

Indian Violation Of Indus Water Treaty: Challenges For Pakistan

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Abstract

Six rivers flow from Indian Occupied Kashmir (IOK) to Pakistan, a water source for millions of people in Pakistan and northwestern India. The distribution of rivers water emerged as a bone of conflict between India and Pakistan shortly after the partition of the Sub-continent. Since then, multiple agreements have been signed between two nuclear power countries to solve the water sharing issue. Finally, with the cooperation of the World Bank, on October 19, 1960, Indus Water Treaty (IWT) was signed between Indian and Pakistan in Karachi, and the problem stood resolved. However, time and again, India has been violating the Treaty. The crisis became serious when India managed to deprive Pakistan of its share. India built up the Bhakara dam and barrage to control the water flow to West Pakistan. Pakistan protested vehemently against it and brought the matter to the notice of the world. After the international community's involvement, both countries were brought to the table to negotiate the issue, but in vain. The study aims to develop an understanding of hydro challenges and Indian violation of IWT by constructing multiple dams on the rivers in the share of Pakistan. The Indian prime minister's recent statement that blood and water cannot flow altogether and bluntly threat of abrogation of IWT has created a new escalation of hydro clash in the region. To strategize its policy options, it is the need of the hour to engage academic discourse. Pakistan requires to enhance water storage capacity abruptly.

Keywords: Indus Water Treaty, India-Pakistan, Hydro-Conflict, Water Management, Indus River

INTRODUCTION

Undoubtedly water is a great blessing to nature, but the world is faced with an acute shortage of soft water. Proper utilization of this resource is of the utmost importance because water deficiency is rising rapidly in recent times. It has become a cause of inter and intrastate conflicts worldwide. The average rainfall in Pakistan has recorded less than 255 millimeters annually, which is insufficient considering the amount of land under farming [1]. Pakistan is an agricultural economy mainly dependent on an annual inflow of the Indus water system in which about 240 billion cubic meters of water entering from the seven rivers: Indus, Kabul, Jhelum, Chenab, Sutlej, Ravi, and Beas [2]. This water originates from the bordering countries and comes mainly from snowmelt in the Himalayas. To avoid conflicts, Pakistan and India concluded the Indus Basin Treaty in 1960 to determine their share of water. Since then, India has been violating the Treaty repeatedly. There is an acute need for this conflict to be resolved with suitable and acceptable solutions [3].

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Besides this, Pakistan also had enduring water problems with India since she claims ultimate right over the waters passing through its land and sidetracking the water entering Pakistan since partition. Resultantly, the issue became a bone of contention between both countries, which was later resolved by the involvement of the World Bank. However, time and again, the Indian government creates problems for Pakistan by constructing the Kishanganga Dam on River Neelum in the India IOK and on the other rivers entering Pakistan [4]. The questions raised include:

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- What are potential challenges for Pakistan on western rivers under the IWT?
- What is Pakistan's plight, being a lower riparian, in renegotiating/reinterpreting the IWT?
- Can India, being an upper riparian state, obstruct water flows into Pakistan?
- Can India revoke the IWT?
- What measures can be undertaken to guarantee the Treaty's better functioning and streamline cooperation for addressing the glaring challenges of climate change and management of Indus waters?

Water Distribution between Pakistan and India - IWT

Indus Water Treaty was signed by President Field Marshall Muhammad Ayub Khan and Indian Prime Minister Jawaharlal Nehru on September 19, 1960, in Karachi. President of the World Bank, Mr. Eugene R. Black, was the principal witness [5]. Through this agreement, the water of these rivers was to be shared between Pakistan and India. Despite the three wars between the two, this accord has been hailed victorious as it has survived since its implementation [6]. According to the agreement, Pakistan was given eighty percent of water over the Indus, Jhelum, and Chenab Rivers, including river Kabul barring some limited uses for India in IOK. While India was authorized full rights of River Sutlej, Ravi, Beas, and a few minor tributaries joined Ravi River [7].

