

The Indus Waters Treaty has always been controversial, but Modi is wise to resist calls to abrogate it

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*Following the Uri attack in September there have been calls for India to do away with the Indus Waters Treaty, the agreement which governs India and Pakistan's use of water from the Indus rivers system. Drawing on his own research, **Daniel Haines** outlines the history of the Treaty, why it has been a source of contention since its conception and why scrapping it in the wake of recent tensions would be a mistake.*



The Uri terror attacks and the Indus Waters Treaty

Last month's militant attack on an Indian Army camp in Jammu & Kashmir has sparked bitter debate in India and Pakistan about the state of the two countries' relations. [Indian army officials claim](#) that the Pakistan-based Jaish-e Mohammad group carried out the 18 September raid, which killed 17 Indian soldiers and destroyed a large amount of weaponry. Pakistani authorities deny that the group, which has been linked to several major terrorist attacks inside Pakistan, was involved.

A striking part of Indian debate on the incident has been calls for India to unilaterally abrogate the Indus Waters Treaty, which has governed India and Pakistan's use of water from the River Indus and its tributaries since 1960. Prime Minister Narendra Modi held a meeting with advisors a week after Uri to discuss whether India can and should use its upstream position on the Indus rivers system to pressure Pakistan's economy. 'Blood and water', [he said](#), 'cannot flow at the same time'. So far, the Indian government has not abrogated the treaty. It is also worth noting that stopping the water flowing is hardly a short-term option: [it would take years of dam-construction](#).

Instead, Modi has decided to make full use of river water within the treaty's terms. But controversy over the treaty rages on.

What is the treaty?

The Indus Waters Treaty is an oddity. The treaty's key feature – a curiosity in international water-sharing agreements – is that the two countries divided the Indus Basin's rivers according to location rather than water volume. India draws water from the three 'eastern' rivers, the Ravi, Sutlej and Beas. Pakistan uses the 'western' rivers, the Indus, Jhelum and Chenab.

The exception to this rule is that India reserves the right to build hydropower projects on the western rivers, and to make minor uses of water in its half of Kashmir. This was a compromise formula that Jawaharlal Nehru, India's first prime minister, and Mohammed Ayub Khan, Pakistan's first military dictator, arrived at in 1960, with the World Bank's help. As is often the case, the compromise satisfied no-one.



The confluence of the rivers Zaskar and Indus. Credit: Pradeep Kumbhashi CC BY-NC 2.0

Why is the treaty controversial?

At one level, the answer is simple. India and Pakistan both need water. They have growing populations and large agricultural sectors that rely on river-water to irrigate crops. Their booming cities demand electricity, which hydropower dams can generate. Competition for water is hardly surprising. But transboundary rivers are a common feature of international politics: the US and Mexico share the Colorado and the Rio Grande; Egypt, Sudan, Ethiopia and a host of their neighbours share the Nile. These countries all need water badly, but rarely invoke it as a potential weapon of war.

In fact, the Indus dispute was never just about water. To explain why, we need to dig into its history.

The dispute is a legacy of Pakistan's painful partition from India in 1947. When the British Raj fell, it divided the previously united colony into two successor states. Pakistan was intended to be a homeland for South Asian Muslims, while India was ostensibly secular but numerically and politically dominated by Hindus. In the process, the north western province of Punjab was split between the two countries.

In the rushed, confused partition process, there was little time to think about water, so the irrigation engineers of East and West Punjab made an ad hoc agreement to maintain existing arrangements for supply water from weirs in India to canals in Pakistan. When this agreement expired in 1948, East Punjab's irrigation department cut off some water supplies, just at the beginning of the important summer growing season. Pakistanis were shocked. Facing potential drought, Pakistani leaders developed a deep sense of insecurity about their downstream position.

Kashmir

Insecurity is also at the root of the Indus dispute's major complicating factor: Kashmir. The Jhelum and Chenab both flow through Indian-administered Kashmir, something that has long worried Pakistani water managers. 'Waters of [Kashmir's] rivers are the lifeblood of West Pakistan', a Pakistani government communique claimed in 1951. In private conversations with British and American diplomats, Pakistani leaders emphasised that any Kashmir settlement must give Pakistan control of both banks of the Chenab – something of a problem, since it runs through the heart of Hindu-majority Jammu.

The water treaty discussions eventually sidestepped Kashmiri political issues by agreeing that rights over water did not connote rights over territory in Kashmir. This enabled the treaty to be signed, but did nothing to reduce tensions over Kashmir. In 1962 Zulfikar Ali Bhutto, then Pakistan's minister of information, told an audience in Hyderabad, Sindh, that the struggle for Pakistan could never be complete without a Kashmir solution because the State was the source of Pakistan's water. The 'Chenab formula' has [remained a matter of debate in Pakistan](#).

Any Indian move to alter international arrangements on the Indus will likely spur a renewed determination in Pakistan to keep, and if possible extend, its control in Kashmir.

Is the treaty fit for purpose?

Many on both sides of the border have never been happy with the Indus Waters Treaty. Indian commentators have regretted Nehru's 'generosity' in signing away 'Indian' rivers to Pakistan, while their Pakistani counterparts have made exactly the same arguments in reverse.

Antagonism over the treaty is not new. Before Uri, India's plans for hydropower projects at Baglihar and Kishenganga, both in Indian Kashmir, caused tensions. Pakistan protested that both projects broke the treaty. A neutral expert [approved India's Baglihar plans](#) in 2006. A court of arbitration's verdict on Kishenganga in 2013 was [more like a draw](#).

Despite its limitations, the treaty is still remarkable. It has survived several wars. More importantly, it was signed at a moment of political opportunity in 1960, when strong governments in Islamabad and New Delhi were able to compromise. They were helped along by more than \$850 million in loans and aid to Pakistan, which western countries provided for Cold War strategic reasons. That would amount to more than \$6.8 billion in today's terms – a level of investment that is unlikely to be on the table now.

Under favourable circumstances, bilateral negotiations could perhaps revise the treaty for the better. But unilaterally tearing up the treaty now would be a mistake for India. Once South Asian appetites for belligerence are exhausted, reaching a fresh settlement would be a mammoth task.

Modi is therefore wise to resist the hawks' calls to abrogate the treaty. But tensions over Indus waters show no sign of going away.

Dr Haines new book Rivers Divided: Indus Basin Waters in the Making of India and Pakistan will be published by Hurst in November 2016. Find out more about the book [here](#).

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