

**Indus Waters Treaty  
Human Security Vs. Military Security**

**Riyaz Punjabi\***

*[\*Professor Riyaz Punjabi, President (Hony.), International Centre for Peace Studies, New Delhi. He teaches in Centre for the Study of Social Systems, Jawaharlal Nehru University, New Delhi, India].*

**Introduction**

The assertion of civil society is prodding the governments the world over to accommodate the peoples' perceptions in the conduct of their international relations. It is well recognized, particularly in the present ongoing post-Cold War phase, that traditional perceptions tied to the politics of Cold-War period have to give way to the new approaches in international relations. These approaches are resulting in new cooperative mood of state behaviour. There is a growing consensus across the world that these approaches have to be centered towards peace and harmony between and among the peoples. Thus, this realization has introduced the concept of *human security* which is fast gaining currency and acclaim. It has resulted in the creation of a strong movement globally involving the people cutting across ideological differentiations and representing varied interests that *human security* should take precedence over *military security*. It is interesting to note that this movement has engaged the special attention of people who have actively participated in wars and witnessed horrors which wars inflict on the lives of the people. Therefore, the human security paradigm which focuses on the welfare of people and is directed towards realizing the goals of social and economic development deserves to be adopted as a basic doctrine in the conduct of relations between the states in South Asia. These states are beset with their own economic problems and an approach based on cooperation, friendship and goodwill holds the key to the alleviation of these problems. This is not to suggest that the disputes which arose due to different historical and political reasons do not exist between the South Asian states. However, the confrontationist postures, especially of the military nature, have not resulted in the resolution of any dispute or provided a solution to any contentious issue which has embittered the relations between these states. This is especially true about India and Pakistan. On the other hand, the negotiations and peaceful engagements have paid the dividends. Indus Waters Treaty of 1960 which regulates the waters which flow out of Indus basin and pass through India provides an illustration to the point.

**The Treaty**

It is interesting to note that the Treaty has survived three wars including the latest one in Kargil. The Tulbul Navigation Project which Pakistan describes as Wullar Barrage and Baglihar Power Project, to which Pakistan has been raising objections, fall within the Indus Waters Treaty. The Navigation Project and on which work has been stalled due to the objections from Pakistan has grave implications on the *human security* of the people of Jammu & Kashmir in general and the

valley of Kashmir in particular. The objections to Baglihar Power Project deserves the human security perspective of people of J&K to be taken into serious consideration.. Pakistan has been persistently raising objections to this project and has now announced that it would take the matter to the World Bank. Therefore, it is proposed that these issues should be addressed in the human security perspective, which is in tune with the prevalent thinking and approach.

The Indus Waters Treaty was signed in presence of World Bank officials in Karachi in September, 1960 by Jawaharlal Nehru, the Prime Minister of India, General Ayub Khan, President of Pakistan and W.A.B. Liff of the World Bank. [1]According to the Treaty (clause I), the waters of the three eastern rivers – the Ravi, the Beas and the Sutlej-would be available for unrestricted use by India, after a transition period. According to clause ii of the Treaty, the waters of the three western rivers – the Indus, the Jehlum and the Chenab would be allowed to flow for unrestricted use by Pakistan except for some limited use such as a) domestic use, b) non-consumptive use, c) agricultural use, d) generation of hydro-electric power (run-of-river-plants in Jammu & Kashmir). It is, in fact, *the run-of-the river hydro-electric* power projects in J&K which are perennially been objected to by Pakistan.

The fact remains that Indus Waters Treaty was concluded ignoring the genuine economic interests of J&K state. The state in general, and Kashmir Valley in particular has been severely suffering at the economic front, which has given rise to other social and political problems, due to the restrictions placed by the Treaty. The *raison detre* to conclude the Treaty was articulated by the then Prime Minister of India, Pandit Jawaharlal Nehru as [2]“we purchased a settlement, if you like; we purchased peace to that extent that it is good for both countries”. It is yet another matter that second Indo-Pakistan war broke out on Kashmir in 1965, just after five years when, the Indus-Waters Treaty, known as ‘Treaty of Peace’ had been concluded.