Generally, IWT was not welcomed by the people of both countries, but they reacted differently. As three eastern rivers were handed over to India, the people of Pakistan criticized the accord [8]. While in India, the loss of three western rivers was frequently criticized by the masses [9].

Geographical Location

The Indus River begins from Lake Manasarovar in Tibetan Plateau and flows towards the Ladakh region of Jammu and Kashmir. It enters Pakistan in Gilgit-Baltistan then runs across Pakistan from north to south ending in the Arabian Sea near Karachi, Sindh. Its drainage area goes above 1,165,000 km² (450,000 sq mi). It is the twenty-first largest river globally in terms of annual flow at 243 km³(58 cu mi), twice that of the Nile River. It has eleven tributaries: Zaskar in Ladakh, the Chenab, the Jhelum, the Ravi, the Beas, and the Sutlej from the left bank, and the Shyok, the Gilgit the Kabul, the Gomal, and the Kurram at the right bank.

Figure 1. Indus Basin and Its Major Infrastructure



Source: Mustafa, D. (2010). Hydro-politics in Pakistan's Indus Basin. *United States Institute of Peace*

The Conflict and Pakistan's Concern

IWT was made to avoid conflicts and achieve peaceful relations between India and Pakistan, but India has ignored it for the last two decades. She is constructing Bagh Lehar dam and Rattle dam on the Chenab River and Kishangangadam on the Neelum River. The development of these hydropower projects would significantly sabotage the water supply for agriculture in Pakistan and ultimately threaten the agricultural economy [10].

Kashmir is the bone of contentions between the two neighboring countries that resulted in three wars. Due to Kashmir being the river water source, neither state is willing to withdraw its claim to the region [11]. According to Pakistani experts, IWT consists of the provision of a minimum supply of water. Still, it does not consider water distribution and does not calculate demographic expansions within each country which modifies and alters the water demand.

India's Dual Policy

The fast-growing population and booming economy push India to improve its energy efficiency to meet future demands. To meet the challenges, more hydropower projects are being constructed on the Himalayan Rivers [12]. India is playing a double game in the case of its upper riparian. The essential element of the water strategy of India is constructing dams on lower riparian and blocking and abolishing these in upper-riparian Nepal [13]. Indian authorities believe that the development of ongoing hydropower projects is sanctioned by agreement and is within the criteria of accord and has planned twenty-seven projects on western rivers of Pakistan [14]. However, the objections posed by Pakistan, that construction of all the projects is not only a violation of the Treaty but also a conspiracy to sabotage the agricultural economy of Pakistan, has frustrated the experts in India.

Pakistan's Apprehensions as Lower Riparian

Water emerged as a serious issue between India and Pakistan soon after the partition when India stopped water to Pakistan. It was resolved by signing IWT in 1960 with the cooperation of the World Bank. IWT has since survived all ups and downs of Indo-Pak relations [15]. The recently updated fact sheet reveals that India is deliberately violating the international norms by constructing Kishanganga Hydroelectric Project (KHEP), describing it as a storage work for power generation only. However, Pakistan has rationally and lawfully proved her stance that the

Indian design of the KHEP would divert water from the Neelum River into the Bonar Madmati Nullah violating of Article 111 (2) of the IWT, which specifies that the entire flows of the western rivers belong to Pakistan. Article 4 (6) also safeguards the rivers' natural flow, and India is also violating this article.

