

# WATER, ESSENTIAL FOR SURVIVAL: SCRUTINIZING THE WATER CONFLICT OF INDIA-PAKISTAN\*

BY

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## **Abstract:**

“Water is the true wealth in a dry land, without it land is worthless or nearly so. And if you control water, you control the land that depends upon it”

Water is a basic human right, because it is essential for human survival. The present paper focused on the distribution of water between India and Pakistan. The water dispute between India and Pakistan reflects the political relationship between the two countries since partition of British India in 1947. That partition broke the interdependent hydraulic system. In following decades, tensions between the two countries have led to the emergence of water nationalism in both the countries. In the past many groups, in both countries have made appeals to their respective governments to scrap the Indus Water Treaty (IWT) of 1960, but either of the nation's took no steps in such direction. The Indus Water Treaty has survived two full Wars (1965 and 1971) and several other limited Wars.

**Keyword:** Disputes, India, Indus Water Treaty, Kashmir, Multipurpose Projects, Pakistan.

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## **Introduction**

Conflict is a fact of international relations. Its causes range from disputed territories or Un-demarcated boundaries associated with vital resources (real politic or geopolitics) to political or ideological incompatibilities. Existing or perceived incompatibilities can lead to formation of hostile actors who aggravate conflict behavior; conflict behavior can become armed and thus, social relations become militarized. Wars have their genesis in such a state of affairs. Several factors relating to both schools

of thought can be identified in the Indo-Pakistan conflict. From a neo-realistic perspective,<sup>1</sup> this study examines their conflicting interests, as they are bound to the irredentist territory of Kashmir, and argues that conflict over Kashmir is not exclusively ideological but also fundamentally connected to the control of the Indus water resource. The Indus Water Treaty resolved this conflict to a greater extent, however, the recent statements from Indian Prime Minister Narendra Modi regarding blocking the rivers that flow from India to Pakistan have reignited the conflict. There exists, to date, neither significant research focusing predominantly on this aspect of Indo-Pakistan relations nor studies have undertaken from the perspective of (neo) realism. In fact, the existing literature would appear conceiving Indo-Pakistan conflict as an ideological, emotional and political tangle. This theory driven study formulates a model with which to address the question of 'water, war, and peace linkages' using a rational choice approach substantiated with extensive empirical data.

## **Objectives**

The prime objective of this study is to formulate a model which explains the role of international rivers in inter-state relations in general, and the intertwined nature of the disputes over Kashmir and the Indus Rivers in particular. The focus lies on uncovering those factors of conflict in the Indus Basin which are not related to identity and investigating their linkage with political ideology, strategic planning, and warfare between India and Pakistan.

## **Historical Overview**

The roots of the conflict between India and Pakistan can be traced to the bitter and bloody circumstances under which the two South Asian nations emerged onto the global stage in 1947. The intertwined nature of the Kashmir and Indus disputes have direct linkage to the Radcliffe boundary award, according to which the British Punjab was divided between India and Pakistan at the time of Partition of the Subcontinent, and under which India gained control of the headworks of two rivers providing irrigation in West Punjab (Pakistan) and the only land-link (from Indian territory) to the princely state of Kashmir, through a road over Madhopur headworks. Consequently, by capturing parts of Kashmir, India gained access to the catchment areas of the whole of the Indus river system, where its five tributaries—the Jhelum, Chenab, Ravi, Sutlej, and Beas—originate. Kashmir has continued to be the bone of contention in their relations.<sup>2</sup> Maharaja Hari Singh, the ruler of the 'princely state' of

Kashmir, sought the continuation of independent status and offered a 'standstill agreement' to both India and Pakistan. The offer was accepted by the latter but rejected by the former. The Muslims of Kashmir revolted against the Maharaja, allegedly demanding accession of the state to Pakistan. India launched a military offensive on 26 October 1947, claiming that the Maharaja had signed an instrument of accession with its leaders. On 1st April 1948, India cut off the irrigation water from the rivers flowing into Pakistan. Then, in May 1948, Pakistan also mobilized its troops. Both sides captured parts of Kashmir territory. Posturing for a peaceful resolution, India referred the issue to the United Nations Security Council (UNSC) and both countries accepted the Unsupervised cease fire, agreeing to its resolution of instituting a plebiscite under its supervision, which has not been implemented so far.<sup>3</sup> Since then the only projected ongoing cause of the Kashmir conflict centers around the idea of conflicting ideologies: on the one hand India is seeking to maintain its 'secular outlook' and negate the very rationale behind the creation of Pakistan, the 'two-nation theory', by retaining control over a Muslim majority state, Jammu and Kashmir, while on the other hand Pakistan is struggling for the region's 'liberation' from the Indian 'yoke', aiming for its integration with it.

