



Water Dispute With Pakistan: A Strategical Analysis

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Abstract

As a lower riparian state whose dependence on external water sources is high as 75.6%, Pakistan's water management has been one of the most inefficient in the world. Pakistan is already 'water stressed' and could become 'water scarce' by 2025. Instead of addressing the problems within and recognising India's sagacity (of apportioning 80% of the total waters of the six rivers – unprecedented in any water-sharing treaty in the world), the leadership (military and political) have politicised water to blame India (upper riparian) for its other ills and uses asymmetric form of warfare to bleed India and capture J & K. The provisions of the IWT are used by Pakistan to 'veto' or block every project that India undertakes in J & K. General Ashfaq Kayani, the then Chief of Pakistan Army (most powerful institution in Pakistan) too had cited water to justify his "India-centric" military stance. Even the terrorist organisations have joined the bandwagon and as per Shri BG Verghese, a noted expert, "water is the latest battle cry for *jihadis*". Another former Army Chief and President of Pakistan, General Parvez Musharraf, while undergoing the course in Royal College of Defence Studies, London in 1990; in his dissertation is said to have argued that Kashmir and water were interdependent and rivers hold the key to any solution.

Keywords: *warfare, water stressed, unprecedented, water scares, asymmetric, leadership*

Introducion-

The relationship between India and Pakistan is characterized by deep rooted mistrust and use of terrorism by the latter to wrest control of J & K through a calibrated and sustained proxy war. The Indus Water Treaty (IWT) that was signed between the two nations on 19 Sept 1960, has endured three wares and is a shining example of trans-boundary water sharing agreement. However, the rising water shortages in both the countries and embittered relationship have raised questions about the future of the IWT.

Run Up to Signing of IWT

Independence and Partition of the Sub Continent. The political partition of the Indian Sub Continent on 03 Jun 1947 and the subsequent accession of the state of J & K into the Indian Union enabled India to control the headwaters of all six rivers that formed part of the Indus basin. India becoming the upper riparian state with respect to Pakistan led to J & K being described by Mohammad Ali Jinnah as Pakistan's *shah-e-rag* or jugular vein. Even though Pakistan got the possession of most of the intricate British designed canal system and irrigated land which was regarded as the foundation of the region's economy, the seeds of distrust and bitter relations were sowed in the early years of independence of the two nations.

Stand Still Agreement and Stemming of Waters by India. Soon after the partition, India and Pakistan agreed on a "Standstill Agreement", which prevented India from disrupting flow of water into Pakistan until 31 Mar 1948. Both the nations to arrive at a fresh water sharing agreement. Hence when agreement expired on 01 Apr 1948, India unilaterally stopped the flow of water into Pakistan while exercising its sovereign water rights. The same served as a reminder to Pakistan of its geographical vulnerability, particularly after Pakistan exercised the military option to capture J & K in Sept 1947 (barely two months after the Independence).

Indus Water Treaty (IWT)-1960

Provisions and Salient Aspects of IWT.

On 30 Apr 1948, India agreed to resumption of flow of water when negotiations resumed. Despite India's decision to resume the flow of water into Pakistan a month later, it was clear that a water sharing agreement was critical to mitigate and preserve Pakistan's economic viability. Therefore, in 1951, the negotiation process for a permanent water sharing agreement began. The negotiation lasted for a decade and culminated into the signing of the IWT on 19 Sep 1960. The provisions of the treaty were both permissive as well as restrictive; which has led to differing interpretations over six decades of its existence. However, it has also withstood three Indo-Pakistan wars. The salient aspects of the treaty are as under:-

(a) The treaty effectively partitioned the waters of the six rivers of Indus river basin into two as under-

(i) **Eastern Rivers.** Ravi, Beas and Satluj Rivers collectively designated as Eastern Rivers were assigned to India for exclusive use. It had a mean flow of 33 Million Acre Feet (MAF), which was 20% of the total flow in all six rivers.

(ii) **Western Rivers.** Indus, Chenab and Jhelum Rivers collectively designated as Western Rivers were assigned to Pakistan. It had a mean flow of 136 MAF, which aggregated to 80% of the total flow of waters in all six rivers.

(b) India was allowed to build storage facilities to the tune 3.6 MAF on the Western Rivers (within specified parameters); in addition to those already existing at the time of signing of treaty. This is further divided as under:-

(i) **Usage Wise Breakdown.**

(a) General Storage	- 1.25 MAF
(b) Generation of Hydro-electricity	- 1.60 MAF
(c) Flood Control	- 0.75 MAF

(ii) **River Wise Breakdown.**

(a) Indus River	- 0.4 MAF
(b) Jhelum River	- 1.5 MAF
(c) Chenab River	- 1.7 MAF

(c) Under agricultural use, a total area of 1.34 million acres is permitted to be irrigated by India using the waters of Western Rivers.

(d) India paid Pakistan a sum of 60 million pounds as compensation.

Impact of IWT.

(a) **Pakistan.** Under the treaty, Pakistan has the right to be consulted and inspect any power project undertaken by India on Western Rivers, get access to loans from irrigation and hydro-power projects from World Bank and construct three dams at Warsak, Tarbela and Mangla

(e) **India.** As far as India is concerned, the IWT enabled India to construct Bhakhra Nangal Dam and Indira Gandhi Canal which was critical for its food security and Green Revolution. However, it adversely impacted India's ability to exploit the hydro electricity potential (15,000 MW) and development of J & K.

India's Generosity. Neutral experts feel that the division of waters in IWT was not 'equitable' and India gave much of her claims in consonance with rules and conventions formulated later in 1966 as Helsinki Rules. Many assess India's share to be as much as 42.8% instead of 20%. India's generosity has been attributed to the following:

- (a) Pandit Jawahar Lal Nehru's statesmanship to secure peace and better relationship between the two countries.
- (b) India's own aspirations for food security (Green Revolution) in Indian Punjab.
- (c) India Punjab's reticent yet firm hold over national politics as reflected in India's unilateral stemming of waters in April 1948.

