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## **Issue Brief**

# **A New Round of Water Talks Between Pakistan – India**

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The Indus Water Treaty (IWT) devised a mechanism for an equitable distribution of water between Pakistan and India. However, India has been building a



number of dams under the garb of run-of-the-river hydroelectric projects, acquiring the capability to manipulate the flow of water. Pakistan has been raising this issue both with India and at various forums. Unaddressed Pakistani complaints can become a serious source of conflict between India and Pakistan. Water security problems are particularly severe in the regions where numerous major international river basins lie, and are subject to territorial disputes between various countries. The two countries which exemplify such problems in South Asia are nuclear-armed neighbours, Pakistan and India. Groundwater is depleting at an alarming rate in both countries, with few feasible options to increase supply.

The Indus Basin system is the major water reservoir in the Subcontinent. It comprises six major rivers: three western rivers (Indus, Jhelum and Chenab) and three eastern rivers (Sutlej, Beas and Ravi). It cuts across both Pakistan and India. With partition arose the issue of Jammu and Kashmir, a disputed territory in northern India from where the Indus river system originates and passes through both countries. India emerged as an upper riparian with control over the canal headworks that supplied water to the province of Pakistani Punjab. In 1960, after almost 10 years of tedious negotiations under the auspices of the World Bank, both sides came to an agreement and the Indus Water Treaty (IWT) was signed by Pakistani President Ayub Khan and Indian Prime Minister Jawaharlal Nehru.<sup>1</sup>

Under the terms of the treaty, the water use of three eastern rivers, which comprised almost 20 per cent of all water in the Indus Basin, was given to India, and the use of the western rivers was allocated to Pakistan. Two further provisions were added regarding the allocation of limited water for

consumptive use in Jammu and Kashmir, and allowance for India to use water from western rivers for hydropower generation. According to Article IX of the treaty, a permanent Indus Commission was set up to deal with conflict resolution through inspection, exchange of data and visits through regular meetings, and in case of disagreement, a neutral expert would be called in for mediation and arbitration.<sup>2</sup>

India sent a 10-member delegation to Pakistan from March 20 to 21, 2017, for the 113th meeting of the Permanent Indus Waters Commission in Islamabad. This was the first meeting since May 2015, as India had declined these mandatory annual meetings. The Pakistani side was led by Indus Waters Commissioner Mirza Asif Baig, while his counterpart P.K. Saxena led the Indian delegation. The topic for the two-day talks was the three contentious hydropower projects India is building upstream on the Jhelum and Chenab rivers. The agenda of talks also included projects such as Miyar, Lower Kalnai and Pakal Dul, exchange of data about flow of water, floods, inspection tours and meetings. The significance of the talks emanates from a letter by P.K. Saxena in which he proposed to discuss highly important disputes such as the construction of Kishanganga and Ratle hydro projects on Jhelum and Chenab rivers by India.<sup>3</sup>

Pakistan is seeking international arbitration under World Bank auspices, whereas India is pushing for a lower level forum to seek a resolution arguing for the appointment of a neutral expert, as was done for the Baglihar Dam dispute. There was, however, no commitment from the visiting side to halt construction work on the controversial projects, indicating India's traditional time-gaining approach to project development.<sup>4</sup> The Indian side agreed to reconsider Pakistan's observations on Lower Kalnai and Pakal Dul projects and decided to respond in the next meeting of the commission, and also agreed to inspection tour by the Pakistan's Indus Commission which is expected to be arranged before August 2017. According to Water and Power Minister Khawaja Mohammad Asif, the two nations will hold three-day secretary-level talks on the Kishanganga and Ratle hydropower projects, under the aegis of the World Bank, in Washington from April 11, 2017. India however has opposed Pakistan's proposal for the Bank's mediation or arbitration and would prefer a neutral expert to review the two projects and give his or her opinion, which has put the talks in jeopardy again.<sup>5</sup>

Pakistani policymakers are concerned that India is not only fast building dams on the western rivers, it is simultaneously engaged in activities aimed at stopping Pakistan from building storage dams on these rivers by controlling the supply of water by filling water in its dams in clear violation of the IWT.

Pakistan, which is a single basin country, relies heavily on the Indus Basin water to meet its domestic, agricultural and industrial needs. Indian projects on the rivers allocated to Pakistan including the Wullar Barrage, Baglihar and Kishanganga dams in Indian Occupied Kashmir (IOK) have rung alarm bells in Pakistan. Pakistan's apprehensions arise out of increasing water scarcity in Pakistan as it is dependent on fresh water supply from the western rivers. Moreover, being a lower riparian country makes it vulnerable to increasing number of Indian water projects in Jammu and Kashmir.<sup>6</sup>

The IWT permits India to build run-of-the-river projects, and almost all Indian reservoirs on the Indus, Chenab and Jhelum can be termed as run-of-the-river projects. But these projects can have serious repercussions for the downstream country. There have been apprehensions on the Pakistani side that these projects will let India acquire manipulative control over water flows into Pakistan, and, in the worst-case scenario, store water in the dry season and release it in the wet season. Indian PM Modi has categorically stated at various places in the past year that India will use the control of water supply as a weapon against Pakistan's agriculture heartland in the future, if it is able to complete all of its hydro projects in Jammu and Kashmir. India has also threatened to abrogate the IWT unilaterally under the pretext of Pakistan's subversive involvement in IOK, which gives credence to Pakistan's fears of water insecurity.<sup>7</sup>

The World Bank has paused the dam arbitration between the two countries in order to safeguard the IWT, by trying to become a mediator again in the issue. The current Pakistani government has also given a strong response to the inflammatory statements of PM Modi and made its position clear that any water blocking attempts by India will be met by a befitting military response. On the other hand, China has also stated that it will blockade India's water flowing from its territory if it goes into a water war with Pakistan. This new wave of hydro politics has further escalated the tensions between the two countries.<sup>8</sup>

India is implementing a long-term plan of constructing a chain of hydropower projects while occasionally sharing drawings and sometimes even agreeing to revise them. Pakistan has instead relegated negotiations to water engineers who can only raise technical objections. This policy is devoid of a long-term vision and needs a new, strategic push. Transboundary water management needs to be ramped up by Pakistan to a higher regional and international security plateau, and employed as an instrument to enhance regional trade and economic cooperation. For success in regional water diplomacy, Pakistan must invest in institutional infrastructure with a need to set up a national water commission with

constitutional status, as the need of the hour is efficient and judicious use of the water from various sources.

It is high time that India ended its high-handed upper riparian politics, and instead, put its efforts towards engaging Pakistan for an integrated Indus Basin management system, as both countries stand to lose enormously from conflict that could arise out of water disputes. Pakistan says it wants a decision that is legally binding on both India and Pakistan and such a decision can only come from a court of arbitration and not from a neutral expert. Water sharing demands policies of consensus and compromise; therefore, steps ought to be taken towards a new approach to water security, one that focuses on the need for cooperative management of shared natural resources rather than confrontation.

### Notes and References

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