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Report – Panel Discussion

“Envisioning New Water Diplomacy in South Asia”

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The Centre for Strategic Perspectives (CSP) at the Institute of Strategic Studies Islamabad (ISSI), organized a Panel Discussion on “*Envisioning New Water Diplomacy in South Asia*” on March 9, 2021. The panellists at the discussion included: Ambassador Shafqat Kakakhel, Chairman BoG, SDPI; Mr. Ziad Alahdad, former Director, World Bank; Mr. Ashfaq Mehmood, former Federal Secretary, Water and Power, Government of Pakistan; Mr. Ali Tauqeer Sheikh, Consultant World Bank; and Mr. Feisal Naqvi, Senior Partner, BNR Law Firm.

Introducing the subject under discussion, **Mr. Najam Rafique, Director CSP** stated that Pakistan depends on adequate supplies of water for agriculture, industry, create power, ensure public health and maintain essential ecosystems. Yet growing populations, soaring demand, unsustainable management practices and mounting environmental challenges are imposing increasing burdens on its crucial freshwater resources. Moreover, global Climate Change (CC), threatens to intensify these strains, upsetting precipitation patterns and altering river flows in the Indus Basin. It is estimated that Pakistan will be the most water stressed country in the region by 2040.

Most of Pakistan’s rivers originate in other countries, yet Pakistan relations with most of its water neighbours are estranged. It has still to develop a coherent narrative, devise a consistent policy and unleash the processes for protection of long-term water interests. Instead of laying the foundations of sound water relations, Pakistan is allowing its water interests to become subservient to the detrimental political relations. It is imperative for Pakistan to have mechanisms in place, with or without formal treaties, to discuss the development of water sector infrastructure originating in its neighbourhood, on the rivers that flow into Pakistan. Regular on-going discussions and information exchange with its neighbours on infrastructural development, surface water inflows and any diversions are essential to ensure water security. This includes Afghanistan that is planning feasibility studies of about a dozen dams; China in Tibet where the Indus originates; and with India that is home to the upper reaches of the Indus and its numerous tributaries. The exchange of information and increasing cooperation on water issues therefore needs to become a standing agenda item in bilateral discussions with these neighbours, as well as with other development partners of Pakistan including the US, UK and the EU. The discussion on water security therefore needs to go beyond bilateral negotiations and the international law

framework and examine the ways through which states in the region can adapt to the emerging interests and need to manage their water resources.

In his welcome remarks, **Ambassador Aizaz Ahmad Chaudhry, Director General, ISSI** thanked all the speakers for their participation. He said that there is no denying the fact that water issues in Pakistan have both the domestic dimension of not managing the available resources properly, and then there is the external dimension. Pakistan essentially has transboundary water basin sharing with India and Afghanistan.

With India there are two dynamics at play; the first one is that of mind-set because given the history of the two countries, they have focused more on dividing waters than sharing waters, even the Indus Water Treaty (IWT) reflects this, due to which there have been huge environmental consequences of apportioning rivers. However, it works even during the conflicts and it has brought in considerable agriculture development in Pakistan. But the real challenge is in how to make it work and that is where the water diplomacy comes in. The mind-set continues to hover over the countries approaches which are marked increasingly by confrontation rather than cooperation. The second dynamic is that of politicisation of water issues with classing examples being of Kishanganga and Ratle Dams. The clash over whether there should be a neutral expert or court of arbitration is essentially a product of this. Unfortunately, coinciding with this is the coming of hostile regime in India led by PM Modi, and belligerent statements like water and blood cannot flow together and so forth. A perception has emerged in Pakistan that perhaps India is committing water terrorism, planning a water war against it by strategic use of its reservoirs to stop water flow into Pakistan. There are two opinions on this, one is that by building around 600 reservoirs India can stop water flow into Pakistan during the sowing season, and the other being that water flows cannot be stopped the example being the decommissioning of the Salal Dam. Pakistan is in a situation where it does need some new diplomacy which addresses the mind-set and politicisation aspects.

With Afghanistan, it is still an open slate and there have been suggestions to negotiate a water sharing regime over Kabul River Basin, however the instability in Afghanistan has not allowed any commencement of negotiations on it. There have been plans for talks but pending that, both countries should be able to work out a plan beforehand.