Currently, Pakistan is faced with an acute shortage of freshwater due to a population explosion at a rate of 1.43 percent annually [16]. Adverse climate change and global warming are creating drought and erratic monsoon patterns [17]. The agriculture of Pakistan mostly depends upon the Indus River and tributaries which emerge from China and Jammu and Kashmir- a disputed territory between Pakistan and India. However, disagreement over Jammu and Kashmir is directly interlinked with the water dispute. Former President of Pakistan, Parvez Musharraf, stated that the Kashmir issue is primarily based on the distribution of the waters of the Indus Basin and its tributaries between India and Pakistan if these waters are distributed impartially, the other would not exist. Predominantly, India enjoys more control and authority over upper riparian, which places Pakistan in a difficult position over the Indus Basin and its other water resources [18]. Currently, India is constructing multiple hydropower projects in IOK on rivers flowing into Pakistan, which will disturb the water supply to Pakistan. These projects are Salal, Kishanganag, Wullar Barrage, Baglihar, Uri Nimo-bazoo, Pakal Dul, Kiru, Kwar, Kirthai, Bursar in the Chenab Basin and the largest of which is the Swalkote plan, which will generate 1856-megawatt electricity and the combined installed capacity of power generation is (6,352 MW) at a projected cost of INR 567 billion (USD 9 billion) [19]. Pakistan considers these projects a severe threat to the inhabitants, land, and property during the sowing season in the entire country. From the security point of view, these projects can cause flooding at the time of military confrontation. Indian intentions are to generate electricity from these projects and to dominate Pakistan strategically [20]. The construction of Wullar Barrage will enhance the military position of Indian troops, and it will be used to enter Pakistan in case of war [21].

Undoubtedly, Indo-Pak relations saw many ups and downs, but IWT sustained even during the worst situation. Still, for the first time, the Hindu Nationalist government of Narendra Modi asserted that "blood and water cannot flow together" and called for abolishing IWT. The Indian government has lost its credibility and capability to deliver, so it has raised the slogan to harm Pakistan by abrogating IWT [22]. Experts believe that if the gap between water availability and supplies broadens, the region's recruitment and terrorist operations will increase [23].

Hydro-hegemony of India

Ismail Serageldin, Ex-vice-President of the World Bank, sent shockwaves among politicians worldwide when he asserted that in the 21st century, countries would go to war not due to conflicts over oil or land but because of water. Similarly, the Pentagon also deemed water as a critical issue that would give impetus to border disputes. It estimated that controversies related to water would dominate the agenda of global politics in the coming years. The problem would aggravate to such an extent that there would be conflicts among countries and even among states and rural and urban populations [24]. IWT is amongst the only thing in India-Pak relations that works. It does not allow India and Pakistan to cancel the agreement unilaterally. According to Article 12(4) of the IWT, termination is only possible if both India and Pakistan draft a treaty in this regard and then ratify it. By using the IWT as a talking point in political posturing, India has already undermined the integrity of the Treaty and its international stature. China, Nepal, India, and Bangladesh have disputed each other's claim over the water of rivers originating from the Himalayas and flowing across the countries as mentioned above, providing water to nearly 500 million people on their path [25].

According to the Madrid Declaration of 1911, a state cannot change the regime of rivers and lakes, contiguous or successive, to the detriment of a co-riparian neighbor without its consent. Therefore, the international laws in practice forbid India, which is an upper riparian state, from stopping or diverting the waters of the Indus River to the detriment of the people of Pakistan without a beforehand and overt approval from Pakistan to this effect [26].

In its Buenos Aires Conference in November 1957, the Interim American Bar Association adopted a statement of the current international law which stated in Article 3 that upper riparian are obligated to refrain from making alterations that may harm the use of water by co-riparian until the time these changes are made under an agreement or a decision of an international court or tribunal [27]. With the help of global water increasing at more than twice the growth rate of the human population in the last century, water security is fast becoming a top priority globally. Water being the most essential and crucial fluid for all life forms, humankind has two very different yet clear choices: conflict or cooperation [28].