The real politic dimension of the Kashmir conflict surfaced when India withheld the river water supply to Pakistan on 1st April 1948, but was overshadowed mainly because of the anticipated policies of ideational and identity politics on both sides, and partly due to its disassociation from the Kashmir issue, which India demanded as a precondition of accepting mediation on the Indus rivers dispute.<sup>4</sup> The water issue became a question of survival for Pakistan and soon attracted attention of the international community. India claimed exclusive rights over the waters of all international rivers originating from its territory. Following twelve years of negotiations and mediation, away from public scrutiny and under the auspices of the World Bank, the issue was resolved in the form of the Indus Waters Treaty (IWT) in 1960. It was hailed internationally as a model of conflict resolution, however, there were some who questioned its legitimacy and effigies of both the leaders were burnt in their respective state capitals. The IWT allocated unrestricted use of three eastern rivers of the Indus system—the Ravi, Beas and Sutlej—to India, and three western rivers—the Indus, Jhelum and Chenab—to Pakistan, barring some 'specified uses' in Indian-held Kashmir. Although the IWT ensured supplying the waters of all three of the western rivers to Pakistan, it has not eliminated the

root-cause of the conflict over the Kashmir territory inherent in its geography. Kashmir is bounded by snow-covered peaks and valleys at the foot hills of the Himalayas. The fact that melting snows and heavy summer precipitation in the valleys constitute the only source of fresh water feeding the entire Indus river system has enhanced its strategic importance. The Indus river system serves as a life-line to the predominantly arid lower riparian, Pakistan, and if India ever gave up control of Jammu and Kashmir—whether to Pakistan or an independent regime of some sort—it would lose its status as an upstream riparian and, therefore, much of its clout in determining the politics and fate of the region.<sup>5</sup> For Pakistan, an unrestricted flow of the Indus river system is a question of ‘life and death’ and, for India, maintaining control of it is a ‘real political tool’ with which to exercise power over Pakistan by controlling its vital water resources.

### **The Contemporary Nature of the Conflict**

At present the buried conflict of the past between India and Pakistan seems to have been reborn after aggravated statements from Indian Prime Minister Narendra Modi that he would be bringing Indus Water Treaty back to India, this has raised tensions for Pakistan as the Indus river was legally allocated to Pakistan under the IWT, and Modi’s statement about the Indus river has been regarded as very contentious.<sup>6</sup>

Moreover, India has initiated the construction of Dams on the western rivers – Chenab, Jhelum and Neelum Rivers in occupied Kashmir and within the Indian Territory. Pakistan has serious objections to the Rattle, Kishan Ganga and Sawalkot Dams and the Wullar Barrage<sup>7</sup> because they could impact the flow of Chenab and Jhelum rivers to a greater extent, which could put in danger Pakistan’s irrigation system and availability of water for drinking and domestic purposes.

### **Relevance of Existing Literature**

The existing literature provides a wealth of insights into the role of international rivers in generating conflict and the achievement of settlements between riparian states, yet remains silent on the contribution of such settlements to the promotion of cooperation and peace between them. An analysis of incidents of accommodation amid enduring rivalries and their impact on the wider relationship is thus absent in the literature. In fact, the focus instead lies on two divergent and extreme view points: that “water is a resource of war” and “water is a catalyst for peace”—a continued debate between so-

called Alarmists and the Optimists, respectively. History presents numerous instances where rival riparian states, despite having resorted to the use of force, finally reach accommodation over cross-boundary Rivers. On the whole, however, such settlements have seldom promoted cooperation and peace between them, and their rivalries have generally remained intact. The instance of Indo-Pakistan accommodation over the Indus Rivers, coupled with protracted conflict and number of wars over the Kashmir territory, provides a conspicuous example of this phenomenon. Secondly, water conflicts have been intimately connected with other issues of apolitical, ethnic, identity-related or religious nature, and as a result, no single war in the past has been exclusively acknowledged as a water war. Moreover, water has been frequently dismissed as a developmental issue and thus categorized as an issue of “low-politics”.

Thirdly, water conflicts have often been infused with environmental issues, with water scarcity generally viewed as a form of environmental scarcity. This issue forms the crux of an unending debate between the Alarmists and the Optimists over whether water can be an exclusive cause of conflict. Though both sides agree that water is a major cause of domestic conflict and also a contributory factor in international conflicts, they disagree on the question of whether it can be the sole cause of inter-state wars and conflicts. Some authors also challenge the idea of population growth as a key factor in environmental conflicts and contend that the uneven development and unequal distribution of resources at the national level (i.e. structural scarcity) is the main cause of domestic violence.<sup>8</sup> However, the acuteness of scarcity and its role in international or inter-state war and conflict in the future (as advocated by Klare) is yet to be firmly established. Thus, conducting the study on the conceptual basis of water scarcity and environmental conflicts would make it speculative, controversial and purely futuristic in nature.<sup>9</sup> In Gleditsch’s words, such an assertion amounts to “using the future as evidence.” The only relevance of the question of future water scarcity and conflict to the case under study is the likely rise of competition over the Jammu and Kashmir territory, a natural source of vital fresh water. Some correlations with this assertion are established in chapters six and seven. International law on international rivers and water-ways advocates the beneficial exploitation of cross-boundary water resources, where it does not result in detrimental effects to the lower riparian, and the upholding of the principles of equitable river apportionment, but lacks the ‘commercial arm’ or military might to enforce these ‘high principles’. Although the principles have generally been upheld