Panel Discussion

The remarks were followed by a question-based discussion moderated by Mr. Najam Rafique, Director CSP at ISSI.

Q. How can South Asian states enhance their cooperation on transboundary rivers with a view to avoiding water related conflicts?

Ambassador Kakakhel, said that transboundary water issues by very nature require cooperation between and among riparian countries. South Asia is essentially a region of transboundary rivers. Out of eight South Asian countries, six share transboundary rivers. India and Pakistan have the IWT, Bangladesh and India have the Ganges Treaty, Nepal and India have Mahakali Treaty. Unfortunately, there are problems with all these bilateral agreements, and the country that is blamed for the problems is India. Both the lower riparians, Pakistan and Bangladesh, and the upper riparian Nepal, have problems with India.

Right now, there is a stalemate between India and Pakistan because both countries disagree on whether the problems of Kishanganga and half a dozen other Indian hydropower projects should be sent to a neutral expert or court of arbitration for resolution. Pakistan needs to become more flexible and accept the recommendations of the WB as IWT has become dysfunctional, the commissioners have not met regularly, and this should not be allowed.

As far as Afghanistan is concerned Pakistan is not enthusiast about the setting up of hydropower project on the Kunar River, and there have been no talks between the two regarding the Kabul Basin. Overall, the South Asian countries can only hope to persuade the water hegemon India, to change its mind-set. At the bilateral level, water should be included in the high- level discussions and need to revisit not necessarily renegotiate and examine comprehensively the existing agreements to plug holes. If possible, as a region the South Asian countries could consider signing a Transboundary Water Framework. Unfortunately, there is no template except the EU which has frameworks to deal with management of transboundary waters. There is an international convention, the UN Watercourse Convention, to which the regional countries could jointly adhere to, and which takes care of the interest of both the upper and lower riparians, and,

takes care of the problem of pollution and impacts of CC. There also could be regional taskforce on transboundary water issues.

Mr. Mehmood replying to the question said that given the need for cooperation, Pakistan should try to explore new grounds because if the focus is just kept on the current issues between Pakistan and India, and stalemate in dialogue between Pakistan and Afghanistan, it is looking at a narrow canvas through a small prism.

Pakistan-India should explore new avenues and horizons where cooperation can start so instead of trying to pursue, change the mind-set in Pakistan which will be quite a time-consuming effort. There are many other avenues, for instance, in the case of CC there are many narratives that both can develop. There is a lot of difficulty of data sharing between South Asian countries and data scarcity causes problems. Initiatives like sedimentary research, satellite monitoring and imagery can bring the people together on a platform where they begin to work together, and the mindsets will begin to change from there.

A narrative needs to be developed to exert some pressures on those who are not changing their mind-set. For instance, between Pakistan and India if we keep on pursuing on Modi to change his mind-set of blood and water, it will be almost impossible, but Pakistan should appear in the international arena as persons, as organisations and as a country which has a very sound good narrative which appeals to the people. For instance, the talk can be on environmental considerations, or groundwater pollution, or cooperation in sharing the watershed management efforts, these will leave a positive impact and will be a new initiative that is taken.

Old initiatives like India-Pakistan reopening the treaty, it will be an immense effort and then there could be still many questions that Pakistan should for instance reconsider projects like Wullar barrage. These things are unlikely to be discussed on a different bilateral dialogue where there is some give and take, and it will not work without unilateral cooperative effort like changing mind-set in Pakistan would neither be seen as a good effort politically, nor will it be of much use unless the other party changes its mind-set. If there is a diverse political consideration from the technical and professional considerations, that can be done in an academic discussion, but that is not possible so let us realise that what is possible. The possibility exists in opening and exploring new areas and narratives, and explaining to the world what Pakistan is saying,

explaining why it matters not only to Pakistan, India and Afghanistan but also matters across the board even to Nepal and others particularly, the initiative on data and the watershed management and why it would be a useful initiative.