### **Jammu and Kashmir: A Brief Economic Profile**

The present demographic and socio-economic profile of the J&K state indicates that phenomenal changes have occurred in the state since 1960 when the Indus Waters Treaty was concluded between India and Pakistan. These changes have activated the people in the state to harness the resources from within which could be utilized towards the economic development of the state. And water constitutes the basic resource to realize this dream.

It is pertinent to point out that [3]the decadal variation of population growth in J&K state between 1961 and 2001 stands at 9.44 (1961) and 30.46 (2001). [4]The population rose from 3560976 persons in 1961 to 10069917 persons in 2001. [5]It is equally significant to note that the decadal variation in the growth of rural population in J&K stands at 6.12 (1961) and 60.03 (2001). Thus, it is not difficult to comprehend the rising demands and rising expectation levels of this growing population on the resources of the state. The phenomenal urbanization has compounded the problem further.

[6]Agriculture is the predominant sector in the economy of J&K state and it supports about 80 per cent of the population and contributes nearly 60 percent to the state revenue. Ironically, the massive land reforms of 1951 which gave land to tiller, an unprecedented initiative in the entire South Asia, should have ushered the state towards a green revolution, which did not happen. In

absence of facilities of irrigation and hydro-electricity, the production of food grains and fruits has not been encouraging. It is equally amazing that the growing decline of this production has resulted in a situation in which Kashmir valley is producing a little less than half of the production in comparison to Jammu. Of course, climatic condition in which Kashmir Valley faces a temperature of below 0-degree Celsius for three months in a year is an additional factor. Thus, in case of Kashmir, there was a shift from agriculture to horticulture. However, the fruit production posed the new challenge of transportation of fruit to big markets, particularly outside the Valley. The Sopore town, about 25 KM away from Srinagar, which is famous for its apple production provides an illustration to the point. The construction of Tulbul Navigation Project which would maintain the water level of Wullar lake during winter, would resolve the problem, because the lake would provide an alternative navigable route of transportation from this district to the capital district of Kashmir, Srinagar. The Navigation project could also maintain the levels of water required for Uri Hydel project. Its generating capacity is reduced to half during the winter months due to low levels of water. Moreover, the lake which is gradually losing its luster would be reinvigorated with a continuous water level.

The state continues to remain industrially backward. It is interesting to note that State Development Report on Jammu and Kashmir, brought out by the Planning Commission, Government of India points out that [7]the Industrial backwardness of the state is reflected by the fact that the consumption of electricity is as low as 460 KWH. However, the report is discreetly silent about the status of supply of electricity in the state. In the near future IT revolution is not going to have any impact on the state. For the reasons of brevity, this writer is not going to touch other aspects of economic problems of the state which arise due to shortage of electricity. However, this situation has a grave impact on the living conditions during winter seasons in Kashmir and Ladakh and in summer in Jammu province.

In a quest to reassess its potential for economic development, inspite 70% grants and 30% loans coming from the Centre, the state has been facing the revenue deficits perennially. Thus, the state has been looking for fresh initiatives. In this quest, the predominant view in the state remains to exploit the available natural resources of water. Thus, Indus Waters Treaty is perceived as 'discriminatory' to J&K state. This perception is reflected in the local media in Kashmir from time to time. It is for the first time that J&K state Legislative Assembly adopted a resolution in April, 2002, endorsed by all the political parties calling for a review of the Treaty. It may be pointed out that for a long time, a perception was built that Kashmir being a hilly area, large scale industrial development was not possible. The fact that in view of its abundant water resources, generating the hydro-electricity could itself be an industry was underplayed. The other national perception that J&K state was receiving a preferential financial treatment from the Centre over the other states also prevailed creating misunderstandings at different levels. Little attention was paid to the losses the J&K was incurring due to Indus-Waters Treaty in realizing its economic and developmental potential.

