

Indus Water Treaty in the Backdrop of Climate Change and its Consequences

Climate change is the main driving force that shall affect global distribution of water in future. It has already effected water variation in some regions in the world including the Himalayan countries which face rapid decline in water reserves. This climate change-driven water variation is likely to affect transboundary water sharing treaties and agreements, and may force the water sharing nations either to conflict or cooperation policies. Great river systems emanating from huge glaciers in the Himalaya; the Brahmaputra, the Indus, the Sutlej, the Salween and the Mekong pass through 11 countries and nourish about 2 billion peoples in South Asia. Alone, the Indus River system feeds about half a billion people in North India and Pakistan. After the partition in 1948, India virtually imposed “Harmon Doctrine” propounded by the US and stopped waters of the Indus basin flowing into Pakistan. It was at the intervention of the World Bank who successfully mediated the Indus water Treaty (IWT) between the two countries in 1960. Pakistan had to be content with 80% waters of the three western rivers; the Indus, the Jehlum and the Chenab in accordance with the IWT. However, Pakistan faces upstream water control challenges and downstream distribution challenges. This long time but strained agreement over sharing water of the Indus River and its tributaries, flowing from Indian territories (Jammu, Kashmir and Ladakh) into Pakistan, has survived three wars and disputes for about six decades now. However, Pakistan feels that she is facing challenges brought about by climate change which were not anticipated at the time of negotiations for the IWT.

The dispute over Kashmir between India and Pakistan for more than seven decades is also linked with water security. Field Marshal Ayub Khan, the then President of Pakistan, was candid in stating Pakistan’s compulsions to capture Jammu and Kashmir to have physical control over the upper reaches of Indus basin for their maximum utilisation of water. Pakistan has been blaming India of violating the IWT by constructing dams over the rivers flowing into Pakistan from Kashmir. Construction of run of the river projects on western rivers by India has resulted in displacement of local populations, threat to downstream habitation and has adverse effect on water flows of lower riparian Pakistan. Water security, especially in South Asia, "has become a regional security threat particularly due to rapidly melting glaciers in the Himalaya. For Pakistan, the Indus waters are a lifeline: it serves as the primary source of freshwater for the country and supports 90

percent of its agricultural industry. The International Monetary Fund in a 2018 report ranked Pakistan third among the water stressed countries. India came close to terminate the IWT after Pakistani militants allegedly attacked on Indian army personnel in Kashmir in September 2016. If they were actually to terminate the IWT, it would have strained relations between the two countries and resulted in military conflict. During the 2019 elections, India vowed to tap on the western rivers to starve lower riparian Pakistan by increasing storage capacity of dams for hydropower, flood control and diversion of waters for agriculture as the ‘new national policy’.

As of now, instability in the Indo-Pak region and lack of regional integration and cooperation is a matter of great concern. The threat of war is largely looming in the region on account of Kashmir dispute, control on water resources including Siachen Glacier and, intra- and interstate water politics. Pakistan is worried about tapping of the western rivers by India as she had already used this weapon in 1948 which forced Pakistan to go for IWT. Unfortunately, thought process on these issues in New Delhi and Western powers is lacking particularly towards the unintended consequences of this strategy. In addition, the growing imbalance in India-Pakistan conventional defence capabilities has forced Pakistan to rely increasingly on the nuclear option to maintain credible deterrence. The unresolved disputes between India and Pakistan, especially Kashmir, and terrorist incidents and a threat of nuclear conflict are the greatest threat to international peace and security. National interests could be at stake for both the nations, if another war broke out, by design or accident between them. Nesbit, whose 2018 book 'This is the Way the World Ends' which has reference to the India-Pakistan water dispute, is of the opinion, “Water dispute between them has the potential to become the most deadly climate change-attributed conflict in the world”.