Mr. Alahdad responded that despite Pakistan's best efforts with respect to its position on the IWT, the treaty itself is clearly in jeopardy and this is mainly because India has taken an aggressive and proactive position, while Pakistan's response has been reactive and clearly inadequate. The IWT stands severely impaired if not abrogated and the critical question is how Pakistan can move to rectify this. The treaty itself under article 12 allows for a division to accommodate change conditions of the Indus basin, and there is also a robust dispute resolution mechanism which is never used fully. The problem is that Pakistan has not been able to separate the political and technical down to earth issues. The seeds of inequality were sewn into the agreement at the very start, there has been a kind of implicit built-in bias right in the beginning, and since then India has implemented the series of storage schemes, thirty run of the river schemes, two major dams, including Kishanganga which has compromised water supply which has been allocated to Pakistan.

Even in the design of the schemes, there have been flagrant actual violations, for example, the spillways are much lower than the allowed dead storage capacity, and there have been other things which have completely negated the agreement like non-provision of data as allowed for under article 7, clause II. Construction without informing is also a very great violation. So theoretically, if India utilises its entire storage capacity and the spillway capacity, it can severely impede Pakistan's water, and its downstream riparian status is highly vulnerable in the event of any hostile action.

Through all these developments particularly over the last 20-30 years, Pakistan was missing in action. Now, supply has also been affected by CC, extreme weather, and extraordinary drought; and the consumption side is characterised by mushrooming demand driven by a population explosion and the sad neglect of water management which has led to wastage levels of over 60%. Now there are times when the mighty Indus barely reaches the Arabian Sea in some seasons in the worst droughts. Therefore, the hydrodynamics of the Indus basin has dramatically changed. Experts exist in Pakistan who have comprehensively studied the changes and can address the

professional issues involved, but their critical expertise is not visible in Pakistan's efforts to identify the violations, or resolve disputes, or even invoke article 12.

The question then is how Pakistan can bridge the divide between the complex technical aspects and its diplomacy in such a way as to resolve its predicament. The starting point is the building up of capacity of policy makers in Pakistan. The problem is not lack of what needs to be done, but once again, how it is to be done, that's where Pakistani policy makers always fall short. Findings of a WB study made of all the countries which graduated from developing countries to developed countries found one key conclusion:

That there were three levels - individual, institutional and policy - for capacity development. Individual obviously entail training of personnel, institutions to restructure institutions to deliver what they must deliver, and the policy which gives the incentives and the government governance structure.

If these are not all there and if they are not coordinated and mutually compatible, there will be no capacity development even if one of these elements is missing and the water sector is a classic example of the missing coordination that we have. Capacity exists at the individual level, however, Pakistan's institutions are inadequate, and consequently, our policies and the resulting diplomacy is severely impaired. The common mistake is to orient Pakistan's diplomacy and its messaging efforts externally to the world at large outside, but equally important is to get messaging right internally to convince people of the situation and the remedies. The absence of convincing internal messaging easily falls prey to political, parochial and provincial stances based on complete misunderstanding of this complex situation. Pakistan should not stifle debate, but for that, debate must be grounded in some sort of correct messaging and reality. The inadequate internal messaging in this electronically connected world obviously leads to the lack of credibility when the country goes to the external level.

The need to integrate governance and diplomacy is important, but the current institutional system is completely fragmented and too many institutions exist with overlapping mandates which all pull in different directions, and which compounds the confusion. Moreover, under such conditions, it is impossible to nurture institutional memory, and that is why Pakistan is reactive

because memory fails. This disparate situation needs to be reined in to allow for a unified integrated approach and this will also address the issue of misleading mixed messaging.

Due to the importance of hydropower in Pakistan's energy mix it is counterproductive to separate water and energy. At one stage, the Ministry of Energy was formed which integrated the Ministry of Petroleum and Natural Resources with the Ministry of Water and Power which was a positive step. But shortly after that, the hydropower was then transferred to a new Ministry of Water resource which is a retrograde step. One step forward two steps back is something which Pakistan had to contend with.

Another key element in promoting sound water diplomacy is to recognise that this is a complex subject involving a sound understanding of the basin itself. In practical terms, this involves the formation of a highly professional group with requisite specialisation within an integrated ministry, and the group should be charged with continually studying the basin to tackle the emerging problems and to determine tactics and strategies. In other words, a proactive approach rather than the current reactive attitude, which results in too little too late. This group of course must have access to the top policy levels and its technical recommendations must not be second guessed by senior policymakers, but rather embodied in the diplomacy that emerges.