The J&K state government's modest claim places [8]the hydel power potential of the state to 15,000 MWs, although the Centre for Monitoring Indian Economy (CMIE) reported it to have the potential of generating 7487 MWs. However, the run-of-the-river only restriction under the Treaty makes the projects costly and hence are avoided. According to CMIE report the state has a potential of contributing [9]percent to the total hydel power potential of the country. However,

9the state's contribution remains only 0.9 percent of the hydel power generated in the country. In view of the restrictions placed on the use of water resources in J&K by the Treaty, even the run-of-the-river projects have faced tremendous hostility from Pakistan. The Uri Hydel Project, Sallal, Baglihar, Kishenganga hydro-electric power projects and Tulbul Navigation Project have been subjected to the objections and restrictions by Pakistan. Some of these projects have been trimmed and tailored to accommodate Pakistan's position thereby reducing their capacity to generate electricity and the work on some other projects has been stalled. The state as well as the Union government of India is now under tremendous public pressure from J&K to make these projects functional.

The Tulbul Navigation Project, which has a great relevance to the eco-system of Kashmir, has once again brought the fractious potential of Indus Waters Treaty to the fore. That the resolution of this 'dispute' could be brought about through mutual negotiations became clear when both the sides agreed on a draft agreement in October, 1991. This draft agreement was finalized after India agreed to accommodate the objections from Pakistan. However, the draft is awaiting an "approval by Cabinet in Pakistan" for the last fourteen years. In the meantime, many governments have come and gone in both the countries. Later, Pakistan tied the agreement to abandoning Ksihanganga Hydel Project in Kashmir, which if actually abandoned would push that area economically backwards by at least one hundred years. In sum, in both the cases, stalling of Tulbul Navigation Project as well as abandoning Kishanganga Hydel project, Kashmir is bound to suffer economically. It may be pointed out that the estimated cost of Tulbul Navigation Project was Rs. 29.78 crore in 1984 when it was started. By October, 1987 when the work on the project was stopped due to the objections from Pakistan, 30 percent work had been completed. According to present cost escalation, Rs. 116 crore would be required to complete the project.

The latest row over Baglihar hydro-electric power project has come as a new challenge to the development projects in J&K state. [10]According to a political commentator of a popular weekly in Kashmir: "What is much disappointing for the people of Kashmir is the fact that unlike Sallal Power Project, this (Baglihar) project is in the state sector and when completed, the 450 Mw electricity generated would be available to the state. Pakistan objects to the design of the project and wants it to be changed. According to experts, if the changes demanded by Pakistan are affected, the project will be able to generate hardly 150 Mw instead of 450 Mw. So the great loss would be that of Kashmir." The commentator further writes: "The truth is that the Treaty has become a major hurdle in the development of Kashmir. Because of the Treaty, Kashmir is unable to utilize its water resources properly and benefit from that.... It is the worst example of exploitation and oppression that a Treaty has been concluded ignoring the interests of the people of the state. The people living on the banks of these rivers were not even consulted..."

It may be pointed out that Baglihar is the first power project carried out by the state government itself. According to media reports, [11]"the state has so far invested a whopping Rs 1600 crore equity in the Rs 4000 crore first phase 450 Mw project. With Rs 630 crore contribution coming in the shape of grants from the Centre, the total investment in the project has gone to Rs 2230 crore. For mobilizing the rest amount of Rs 1770 crore, State Power Development Corporation has signed an agreement with a consortium comprising nine large financial institutions in the country." The media reports conclude: [12]"Informed sources in the government say that if the

work on the project is stopped, state would suffer unbearable losses. It is not only that the power generation would get delayed, the interest accruing on account of the loans would grow considerably posing grave financial problems to the state....”

