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Global Insider: The India-Pakistan Water Dispute

KARI LIPSCHUTZ | BIO | 10 JUN 2010

Late last month, Pakistani extremists staged protests along the India-Pakistan border, rallying against what they called India's unfair use of the shared waters of the Indus River. In an e-mail interview, Harvard School of Public Health Professor and former World Bank Senior Water Advisor John Briscoe, explains the India-Pakistan water dispute.

WPR: What is the background of the water dispute in Kashmir?

John Briscoe: At partition in 1947, the line between India and Pakistan was drawn on religious grounds, paying no attention to hydrology. As a result, more than 85 percent of the irrigated area of the Punjab -- the breadbasket of the subcontinent -- was included in Pakistan, while the headwaters of the Punjab rivers were in what subsequently became Indian-held Kashmir.

In international law there are two conflicting principles pertaining to the sharing of international waters. India claimed 24 percent of the rivers' flow, based on the "principle of equitable utilization," while Pakistan argued that India should get 12 percent of the flows, based on the "principle of no appreciable harm."

WPR: What mechanisms are in place to mitigate conflict?

Briscoe: In 1960, after 10 years of negotiations under the auspices of the World Bank, the Indus Waters Treaty was signed by Indian Prime Minister Jawaharlal Nehru, Pakistani President Ayub Khan and, for certain specified purposes, the World Bank. The treaty assigned water use of the three eastern rivers (the Ravi, Beas and Sutlej) -- which comprise 19 percent of all water in the basin -- to India. Use of the three western rivers (Indus, Chenab and Jhelum) was assigned to Pakistan, with two provisos: a small allocation for consumptive use in Kashmir, and permission for India to tap the hydropower of the Pakistani rivers before they reach Pakistan (with specific conditions to ensure that India could not manipulate the quantity or timing of flows into Pakistan).

Among other components, the treaty also included a dispute-resolution mechanism that relies primarily on bilateral mechanisms, but provides clear external mechanisms if bilateral agreement is not reached.

The Indus Waters Treaty is widely and correctly considered to be the most important water treaty in the world, and has endured despite 50 years of hostility between India and Pakistan.

In recent years, India's growing portfolio of hydroelectric plants on the Indus, Chenab and Jhelum in Indian-held Kashmir, have put the treaty under unprecedented stress. In 2005, for the first time, the World Bank had to appoint a "Neutral Expert" to resolve a

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difference over the Baglihar Dam. While the water-sharing arrangements of the Treaty are sound, it is unlikely that the treaty will continue to be effective if the outdated dispute-resolution mechanisms are not modernized.

WPR: How significant an issue is this in broader India-Pakistan relations?

Briscoe: This issue is a core issue between India and Pakistan, for two reasons. First, the water issue is closely related to the unresolved issue of Kashmir and thus is difficult to separate from concerns of security and terrorism. Second, Pakistan is constructed around a single river basin, on which its economy, agriculture and energy depend. Almost all of the water in Pakistan is fully allocated and used, and comes from neighboring countries (primarily India, but also China and Afghanistan).

Within the parameters of the treaty, India could develop its hydropower without impacting Pakistan's water use. This could even be a benefit for Pakistan if India took into account Pakistan's interests in operating its hydropower plants. If relations between India and Pakistan were normal there would be few problems. But in the context of tense relations between the two countries, the already complex water issue has been both exacerbated by, and used to enflame, public opinion.

Both India and Pakistan have good reason to modernize the implementation of the treaty, with the ball mostly in India's court. Modernizing the treaty's dispute-resolution mechanism would not only take this explosive issue off the table, but it would be an important step in building more stable and peaceful relations between the two countries.

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