Whatever Pakistan's practical and political differences with India, it is worth examining how India tackles the problem because they have the upper hand. At one level of course they have their international political clout to achieve a position in which even their wrongdoings with respect to the IWT are overlooked or even supported by the powers that be. While Pakistan cannot practically achieve this level of clout, it does have the ability to expose the wrongdoings if it is able to make its case professionally and clearly. At other levels India has focused on enhancing its capacity based on a coordinated excellence at the individual level, within its institutions and its policy framework, very much in line with what the WB study found across the world in the 40 countries which have graduated from developing to developed countries. India also has a unified water engineering service, supported by a panel of national and international experts which informs the dialogue and messaging both internally and externally, and it has established commissions charged with planning an implementation based on tasked targets which have to be achieved. All this is under a steering committee headed by the Prime

Minister and clearly this forms the recommendations which are embodied in what India does. So, in short, India has adopted the proactive approach, built its capacity, coordinated at the three essential levels and instituted a structure at the policy level which allows technical recommendations to have access to the top. In conclusion, Pakistan has the blueprint in stemming and even reversing the aggressive initiatives taken by the Indian water diplomacy. Pakistan is in a precarious position and the time to act is now so that the country can attain a position to eventually invoke article 12.

Mr. Sheikh was of the opinion that instead of becoming prisoners of IWT, there is a need to have a fresh look and need to look forward. No one has or will argue to abandon the treaty, it has served Pakistan well if not perfectly well. The challenge for Pakistan is to re-envision Indus and its governance cannot be forever held prisoner to the past. Water demand and consumption pattern in Pakistan is not sustainable and by 2047 will be four times over, and because of CC, water availability will be uncertain at best but reduced in most projections.

So, there is an argument for increasing efficiency four times over. Internal management of water is intrinsically linked to external water relations and if that is the case, then lower riparian or upper riparian states do not have intrinsic rights anymore in the contemporary world. The world is moving increasingly towards an argument that is based on efficiency as an economic resource or as an environmental driving for the lower riparian or the users and stakeholders of water. Therefore, solution to Pakistan's original water challenges lies in its internal water reforms on the one hand, and treating water as an economic commodity more than other resource that everybody has the right to abuse.

By commodity, one is reminded by the first agreement that Pakistan had with India soon after partition, the standstill agreement, probably it was not implemented but at least Pakistan agreed to pay a certain amount to get water flowing and that is a particularly good basis for both countries to envision relationship on water in future. Another important point is that basins have their own life, rivers right to life needs to be respected be it in India or be it in Pakistan. When their right to integrity, health and life is compromised, worst victims will be lower riparian, so be subservient to basin rights and basin integrant. While India is sovereign to make any number of dams it wishes to, and it may be very menacing or threatening for Pakistan, but constructing this

kind of infrastructure upstream will make the ecosystem not liveable in the coming decades. A lot of it can already be seen, but it will get worse, so therefore, the sovereignty of subservient to ecosystem.

In terms of water diplomacy, the centrepiece is Kashmir, but it needs to be water, and water needs to be a standing agenda item in Pakistan's bilateral relations with all its friends and partners particularly water neighbours. If Afghanistan and Iran can negotiate water over Helmand for over 100 years, Pakistan also need to have water relations with Afghanistan. If Pakistan is getting 15-to-18-million-acre feet from Afghanistan as pre-monsoon water and that is subject to CCs and heat waves upstream, there is a need to have strong water relationship, and the offer for such is on the table since 2016. China is losing glaciers at the rate of at least one Hong Kong a year, the demand of Indus water is growing in China as well, so it is becoming a very large player and Pakistan needs to think of how to handle that relationship. In this regard, a thing to also add is that some global important partners of Pakistan such as the EU, UK, US and Australia or the Dutch have significant experiences of water globally, and water also needs to be part of Pakistan's negotiations of diplomacy with them as a standing agenda item.

The new contemporary issues are not covered by IWT even though it has been underutilised, under-interpreted and underexplored treaty in several articles, yet India Pakistan water relations are bigger than IWT. Issues of CC, issues of pollution in water bodies, issues of aquifer flows, issues of cloud bursts and downstream flooding, defining the upper Indus basin and the glacier melt that have cross border bearing, early warning systems, the list is exceedingly long, and for all these reasons Pakistan's water diplomacy must be bigger than IWT. Water is too important an issue to be relegated to engineers and lawyers, there is need to have a fresh perspective that looks at water differently. While Pakistan engages actively on diplomacy it does not need to shy away from global engagement on water, and that is particularly important component for the country to build its social capital and soft power and its absence will result in Pakistan's further isolation.

