**Indus Waters Treaty under threat: Part - III**

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Wednesday, Mar 15, 2023

Pakistan’s rejection of the Indian government’s call for negotiations – on modifying the Indus Waters Treaty (IWT) – made on January 25 through the Indus Commission was fully justified.

The treaty, comprising twelve short articles and eight long annexes elaborating the key features of the agreement, had been finalized over nearly six years of painstaking negotiations backstopped by competent Indian and Pakistani experts and hydrologists commissioned by the World Bank. The jewel in the IWT’s crown is the dispute settlement mechanism consisting of bilateral talks and third party arbitration.

The treaty defines the rights of the two parties over the rivers of the Indus Basin; it does not suffer from ambiguity or any other flaw. This explains why experts taking part in Track 2 discussions on issues related to the Indus River Basin have invariably called on the parties to explore arrangements to build up on, not renegotiate, the IWT.

It is indeed unfortunate that discussions between India and Pakistan through the Indus Commission on issues related to the Indus River Basin have focused only on the Indian hydropower projects on the western rivers. The Intergovernmental Panel on Climate Change (IPCC) – the most authoritative body for assessing the risks posed by climate change and measures to address them – has documented the profound effects of global warming on the quantity and quality of fresh water, including in the Indus Basin which is fed by the highly climate vulnerable glaciers and monsoon rains.

The Kathmandu- based International Centre for Integrated Mountain Development (ICIMOD) has also compiled reports on the negative consequences of climate change on Pakistan’s water, food, energy, and health security. Despite these warnings, the major riparians of the Indus Basin have never discussed climate change related issues.

As noted in the earlier parts of this essay, India’s move might be masking sinister designs. It might use Pakistan’s refusal to renegotiate the IWT to proceed with a unilateral renunciation of its obligations under the agreement concerning the construction of hydropower plants on the western (Pakistani) rivers and securing Pakistan’s prior consent before building the power plants. Indian officials have frequently spoken about turning the Chenab Valley into a Valley of Dams!

Pakistan should proactively suggest measures for promoting enhanced communications between the Indus commissioners, including the use of the internet – especially Zoom – for speedier transmission of information and exchange of views.

In defining an appropriate strategy to forestall New Delhi’s designs against its core transboundary interests and concerns, Pakistan should examine the suggestions made by scores of Indian and Pakistani politicians, retired diplomats, water resources and climate experts, and economists during half a dozen Track 2 dialogues sponsored and supported by friendly third party countries or organizations funded by them. Almost all the discussions were prompted by recurring reports on the impact of climate change on freshwater resources but addressed all relevant issues.

Four Track 2 dialogues merit recognition and consideration of the recommendations developed by their participants. One, discussions sponsored by the Stimson Center, Washington DC, in collaboration with the Sustainable Development Policy Institute (SDPI), Islamabad and the Observer Research Organization (ORF), New Delhi. The report of the dialogue was titled ‘Connecting the Drops: An Indus Basin Roadmap for Cross-Border Water Research, Data Sharing, and Policy Coordination’, published by the Stimson Center and SDPI in February 2013.

Two, discussions convened by the Delhi-based Centre for Dialogue and Reconciliation (CDR) and the Islamabad- based Jinnah Institute. The report of the dialogue, ‘Indus River Basin: Common Concerns and The Roadmap for Resolution’, was edited by Prof Shakil Romshoo and published by CDR in March 2012.

Three, discussions organized by the DC-based Atlantic Council’s South Asia Center in cooperation with Indian and Pakistani politicians and organizations. The report of the discussions, titled ‘India–Pakistan Water Cooperation Track 2 Dialogue’, was published by the Atlantic Council in 2014.

Four, discussions of the Task Force on Climate Change set up by the co- sponsors of the Chaophraya Dialogue held in Bangkok. The report of the discussions, ‘Report of the Chaophraya Dialogue Task Force on Climate Change’, was published by the Jinnah Institute in October 2017.

The key recommendations forged by the aforementioned Track 2 dialogues include the following: one, joint research studies by Indian and Pakistani experts on the impacts of climate change on water resources, including the Himalaya-Karakoram-Hindukush (HKH) glaciers, in collaboration with scientific agencies and institutions in the US, China, and Europe with satellite-based remote sensing capacity, to generate and disseminate non-politicized, reliable data on glacial melting trends.

Two, study to probe the reasons for the diminishing water availability upstream in India, resulting in reduced water flowing into Pakistan. Three, enhanced preparedness for, and management of, climate-induced extreme events, including glacial lake outburst floods (GLOFS).

Four, joint monitoring of the HKH glaciers, in collaboration with relevant regional and international agencies, including the International Centre for Integrated Mountain Development (ICIMOD) based in Kathmandu. Five, studies on water pollution from industrial and agricultural runoff in the catchment areas of the western rivers.

Six, regular and timely exchange of hydrological data concerning dry season flows levels as well as heavy precipitation events for use in, among other purposes, flood control. Seven, cooperation in promoting modern, micro irrigation methods and technologies for conservation and optimum use of water.

Eight, promotion of water-use efficiency by non-agricultural users. Nine, joint research study evaluating the cumulative environmental impacts of multiple dams and cascades of run-of-the-river power projects on a single river.

Ten, increase the knowledge base on monsoon variability trends. Eleven, joint studies on the shared Indus Aquifer and measures to ensure its sustainability. Twelve, study on the imperative of environmentally, ecologically necessary flows in the eastern rivers.

Thirteen, consideration of appointment of a standing Board of Umpires for swift and timely resolution of disputes, with reference to Annex G of the IWT on Court of Arbitration. And, finally, creation of a web-based data bank which would serve as a repository of all data links and resources that would be useful for analysts and researchers.

The way ahead: India-Pakistan relations have deteriorated unabatedly since the election of the BJP government in 2014. In August 2019, the Indian government abolished the constitutional status of the state of Jammu and Kashmir which led to a downgrading of the diplomatic representatives of the two countries.

Bilateral contact of all kinds, including travel arrangements, have come to a standstill. Given this grim situation, there is a scant prospect of a bilateral solution of the unwarranted risks posed by New Delhi’s communication calling for negotiations for modification of the provisions of the Indus Waters Treaty. India’s annoyance with the World Bank over its acceptance of Pakistan’s request for a Court of Arbitration to resolve the dispute concerning the Kishanganga and Ratle hydropower projects rules out a role by the World Bank to mollify the Indians.

The US, which enjoys friendly relations with India and Pakistan, is uniquely positioned to help end the ominous uncertainty caused by India’s proposal for negotiations aimed at modifying the IWT and promoting constructive cooperation between India and Pakistan to adapt to the negative effects of climate change as well as contribute to the global climate agenda. Working together on climate change related issues might entice the two neighbours to explore broader cooperation for the benefit of their peoples.

Concluded…

The writer is a retired ambassador and former UN assistant secretary-general.