

Indus Waters Treaty

(The View from Pakistan)

Baglihar Should Not Upset the Applecart

“After months of mutual bickering over the Baglihar Dam in Kashmir, Pakistan has gone to the World Bank for arbitration. Islamabad thinks that the Indus Waters Treaty of 1960 allows it to seek arbitration from the World Bank in case the two sides cannot resolve any matter bilaterally. India on the other hand maintains that Pakistan did not exhaust the bilateral channel and had no good reason to seek arbitration. According to the Indian spokesperson, things were actually moving to a convergence of views when Pakistan broke off and decided to go for arbitration”, reports Lahore based Daily Times (20/01).

Excerpts

Pakistan thinks the dam will restrict the flow of water to Pakistan:

“This looks ominous. As the two square off on yet another bilateral “non-core” issue, public opinion in Pakistan is being regaled to extremely negative interpretations of the Indian action. The dam was planned in 1992 when Pakistan objected to it and wanted to be shown its structural plans. India ignored the complaint and began construction in 2000, and the dam is well on its way in 2005. Pakistan thinks its fears were justified because the dam was taking away more of the water of the Pakistan-allocated Chenab river than was allowed by the Treaty. This month, the bilateral talks have broken down and Pakistan has formally gone to the World Bank under Article 9-2(a) of the Indus Treaty”.

The failure to reach an agreement on Baglihar has generated negative publicity:

“In Pakistan the popular opinion has been in favour of normalisation of relations with India. Everybody agrees that the “core” issue of Kashmir will take a long time in resolution, but the “non-core” issues could be tackled quickly to build up mutual confidence. But it now seems that the two sides are getting stuck even on the non-core issues, which impedes the other non-controversial advances in the sector of communications. More and more Pakistanis on TV talk shows are now sounding disheartened by the negative publicity that issues like Baglihar are generating. Unless India and Pakistan change their modus operandi the process is not going to go too far”.

For Pakistan, the use of the waters of Chenab is its exclusive privilege:

“Islamabad maintains that under the Treaty, the use of Chenab water is its exclusive privilege and a “big dam” on the river is against the letter and spirit of the Treaty which otherwise does allow India rights to utilisation of the river water for consumptive (irrigation), non-consumptive (navigation) and power projects with “serious limitations”. But the two sides cannot agree on this point. India has been too tough in the talks and is seen in Pakistan as being unreasonable after it declined to accept the Iranian gas pipeline deal and went for liquefied natural gas carried by container ships. On the other side, the Indian public is not really concerned about the rights and wrongs of the matter. The top news there the same day was not Baglihar but reports of shooting across the Line of Control in Kashmir from the Pakistani side”.

Both countries have adopted a path that will destroy the good feeling created so far:

“Pakistan says it will not relent from its reference to the World Bank unless India “immediately halts construction of the project, shares technical details of the dam and work schedule, and evolves a mechanism for resolution of the dispute”. Meanwhile, the Indian side may be expected to rely on the blanks left in the Indus Treaty about exactly how the process of arbitration will proceed. Needless to say both have embarked on a course that will serve to destroy the good feeling created last year when the two began to loosen up bilaterally”.

People in favour of progress in peace process:

“People in both countries were looking forward to the resumption of normal two-way travel and ultimately to some kind of economic integration that would prevent war and improve their lives. That is why it is time even now to draw back from the brink and give each other more time on the resolution of issues. India’s foreign minister Natwar Singh should offer some relief and the forthcoming meeting between the two prime ministers at the SAARC summit should break the clinch before the whole edifice of peace is seriously jeopardised. Fortunately, Pakistan’s prime minister, Shaukat Aziz, has said differences over Baglihar will not be allowed to adversely affect the normalisation process”.

(Courtesy: Daily Times, Lahore, Pakistan, January 20, 2004)