Under-utilization of Water Entitlement by India.

In addition to India's sagacity in the initial partitioning of river water, India has not been able to optimally utilize its entitlement of water. The specifics are as under:-

- (a) **Western Rivers.**
 - (i) **Non-consumptive Use:** The entitlement of storing upto 3.6 MAF of water on the Western Rivers has not been fully utilized by India.
 - (ii) **Consumptive Use.** Out of a total of 1.34 million acres of cultivated land that can be irrigated with waters of Western Rivers, permitted; only 0.792 million acres was being irrigated as on Apr 2010.
- (b) **Eastern Rivers.** Despite India's exclusive rights over the waters of Eastern Rivers (33 MAF mean flow), 2-3 MAF (amounting to 6-9%) flows into Pakistan without being used by India.

Present Situation

Pakistan's Water Woes.

As a lower riparian state whose dependence on external water sources is high as 75.6%, Pakistan's water management has been one of the most inefficient in the world. Pakistan is already 'water stressed' and could become 'water scarce' by 2025. Instead of addressing the problems within and recognising India's sagacity (of apportioning 80% of the total waters of the six rivers – unprecedented in any water-sharing treaty in the world), the leadership (military and political) have politicised water to blame India (upper riparian) for its other ills and uses asymmetric form of warfare to bleed India and capture J & K. The provisions of the IWT are used by Pakistan to 'veto' or block every project that India undertakes in J & K. General Ashfaq Kayani, the then Chief of Pakistan Army (most powerful institution in Pakistan) too had cited water to justify his "India-centric" military stance. Even the terrorist organisations have joined the bandwagon and as per Shri

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Pakistan’s Apprehensions. Pakistan has expressed certain apprehensions about the implications of India’s projects on Western Rivers, which have been allayed by neutral experts. The perceived apprehensions are mainly based on the cumulative effect of series of hydro-power projects that could give India the ability to either deprive Pakistan of water during the lean months for a period of up to 26 days or to inundate parts of Pakistan as part of a military campaign. Similar assessment has also been made by US Senate.

Projects under Dispute. Based on Pakistan’s objections and apprehensions work on the under mentioned projects of India have been adversely affected:-

- (a) **Kishanganga Hydro Electric Power Project.** This is a 330 MW project on Kishanganga River (known as Neelam River in Pakistan occupied Kashmir) entailing construction of a reservoir of 103 metres in Bandipore district of J & K. Water is proposed to be diverted from Neelam River to Jhelum River in a ‘non-consumptive manner’ using a 27 km tunnel, Pakistan considers the project as adverse to its own project located down stream (being constructed with Chinese assistance). The project which commenced in 2007 was halted by Permanent Court of Arbitration (PCA) since Oct 2011 at the insistence of Pakistan. On 20 Dec. 2013, the PCA in its judgment ruled that the project was a run-of-river and India could go ahead with the construction as long as a minimum flow in the river is maintained.
- (b) **Tulbul Navigation Project.** It is the first ‘navigation lock-cum-control structure’ at the mouth of Wular lake. The project envisages regulated water release from the lake to maintain a minimum draught of 4.5 feet in the river up to Baramulla during the lean winter months from October to February. The maintenance of minimum draught will ensure round the year navigation from Anantnag to Baramulla via Srinagar. Pakistan claims that the project is in violation of the provisions of IWT. The work has been suspended since Oct 2007.

IWT and Future Indo-Pak Relations & Conclusion:

It is evident that Kashmir (read ‘water’) is the core issue for the Pakistanis in the resolution and improvement of Indo-Pak relations. Pak Army’s (principle player) relevance in the society lies in projective India as an existential threat and pursuing adversarial relations with India. Therefore, despite the existence of an enduring water sharing treaty, that set new benchmarks on inter-state water relations, water has failed to be a source of further cooperation. In addition, the provisions of the treaty under which the waters of the six rivers were partitioned come in the way of adoption of integrated basin management arrangement for the two countries.

While issues like terrorism and proxy war have the potential to trigger a full fledged war between the two countries, India has been accused of ‘stealing Pakistan’s water’ by many of the Pakistan’s leaders. Some of the other politically motivated and charged statements that go beyond rhetoric and hold ominous portent for the future of IWT and the two countries are as under:-

- (a) Former foreign minister Sardar Asif Ali was quoted in Dawn(January 18, 2010) as saying that “if India continues to deny Pakistan its due share, it can lead to a war between the two countries.”
- (b) PML (Q) Chief Chaudhary Sujat Hussain said that the water crisis between Pakistan and India could become more serious than terrorism and can result in a war (Dawn, 18 January 2010).

The “access to water” has been universally recognized as being one of the most fundamental human rights. All human beings should have access to an adequate water supply for consumption, irrigation, sanitation, and domestic purposes. Most international states have signed the UN Charter, the Universal Declaration of Human Rights, the Political Declaration, the ICCPR, the United Nations Watercourses Convention, and other relevant declarations; therefore, these states should express their approval of basic human rights, including the right to access water, and no state should cause the hindrance of such for any other state’s residents.

The World Bank should play the role of “facilitator,” to mediate and lessen tensions between India and Pakistan, as it did in the past when the World Bank facilitated the promulgation of the IWT in the 1960’s¹⁰⁰ without mediation, it may be difficult for the two states to reach a consensus. However, resolution of this conflict is vital to the region for the retention of peace and to ensure the protection of residents’ fundamental human rights, including the fundamental human right to access water.

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