Pakistan's External Conflicts over Water Resources

The construction of water storage dams and canals for hydropower and irrigation by India has resulted in the drying up of long stretches of the Indus River, contributing to the destruction of the ecosystem in the Indus plain. Such projects have also forced many people to vacate their lands, thus causing population displacement on a large scale [29]. Unpredictable, tensions between Pakistan and India amidst depletion of natural resources, population growth, and global warming may cause war. Experts at the United Nations believe that the aspects mentioned above could lead to conflict between two nuclear-powered countries. Because the two nations are nuclear powers, their military confrontation could become a global disaster [30]. Former President of Pakistan Asif Ali Zardari's article published in Washington Post also indicates that "the water predicament in the country is directly associated with India" and "could fuel the fires of discontent that lead to extremism and terrorism" [31]. India and Pakistan had limited water brawl in 1948 when India stopped the water channels coming to West Punjab. It was the step to destroy the economy of the Punjab and Sindh because rivers are the source of irrigation in these areas. The subcontinent's partition affected the flow of the waterways. India was given the advantage of controlling the main headwaters located in their territory, which made India capable of cutting off primary irrigation water for our agricultural needs. The crisis became serious when India managed to deprive Pakistan of its share. India built up the Bhakara dam and barrage to control the water flow to West Pakistan. Pakistan protested vehemently against it and brought the matter to the notice of the world. After the international community's involvement, both countries were brought to the table to negotiate the issue, but it went in vain [32].

Conclusion and Policy Recommendations

It is time for India to give up its bullying upper riparian politics and collaborate with Pakistan to develop an integrated Indus Basin management system. If there is a battle over water, both countries stand to lose a lot. Water sharing requires compromise and cooperation; consequently, efforts should be made toward a new approach to water security that prioritizes cooperative management of shared natural resources above conflict [33].

The IWT should be regarded as a water-sharing system rather than a water partition, as the 1947 land division was. The IWT has served as a shining example of Pakistan-India cooperation throughout the last five decades. It seems to temper the worst inclinations of both countries toward one another, which may be its most important feature. Due to increasing water shortages on both sides of the border, the IWT, on the other hand, is severely strained. Increased Pakistani demands and India's continuing construction of hydroelectric dams on western rivers may jeopardize the Treaty, which is now without a strategy due to its connection to the controversial Jammu and Kashmir problem. Second, a single river basin serves Pakistan's economic, agricultural, and energy requirements. Water is a significant source of contention between the two nations.

Although the Indus Basin has adequate water to sustain Pakistan and India's lifestyles if appropriately managed and equitably, Pakistan and India are poor water managers. If neither Pakistan nor India creates an autonomous framework soon, water problems may lead to a catastrophic war. Many instances from across the globe, such as the Itaipu Hydel Project between Brazil and Paraguay, demonstrate that the necessity for water sharing may

occasionally lead to unexpected cooperation rather than creating conflict. Time has proved that the Indus Water Treaty resolved the water-related conflict between India and Pakistan amicably. Keeping in view its productivity now, IWT can be revised and adjusted with the assistance of existing international law by the demographic changes in the region.

- The water dispute between both countries can prove more disastrous than the long-standing Kashmir issue because the blockage of water entering Pakistan will put a question on the very existence of Pakistan. The arbitration continuity on this matter will also help to avoid another brawl in the future. IBRD can fulfill this responsibility to resolve this alarming issue at the earliest.
- The political will of leaders of both nations with the support of technical professionals will also enhance the possibility of a long-lasting solution. Both the governments in this respect may maintain Indus basin institutions at the government level to find out constant and comprehensive collaboration.
- Poor management of water, politically and materially, encourages India to construct new dams on Pakistani waters. Pakistan is required to enhance water management efficiency.
- If the steps as mentioned earlier, do not yield positive results and stubborn Indian attitude continues. Pakistan may take help from China to threaten India by stopping the water of the Brahmaputra River which enters India from China and irrigates five Indian states.
- Both nations should use the SAARC platform to solve water management and agricultural development problems, concentrating on greater contact and collaboration among member countries to identify water management solutions via cooperative hydropower projects and energy swaps
- The Regional Centre for Water Management should be established to make the greatest possible use of existing water resources. Scholars from India and Pakistan should be sent to the Centre to research and discuss water-related problems.
- Water conflicts should be isolated from other unresolved issues between the two nations, and resolving them should be a key priority in future confidence-building initiatives.

Because both nations stand to lose a lot if there is a water war, it seems unlikely that India would abandon its high-handed upper riparian politics and instead work with Pakistan to create an integrated Indus Basin management system. Water sharing necessitates compromise and collaboration; as a consequence, efforts toward a new approach to water security that emphasizes cooperative management of shared natural resources above conflict should be adopted.

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