Mr. Naqvi started of saying that firstly there can be a discussion on adding additional protocols to the IWT, but reopening it or renegotiating it should not be up for discussion. Secondly, the IWT is in jeopardy, but it is not in jeopardy primarily because of Indian aggression. It is in jeopardy because of Pakistan's own slackness and because of the wrong choices that it has made

in terms of legal strategy, it is an entirely self-inflicted problem. Thirdly, the IWT is at least a known problem with known solutions, it is a question of applying oneself to them. The much bigger issue is in terms of Pakistan's relations with Afghanistan.

Going back to the first point, people underestimate the depth of old resentments and if one looks at the history, for example, Sindh and Punjab water relations going back to 1904 and at every stage even though you have two provinces which are next to each other and there is a shared population. Subsequently, they are part of the same country, yet there is a huge amount of resentment. Currently, the 1992 water accord is in massive jeopardy because the two provinces cannot even agree how to interpret a document signed through consensus back in 1992 and because no actual steps have been taken.

This is even worse at the international level so where there is a lack of trust at the domestic level this is exacerbated at the international level and with all due respect to the International Convention on non-navigable uses of water courses. At the end of the day, international law is basically fluff, power is what counts and because India is the upper riparian Pakistan will wind up in a terrible situation if it reopens its arrangements right now and will go back to April 1, 1948 when India cut-off water flows to Pakistan. What recourse did Pakistan have at that point? The standstill arrangement was Pakistan's position, and this was acceded to essentially because there was a gun to its head, and this was its position during negotiations later, and it was only signed because of coercion but was not bound by it and its arguments were based on international law subsequently. But right now, Pakistan has a confirmed mechanism which allows it to hold India to certain standards, to have them implemented through dispute resolution provisions. If one goes back to general provisions of international law, you can write whatever you want, at the end of the day that would mean nothing without a mechanism to have this implemented. There are issues, CC, sedimentation all sorts of issues those can form the basis of additional discussions, but the IWT itself should be left alone. This is a perfect example of where the best of what people think is very much the enemy of the good which is what Pakistan has.

Going back to the second point, the IWT is in jeopardy, it is in jeopardy not because of Indian aggression. The Indians have a standard design which they implement, and that design is combined with their plans to have a multitude of dams on the western rivers, the rivers which

come to Pakistan can cause problems, but Pakistan has legal solutions to them. The reason why Pakistan is stuck in this Court of Arbitration versus neutral expert sort of deadlock is because it placed itself there. This is not only contrary to the treaty, but is contrary to Pakistan's own position as stated before the Court of Arbitration on Kishanganga. Pakistan should not be doing this, the problem is and this is something that you see from the history of the IWT, that because there are any number of articles and sort of heartrending books written by people associated with the process that the country has lost its rivers.

Having taken a bad decision now in relation to the neutral expert, Pakistan is unwilling for anybody to take a reasonable decision to get back to a place where it can make the treaty operational. At the end of the day, India may have structured themselves better but there was not really anything more consequential which came out of it. In Baglihar for example, the Indian secretary of water conceded at the end that if he had technical knowledge of what the consequences of sedimentation would have been, this project would never have been approved. Pakistan needs to be better organised, and this used to happen. The Indus Water Commission has wonderful archives and if one goes through them, one will find a lot of useful things. The National Security Division is looking at this, but this is something that needs to be explored more. The release that Pakistan got for Kishanganga was partially for environmental research.

Going back to the final point about Afghanistan, the IWT is now a framework, it has flaws, it has benefits, but it is a known framework one can tinker with or can add onto it but overall, those metrics are sort of settled, those parameters are settled. Afghanistan is a much bigger issue, there is so much more imprecision, there is a multiplicity of possibilities, there is uncertainty on how Afghanistan is going to develop and how things will go forward, and this in terms of diplomacy is where Pakistan needs to focus.