## **The Approaches**

Two approaches may be adopted in dealing with the water issues within the framework of Indus Waters Treaty. One, which Pakistan is persistently following, is a legalistic one . This approach, in view of the 1991 draft agreement on Tulbul Navigation Project, has the scope to resolve the disputes bilaterally. However, this approach should not be used to secure the victories on other fronts of realizing national self interest. The costs of depriving the people of Kashmir by abandoning Kishenganga Hydel project or stalling the work on Tulbul Navigation Project need to be estimated from a humanitarian angle. It needs to be recognized that there is an urgency in changing the mind-sets which would bring about modifications in the state behaviour. For instance, on the Tulbul Navigation Project, Pakistan’s Institute of Strategic Studies articulates the state’s apprehension in these words: [13]“It (Tulbul Navigation Project) would give India a strategic edge during a military confrontation enabling it to control the mobility and retreat of Pakistani troops and enhancing the maneuverability of Indian troops”. In this connection, hawks in Pakistan refer to the failure of India in crossing BRB link Canal in Lahore in 1965 war due to the Canal’s full swing flow. These apprehensions do not hold ground for three reasons. Firstly, the strategic situation in South Asia changed when India and Pakistan, both, exploded the nuclear bombs. Secondly, there is no evidence that India has used the flow of waters as a strategic weapon against Pakistan. Thirdly, Indus Waters Treaty has survived the three wars.

The second approach, which is in tune with the latest international opinion, should be based on *human security* perspective. This approach, apart from alleviating tremendous economic hardships in J&K state, which have been augmented due to Indus Waters Treaty, has the scope to generate good will in which the resolution of other problems becomes easier. Moreover, this approach incorporates Helisinki Rules, which provide the equitable utilization of international drainage basin by taking into account economic and social needs of each basin state and population dependent on the waters of the basin. Moreover, this approach is not going to adversely effect the interests of Pakistan. During the negotiations on Tulbul Navigation project, it was pointed out that the 90 percent of the potential of the project would be beneficial to Pakistan, as it would regulate the supply to Mangla Dam in Pakistan Occupied Kashmir (PoK), which would increase Pakistan’s capacity of power generation at Mangla as well as regulate the irrigation network in the Pakistani Punjab through the triple canal system.

## **Conclusion**

The water issues have not remained contentious issues merely between the states, but these are equally arising within the states creating intra-state tensions. Cauvery waters dispute between the state of Karnataka and Tamil Nadu in India, and Kalabagh Dam issue between Punjab and Sindh in Pakistan provide illustrations to the point. In the same vein, the complaint of the people living in Muzaffarabad in PoK that the benefits of Mangla Dam, which uprooted millions of people from Mirpur, are being garnered by people from east Punjab in Pakistan indicates the surge of assertion of the local people on their indigenous natural resources. There have been strong protests in Muzaffarabad on the proposal of raising the height of Mangla Dam recently.

There is a growing resentment on the consequences of Indus Waters Treaty in J&K on its economy. Before this resentment is shared by mainstream Indian society, it is appropriate to handle the treaty from a *human security* perspective. After all, Jawaharlal Nehru, while accepting the proposal of Indus Waters Treaty had written to the President of World Bank, that Bank authorities would deal with the requirements of Jammu and Kashmir. These requirements may be kept in view in dealing with the water issues between the two countries.

### Endnotes

1. Gulati, N.D., *Indus Water Treaty: An Exercise in International Mediation*, Bombay, Allied, 1973, pp. 373-410.
2. *Indian Express*, December 1, 1960.
3. State Development Report, Jammu and Kashmir, *Planning Commission*, Government of India, New Delhi, September, 2003, p.24
4. Ibid.
5. State Development Report; op.cit. p.28.
6. State Development Report, p. 51.
7. State Development Report, p. 44.
8. Dost Mohd. & A. S. Bhat, *Problems of Power Sector Development*, in “Towards Understanding the Kashmir Crisis”, Sri Prakash and G. M. Shah (Ed.) New Delhi, 2002, p. 175.
9. Ibid.
10. *Weekly Chattan*, Srinagar, Kashmir, 17-30 January, 2005.
11. *Greater Kashmir*, Srinagar, Kashmir, January 11, 2005.
12. Ibid.
13. Ranjit Devraj, “Pak objects on Strategic grounds”, *Asia Times*, May 29, 2003.