan's negativism and deliberate obstruction of any effort by India to utilise even the limited rights given to it on the western rivers.

There is a further political dimension to these differences. Pakistan is perhaps not keen on letting these projects go forward because

- a. They are in what it regards as disputed territory, and
- b. The benefits of the projects would go to J & K under

Indian auspices. Hence, (presumably) the stalemate. Tulbul, Baglihar, etc, might not have proved so difficult to resolve if they had been located not in J & K but elsewhere. Pakistan allowed to Salal proceed under certain conditions, but not the Baglihar or Kishenganga projects. Differences over Projects.

The Pakistani position is that these projects constitute violations of the treaty by India. India denies Pakistan's allegations. The differences over these projects arise from different approaches to, and interpretations of, various provisions of the main text of the treaty, but even more, of the detailed provisions and specifications contained in the numerous Annexures and Appendices to the treaty. The Article III (4) of the treaty basically precludes the building of any storages by India on the western rivers, except to a limited extent carefully laid down in Annexures D and E, which also specify technical conditions relating to engineering structures and features, such as limits on raising artificially the water level in the operating pool, pondage levels, crest level of the gates (where a gated spillway is considered necessary), location of intakes for the turbines, and so on.

Ramaswamy Iyer (2015), argues that one party can claim to be in full conformity with the criteria laid down in the treaty, and the other party can say that this is not the case. That is exactly what has been happening. The technical divergences between the two sides were doubtless rendered more intractable by the bad political relationship between the two countries in recent years. He explains two reasons of differences that were inherent in the nature of the treaty.

Technical Treaty

The first reason is the density of technical details in the treaty, which provides ample opportunities for differences among engineers. It is interesting to compare this treaty with the Mahakali treaty between India and Nepal, or the Ganges treaty between India and Bangladesh. The latter two are

relatively non- technical documents that are easy to understand, even for non-engineers. On the other hand, while the main part of the Indus treaty is fairly slim and not too dense, the devil is in the detail: the treaty is accompanied by several Annexures and Appendices of a highly technical and opaque nature. It is these Annexures and Appendices that determine the overall character of the treaty. Facetiously speaking, one could say that this is not a treaty between two governments, but a treaty between two sets of engineers. The engineers on the two sides can have a field day disagreeing on the meaning and precise application of the various technical features and criteria that the Annexures and Appendices contain. The treaty provides a happy hunting ground for technical disagreements.

The differences are over _run-of-the-river 'projects and storages'. The run- of-the-river means the absence of storage. The treaty prohibits storages by India on the western rivers except to a limited extent, but permits run-of-the-river schemes subject to certain conditions. The conventional engineering view is that a diversion barrage or a run-of-the-river hydroelectric project, unlike a dam and a reservoir, does not create any storage. However, even run-of-the-river projects involve structures, and any structure on a river does raise the water level and create a minimal storage. The question then becomes one of the level and acceptability of that storage, and a difference of opinion on this is possible, and has, in fact, occurred. Even a run-of-the- river project can be a big project involving a big dam. What India regards as run-of- the-river could be in Pakistan's view a storage project.

Nature of Division under Treaty

The second reason is the nature of the division of waters under the treaty. Having allocated the western rivers to Pakistan, the treaty aims at restraining and not facilitating Indian projects on those rivers. It is essentially negative towards Indian projects - particularly, big projects - on the western rivers, with some limited permissive provisions. India wants to use those permissive provisions to the full. It is aware of the dissatisfaction in the state of J & K, and would like to remove that grievance. It, therefore, formulates projects such as Salal, Tulbul, Baglihar, Kishenganga, and so on. However, the treaty requires India to send all the technical details of such projects to Pakistan in advance, and that is when the trouble starts. The treaty gives Pakistan virtually a veto power over Indian projects on the western rivers, which Pakistan tends to exercise in a stringent rather than accommodating manner.

Terrorism

The dissatisfaction in some quarters in India with the water-sharing proportions, and the sense of frustration at the stalling of projects, were aggravated in 2002 by the harm that Pakistan was perceived to be inflicting on this country through what came to be known as _cross-border terrorism. In India, after the terrorist attack on Uri Army base on September 18, 2016, the demand is made not only to abrogate the Indus Treaty, but also to withdraw the Most Favoured Nation status of Pakistan. Indians want to scrap all types of ties.

Conclusion

Water sharing is remained a major factor in the relations with India's neighbours. Though Kashmir issue is regarded

important between India and Pakistan, waters of the Indus is also important in both nations" relations. Pakistan's opposition to Indian projects created tension in the relations. The provisions of the Indus Treaty are responsible to increase tension between the nations. There is impact of water dispute over provincial water disputes, terrorism, Jammu and Kashmir, and Pakistan Occupied Kashmir. Kashmir is important for both countries for river water. After the terrorist attack on Uri Army base, Indians are demanding the abrogation of the Indus Treaty because of Pakistan's support for the terrorist activities in India. However, Indian government decided to use maximum water of the rivers, which are allocated to India.

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