Q. What are the specific diplomatic tools that can be used to promote climate and water diplomacy in South Asia?

Ambassador Kakakhel replied that diplomatic tools essentially comprise a set of declarations, agreements as well as institutions which translates the objectives envisioned in the statements and agreements into tangible actions. In the case of South Asia, SAARC has never discussed transboundary issues most likely because of the opposition of the water hegemon that is India.

So, there is no regional statement on transboundary waters, but there are institutions that have been developed over the years, as far back as 1982 there was the South Asia Co-operative Environment Programme (SACEP), it is an inter-governmental mechanism located in Colombo, very few Pakistanis know about it. The second is Ministers of Environment South Asia, since 1990 they have met at least 10 times and come up with plans of action on all issues. But these institutions have unfortunately become dysfunctional because of the dysfunctional relationship between the two largest countries, Pakistan and India. As far as water is concerned, both bilaterally and otherwise, Pakistan needs to delink water and CC from the overall political situation of South Asia because if you mix it with the political agenda, the politicisation of water or the securitisation of water is an extremely dangerous thing. Water is a natural resource which should be managed prudently, and in the case of shared rivers there is a need to go for a basin wide approach rather than dividing as has been done in the case of IWT.

The civil society organisations need to be allowed to meet as over the past few years these linkages between South Asian countries have become fewer because of visa restrictions and other problems. Pending a more formal institutionalised cooperation, the government should at least allow civil society organisations to resume their consultations on issues of CC and the issues of water and they will be extremely useful discussions. Experts find it easier to discuss and to find agreement on water issues compared to diplomats who must follow a brief on what to do and not do. South Asia is already one of the least integrated and cooperated regions in the world and civil society linkages need to be established and strengthened in the region to talk on these issues.

Q. What institutional improvements would you suggest for Pakistan to pursue successful regional water diplomacy?

Mr. Mehmood said that there was an initiative from the WB called South Asia Water Initiative (SAWI), but from experience all these regional initiatives, their conferences, their meetings like inviting people from different organisations, they come together, they talk good things, and then they go home and then there are political overtones and so on and so forth, so nothing comes out. Pakistan needs a central body called regional cooperation body or transboundary organisation which can take the initiatives on its own. Whereas the SAWI and SAARC can be the target, but that should not be the only target Pakistan should try to focus and illuminate the rest of the world

community about what it is thinking about, and for that one has known what is required from such institutions. The aforementioned organisation need to have a horizon in knowledge of what is happening in the rest of the world, in other basins, and what are the legal aspects, and know how to negotiate, how to project, how to communicate in not only SAARC or SAWI, but also with the big players in the world. The central body would also need some financing support, to outsource work to experts and civil society organisations and even academia.

Pakistan should take that leadership role and be proactive and for that purpose Pakistan needs to have a central body that should focus on developing the transboundary vision and envision a new water diplomacy. It is extremely important to persuade the governments to also allocate some resources for this body. Also, there is a need to talk about issues and management which can bring Pakistan in the regional forum as a leader, like what are the problems in the region like disasters, floods, siltation and so on. So, if Pakistan can take on these issues and try to project and communicate its views about organisations of data initiatives, it will cut some ice and once the country begins to be in a leadership position then SAWI and SAARC will also begin to be more on Pakistan's side.

Furthermore, the UN has also created a United Nations University at some campuses in some parts of the world. If Pakistan has a central organisation, it can position itself and say Pakistan is doing all these works it might be able to attract either UN money or UN campus in Pakistan. Also, in local universities for instance, government can establish chairs where specific things are focused on and where specific items are discussed and think pieces are produced. That is the initiative that Pakistan should know otherwise Pakistani experts will go to conferences and come back and they become busy in some other things so that is the way to go forward.

Q. Can a policy that ignores non-IWT sources of water be perilous for Pakistan's security and economy?

Mr. Alahdad, stated that Pakistan still needs IWT, it should not be renegotiated but reopened to see what can be added and subtracted as far as the broad picture of the IWT is concerned. It is a treaty which has lasted through lots of trials and tribulations so let us not break something rather fix it. But as far as sources are concerned, there are very many but the main issue is of course efficiency. Requirement to enhance efficiency in the coming years by a factor of four is extremely

important as the wastage levels is of 60 to 70% in Pakistan which is inexcusable. The groundwater in Pakistan is a huge resource which in some areas is being drained without any regulation. Islamabad is a case in point where the water table is dropping, people in residential areas are putting in these submersible pumps which are pulling out the water, and there is no charge for any of this. Water needs to be treated as a commodity not just as a resource and pay for it.

