Water as a Source of Conflict or Cooperation? Lessons from the Indus Waters Treaty

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TARBELA DAM
MANGLA DAM
QADIRABA
H/W
BALLIKI
H/W
PANJNAD
HEADWORK
GUDDU BARREGE
CHENAB RIVER
ISLAMABAD
RAWALPINDI
AREA = 350,000 SQM
INFLOW = 170 MAF

CHENAB RIVER
JACOBABA
KARACHI
ARABIAN SEA

JHELUM RIVER
RASUL HEADWORK
KOHAT

INDUS RIVER
JAMMU
KASHMIR

AFGHANISTAN
C.I.S.

CHINA
SIDN KING (CHINA)

WALES
KALPASHA
ISLAMABAD
HEADWORK

TAUNSA BARRAGE
MITHANKOT
JACOBABA
BELA
MANCHUR LAKE

SUKKUR BARRAGE
INTERNATIONAL
BOUNDARY

INDUS BASIN
BOUNDARY
RANN OF KUCHI

LEGEND

INT. BOUNDARY
INDUS BASIN BOUNDARY
RIVER
Pakistan’s Dependence on Water

- 80% of Pakistan arid; 20% water-availability
- 95% of freshwater (mostly glacial melt) used to irrigate some 40 million acres of land
- Nearly 75% of water resource is available during the 3 months of the Monsoon season (water storage capacity)
- **Irrigation accounts for 24% of GDP, 90% of exports and 48% of workforce**
- The Pakistani economy has developed by harnessing the Indus Basin
- The “poverty-water nexus”
- **Water is an existential issue for Pakistan**
Origins of the Indus Waters Treaty, 1960

- Partition of Land – 1947
  - Created riparian relations where none existed
  - David Lilianthal’s vision of joint watershed management
  - The “Good Offices of the World Bank”

- Partition of Waters – 1960
  - Indus Waters Treaty, 1960
  - Negotiated when international water law in its infancy
  - Highly technical; meant to be “politician proof”
Characteristics of the IWT

- Does not divide waters, divides rivers
  - Eastern Rivers (Sutlej, Beas, Ravi) to India
  - Western Rivers (Indus, Jhelum, Chenab) to Pakistan

- Bilateral; does not include other riparians China and Afghanistan

- Did not consider sub-national issues (Sindh & Kashmir)

- Pakistan allowed to use waters of certain tributaries of Ravi River for agriculture (Annex B)

- India allowed to use waters of Western Rivers for agriculture (Annex C), generation of hydro-electric power (Annex D), storage (Annex E)

- Co-signed by third party
  - World Bank assisted parties to agreement
  - “Financial Provisions” of IWT (Article V) dealt contributions from India and Indus Basin Development Fund (US$ 800m) to finance replacement works:
    - 8 link canals (400 miles)
    - 2 storage dams (Tarbela on Indus and Mangla on Jhelum)
    - Power Stations
    - 2,500 tubewells etc.
Characteristics II

- Creation of Indian & Pakistan Indus Water Commissioners (the Permanent Indus Commission, Article VIII)
  - To exchange of information
  - To provide notice

- “Settlement of Differences and Disputes (Article IX)
  - Questions concerning interpretation firstly to be examined by Permanent Indus Commission
  - Inability to resolve question = “difference”
  - Differences to be resolved by Neutral Expert. Decision of the Neutral Expert to be final and binding
    - Comprehensive process of appointment
  - Neutral expert confined to 23 questions (set out in Annex F)
  - If question outside authority of Neutral Expert, then it is to be settled by referring it to a Court of Arbitration
    - Court to consist of 7 arbitrators, two appointed by each party, the rest through a comprehensive process (Annex G)
  - No hierarchy; reference not an appeal

- IT has worked and withstood the test of time!
Pakistan’s Concern over IWT

- Construction of dams on Western Rivers a violation of the “spirit of the Treaty” and can cause up to 30% water loss

- Construction of dams will give India ability to affect Pakistan’s water resource (assistance to Afghanistan in construction of water-storage dams also alluded to)

- Filing of Baghliar Reservoir cited as proof of intentions (though officially Baghliar issue has been resolved)

- Water issues have been inextricably linked to Indo-Pak political issues (Iyer: “Water is not an issue between India and Pakistan, it is an issue of India and Pakistan”)

Indian view on IWT

- Elaborate restrictions on water use on Western Rivers
- Fear that Pakistan is trying to nullify the permissible uses clause of the IWT.
- India will not cut off its economic nose to spite Pakistan ("Many pondages do not make a storage")
- Poor water usage and water infrastructure in Pakistan (low cost recovery, "BNR")
- Restriction on run-of-river dams impact energy development in Kashmir and elsewhere
Water a Source of Conflict

- Only 5-6 incidents in history where water a source of conflict; it is primarily a source of cooperation
- Current paradigm under IWT a zero sum game. Disputes amount to a “stay order”, cost escalation and a waste of time
- Very little that can be done about perceptions
- Treaty now facing new challenges:
  - Climate Change
  - EIA’s, minimum flows unheard of in 1960
  - Water scarcity (how do you allocate a scarce resource?)
  - Groundwater
- Rhetoric is going out of control (the unintended consequence of “politician proof”)
- IWT is hardwired into Pakistani security establishment
  - Shadows of unresolved Kashmir issues
- Indus Basin one of many watershed concerns for India
Water as a Source of Cooperation

- Shadow of the Treaty is only 50 years old. The Indus Civilization is 5000 years old. No competition.

- Move outside IWT paradigm of dividing the resource
  - LUMS/ORF Indus Basin Water Usage Mapping Study

- Must create an alternative dialogue

- Must have long term view. There are a billion and a half people, Children of the Monsoon, that are going to be affected by water-related issues in the coming decades. We cannot sit back and react. We must formulate and lead this debate

- Indo-Pak cooperation on water (outside Kashmir and War on Terror) can be leveraged (IWT resulted in US$ (1960) 1 billion in investment from WB IWDF) and will create enormous international goodwill.
Can Peace Parks be a Way Forward?

- Siachen, the “highest battleground in the world” or “a struggle between two bald men for a comb”
  - IUCN World Commission on Protected Areas
  - UNESCO World Heritage list
  - Rio Declaration
  - Hague & Geneva Conventions
  - Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification (necessity, proportionality, selectivity & humanity)
  - Constitutional Rights
  - Local laws

- Siachen Peace Park Management System

- Huge international goodwill; a chance to change the discourse
Thank you – Be Green