In spite of all this, the current strained relations between the two nations do not seem to change in near future but it is unlikely to result in military confrontation, either conventional or nuclear. However, it can result in new external alliances leading to further polarisation in Asia, and compromises on the internal choices of each country. China is a naturally poised decisive player in this gamut of international game plan. Even though, China is completely independent dent in its water requirements, but it has a problem of its unequal distribution. Almost 81% of its

water is in South China with only 19% in North China. When required, it will ruthlessly tap into resources which provide water to India, Kazakhstan, Laos and Cambodia. It has direct control over water availability to lower riparian countries. The right to use the water of a trans-border river involves a combination of 'de facto and de jure control' – control in fact and control in law. China has a strong hand by both the measures. The Helsinki Rules adopted in 1966, set forth the basic principle that countries are allowed to use the water which flows within their borders. Also rules were codified in the UN Convention on the Law of the Non-Navigational uses of International Water courses, which was adopted by the UN General Assembly in 1997 but has yet to go into force. China is neither a party nor a signatory to this treaty. The two countries (China and India) have faced four post-independence border conflicts—the 1962 Sino-Indian War, the 1967 Chola Incident, the 1987 Sino-Indian Skirmish, 2017 Doklam, 2020 Galwan Valley border conflict and asylum to Dalai Lama in India — which have left a legacy of mistrust between them.

China's policy on river waters is based on the Doctrine of Absolute Territorial Integrity (Harmon Doctrine). India itself is dependent on 34% water resources from China and, Bangladesh depends on India and China together accounting for 91% of its water requirements. Kashmir's 'location' and occupational relevance to Pakistan and China, has always been significant and has now become a driver in its own right as China is building the "China-Pakistan Economic Corridor (CPEC)" through the disputed territory of Jammu and Kashmir to reach West Asia and Africa. Also China-India has a long pending unsettled border dispute in Kashmir and Arunachal Pradesh. The issue of river waters compounds the situation, since Kashmir is either the source or conduit of the rivers emanating in China for both India and Pakistan. China being the upper riparian has hand on tap and can cut-off Indian access to water run-off from the glaciers in the Himalaya under its control. China has a time tested alliance with Pakistan since its birth and has always stood by them through thick and thin; this factor will restrict India from cutting off Pakistan's access to the Indus waters. China is watching the India-Pakistan water dispute quite closely and will act at an appropriate time conducive to them. So India may not aggressively venture to cut access to Pakistan on western rivers, as she knows, the same thing could

happen to her. In the existing scenario of border disputes, emerging water sharing disputes, impact of climate change, pressure of growing population and attendant problems, etc., South Asian Region shall continue to be a potential flash point for threat to international peace and security.

So it is time to make efforts for peace and regional cooperation rather than talk about nuclear spree. Water treaties and nuclear technologies could be used as deterrence from wars. The problems arising from water security need to be addressed in the form of trans-boundary and sub-regional cooperation. China and India have already institutional arrangements for cooperation on data-sharing to address climate change and related problems in the Himalayan and Tibetan regions. Keeping in view, the unprecedented heavy precipitation during the recent years causing devastating floods in South Asia, it is necessary to extend these arrangements to other countries in the region particularly to those sharing the trans-border waters. The speculation about China's plans to build dams at the Eastern Syntaxial Bend on the Yarlung Tsangpo River and India's River-Linking project are matters of concern, as they can reduce river flows in low season. Since the Himalayan region is prone to high seismicity, an earthquake of great magnitude, as predicted for this region, can damage dams and flood an entire region, causing devastation. Unfortunately, change of political camps has changed the mind of international institutions which follow America more than the Law of Natural Justice. The biggest challenge facing the South Asian region is the ecological crisis, with degradation of the environment and melting of the glaciers in the Himalaya. Its impact shall determine the region's future. Continuous dialogue on these issues among the South Asian leaders could change the chemistry of the relations among them. The attitude in climate change negotiations needs to be changed from "to extract the most from the other side while giving the least". Unless this mindset is changed, we can't make much headway in mitigation of the environmental issues which are bound to affect trans-border water treaties and agreements, and international security.

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