Also, control the population because that is one of the big things which is hampering Pakistan in not just consumption of water, but in every other aspect of economy. And then of course, strengthen the treaties that Pakistan has by renegotiating them. There is still need for the right institutional structures at the policy level to be able to do what India has done. It is noticeably clear on how India has blatantly disregarded the IWT and other water pacts, but it is the day of power not of adhering to legal commitments that may have been made.

There is a need to have a comprehensive approach towards water in the future. Pakistan is being affected by CC but at the same time it is wasting the water, not utilising the groundwater under any plausible or any actual regulation. The pricing of water is skewed as water is not being treated as a commodity. A comprehensive approach in putting all these together would be an answer, and in institutional terms the Indian model is a good example to follow, then Pakistan would not be jeopardising itself but improving itself.

Q. What are the emerging trends in water diplomacy and what are the key opportunities that transboundary cooperative water diplomacy can foster?

Mr. Sheikh's reply was that water security is not a function of water quantity, it is a function of equity in its distribution and management. Pakistan is not a water scarce country, it has more per capita water than India, Afghanistan, Iran, China or for that matter Germany. It is not correct to say that Islamabad's groundwater pricing will solve the problem whereas as one knows that 95% water used in the agriculture sector is free. There is no water tax and pricing and unless that is done Pakistan cannot do cost recovery and unless it does the cost recovery, it cannot improve the management and then there will be greater demand for the government to construct reservoirs with taxpayer's money to again give free water to prosperous farmers and that is not a logic that is very sustainable. Global trend is to have water efficiency and pricing which is a dominant

paradigm. Secondly, there is no political will to make Pakistan water secure country, a country where more than 50% residents do not have clean water access or portable water access, meaning that the priorities lie somewhere else.

An important question is that is it possible for Pakistan to envision the principle followed by environmentalists' forums about shared but differentiated responsibility can also be applied in the ecosystem context on transboundary waters? Now any sovereign nation will have right to construct whatever reservoirs it wishes to, but where is the principle of shared but differentiated responsibility to ensure that the ecosystem is protected. The second thing is that it is especially important to see how countries negotiate filling of dams and releasing water during season and off season. Filling up dams is becoming a global issue, it is not only a national issue. The last point is nobody wants to undo IWT at this point having said that, no treaty is the only instrument to determine relationship with the country. Water relations need to be autonomous with India and they need not be subservient to existing political relationship and therefore water need to be on agenda item a bilateral agenda item autonomously. If the IWT had not been relegated to the engineers, instead if there were hydrologist, agriculturalist, economist, sociologists and others, Pakistan would have found better solution to some of problems that the country is facing today. The submission is for Pakistan to revisit some of its own mind-set and things that are making it prisoners of the past.

Q. Why has IWT not be able to prevent hydro-hegemony?

Mr. Naqvi stated that on April 1, 1948, India shut off water but since 1960, there is not one instance where India has shut off Pakistan's water. In Pakistan, there is a lot of talk about hydro hegemony and India abusing the powers under the IWT, but frankly, Pakistan's disputes with India are extremely limited. At the end of the day, there is talk of one major technical issue which is to say can India provide for low level outlets when they do not have any additional substantive benefits in terms of sediment control. That question as and when it is adjudicated, will pretty much resolve all the issues. The rest of the issues which have arisen in Baghliar and Kishanganga are minor. The legal issues stand settled. So it provides Pakistan with continued flows, it provides it with strong limitations on design, it provides it with advanced notice, it provides it with a mechanism for discussion. What would Pakistan get when it talks about

preventing hydro-hegemony? Yes, if they have a sequence of projects they can interfere with the flows, but if Pakistan is able to win its point in relation to low level outlets, the consequential sedimentation of Indian projects will force them to adopt different designs and Pakistan will be okay in that regard even otherwise.

As discussed earlier, the actual consequences in terms of flows is significant, but Pakistan does not know how significant so far. This has not really happened and that's entirely because India has been taking the designs that it has adopted for example, in relation to the Nepal side and applying them to Pakistan without any real application of mind, without any way of trying to figure out how to deal with sediment given treaty constraints. Salal died because it was a badly designed project, when Pakistan wins the second half of Kishanganga, India will be forced to change their designs as well because sediment will be such a big problem. That is a huge amount of protection as Pakistan water flows have never been disturbed since IWT and gets 80% of the water flows of the Indus basin. So again the question, what more Pakistan wants from IWT?

Q. What legal discourse can Pakistan follow apart from the IWT, to address its water security concerns vis a vis illegal Indian reservoir building?

Mr. Naqvi was of the view that in the case of illegal Indian reservoirs, Pakistan objections in that matter are entirely governed by the IWT and Pakistan cannot go outside that. In fact if it were to go outside that, it would hurt its position because the rights that Pakistan is asserting are treaty rights, so it cannot exert treaty rights by going outside them. If Pakistan wants to go back to general principles of international law, the most that it could do is complain about Indian malfeasance, but it would not get Pakistan far. Pakistan has been complaining about Indian malfeasance for example, in Kashmir, for many years and it has a strong position which it highlights. But Pakistan cannot force India to budge that way because they are militarily stronger than Pakistan. So, within the treaty, insofar as India-Pakistan water issues are concerned in relation to the Indus basin, those are governed exhaustively by the treaty. Pakistan can try and highlight aspects of the treaty which for example, or aspects of the water flows which have not been mentioned for example the environmental consequences of diversion which India has done. But by and large, Pakistan have treaty rights and it needs to assert them under the treaty because that is the only way it can get them enforced.

Chairman BOG ISSI, Ambassador Khalid Mahmood, in his concluding remarks said that the importance of water cannot be understated, it is essential for life along with food and energy, and in fact this right to water has been now been internationally recognised. The world is facing water crisis because it is becoming a scarce commodity due to burgeoning population, urbanization, wasteful use in agriculture and industry, pollution, environmental degradation, CC causing receding glaciers.

Technologically, it is possible to check this overexploited use of water and deterioration in its quality through various means like recycling, desalination, but it is a very costly affair, according to one estimate, that to ensure universal access to clean water requires over \$100 billion per year. This of course is cheaper proposition than the cost of inaction, so the problem is not technical or hydrological, it is political and ethical. It is critical that action is carried out locally, regionally and at global levels in the normative, scientific and technical fields. In fact, a corpus of law in this field has already been developed, but the problem arises when the water basin is shared by more than one country, because here the issue of sovereignty and equitable allocation comes into play. Such situations are mostly dealt with bilaterally, although international law would be applicable even if there were no bilateral agreements in place.

Pakistan is in a vulnerable place in relations to water, and unlike India, is a single basin country and it is water stressed already. The solution to this problem was found through IWT. Despite its shortcomings, IWT is a good treaty and the proof of it is that it has survived wars, near war situations and various vicissitudes in Pakistan-India bilateral relations. Referring to its drawbacks one can see there is no mention of security aspects and linkage this problem has with Kashmir from where all the major rivers traverse, also, there are no provision regarding checking pollution, or common watershed management, depletion of underground waters, or provisions for how many dams upper riparian state can build.

Despite all these shortcomings, IWT has stood the test of time and notwithstanding Modi's blandishments that water and blood do not flow together, what is needed is to improve on it through the putting of some additional protocols. Bilaterally, this agreement is there between Pakistan and India and there is need for improvement, but little has been done at regional level. SAARC is a body which can address the water scarcity problem which all the member countries

will be facing if they have not already started to feel. Afghanistan is a new area for which earlier preparations to arrive at an agreement would be mutually beneficial for both.

The thinking now needs to be focused mostly on the green water i.e. how freshwater should be available because of course the blue water is useful, but what is more useful and important is how to ensure that green water is conserved. Secondly, Pakistan needs right messaging internally and externally and who can dispute that integrated approach is the best and that it should be based on deep study of Indus Basin. It is shared responsibility of both upper and lower riparian states because the upper riparian state is in a more advantageous position, but lower riparian state also has responsibilities in terms of conservation or storage or building dams. Pakistan has been rather slow in undertaking these responsibilities. In conclusion one can look at the statement of former UN Secretary General Kofi Annan who said that “the water problems facing our world need not be only a cause of tension; they can also be a catalyst for cooperation if we work together a secure and sustainable future can be ours.”

PICTURES OF THE EVENT