by the majority of nations in achieving settlement on cross-boundary water resources, in the case under study, international law has been totally disregarded. Thus, it has no direct relevance to Indo-Pakistan accommodation over the Indus dispute. In other words, international law assisted the adversaries in contesting but not in resolving their dispute. It may become relevant if either party abrogates the Indus Waters Treaty in the future or refers the case to the International Court of Justice for adjudication. The only relevance of international law to the case under study is that both India and Pakistan had contested their claims on the basis of riparian rights before signing of the Indus Waters Treaty in 1960 and it is highly likely that the issue may be referred to the International Court of Justice in future. This aspect is analyzed in more detail in chapter four.<sup>11</sup>

The role of the geographical attributes of a boundary or a territory, where these constitute vital resources, in inducing conflict is well documented in the literature. Boundaries are lines of opportunity for both conflict and cooperation since they can impact greatly on human physical, social and economic well-being. If the demarcation of boundaries does not facilitate the realization of these goals for the states on both sides of the boundary, the boundaries themselves can become a cause of conflict. As Waterman points out, the hardships of the peoples of Ireland and Palestine have their roots in superimposed boundaries which insufficiently take into account geographical realities. Similarly, the boundary drawn in Punjab provided India with an opportunity to use cross-boundary water resources as military weapon on the one hand and a motivation to capture Kashmir territory on the other (the aspect is explained in chapter 3). This resulted in the Indus water dispute which culminated in an international war between India and Pakistan in 1948. Moreover, the armistice boundary in Kashmir, established under the UNSC ceasefire of 1948/1949, created an enduring situation of suspense which has instilled an enormous sense of insecurity in both the Pakistani state and public, who perceive themselves vulnerable as the Jammu and Kashmir territory remains under Indian control. This fact draws additional support from the observation of Michael Klare, who views the Indian intransigence in retaining control over the Jammu and Kashmir territory linked with water-politics of India not to relinquish upper riparian status and was over shadowed by ideological, political and military dimensions. Klare argues that Indian upper riparian status in Kashmir possesses enormous political implications for the future use of the Indus rivers and the fate of regional politics.<sup>11</sup> It also establishes the status of Kashmir as a hydro-strategic territory on the one hand, and the Kashmir dispute as a

conflict of realistic interests, based on the vital Indus water resource, on the other. The argument also draws strength from the findings of Lipschutz that scarcity is an outcome of resource control and not of the given attributes of nature.<sup>12</sup> If we consider the perception of water scarcity to be a product of the control of a critical resource, then the territory of Jammu and Kashmir qualifies as a vital water resource whose control is a real geo-political and geo-strategic tool for the upper riparian and a question of national security and survival for the lower riparian. This fact directs us to explore the hydro-strategic (i.e. economic and security) dimensions of the Kashmir dispute and its linkage with conflict between India and Pakistan, based on the concept of 'resource wars'. The objective would be one of determining whether the first war over Kashmir (1948-49) between India and Pakistan was aimed at capturing river catchment areas and achieving control over river structures. If this was indeed the case, then it can be termed a 'resource war'. Two aspects of international river resource are thus central to this study: firstly, that water is a resource of war, and secondly, that water is a catalyst for accommodation between enduring rivals. The first aspect provides the main focus of chapter three and second aspect is analyzed in chapter five.

The main challenge posed by the literature is that the concept of accommodation remains acutely underdeveloped. The focus of the existing literature is either on adversarial or cooperative strategies. There is not only an omission of the concept of accommodation, but peace initiatives have often been defined as "sharp reversals of foreign policy from a conflictual to a cooperative strategy."<sup>13</sup> In fact, most of the work on accommodation has been carried out in the context of the US-Soviet rapprochement of the late 1980s and the Arab-Israel peace initiatives of the late 1970s and 1990s. Ironically the greatest cause for concern is the tendency to mislabel 'accommodation' as 'cooperation' or 'peace'. This has resulted because the sub-field of accommodation has primarily emerged from the fields of cooperation and conflict. Surprisingly, the signing of the Indus Waters Treaty between India and Pakistan is generally viewed as a model of conflict resolution and cooperation. In fact, the lower riparian is often forced to accept the terms of the upper riparian and it accepts these conditions in an effort to manage the conflict minimizing consequent losses. The Indus Waters Treaty certainly serves as a fine example of conflict management, but can it be termed a model of cooperation or peace between India and Pakistan? This so far unanswered question demands rigorous academic inquiry.

## **Conclusion**

The “access to water” has been universally recognized as being one of the most fundamental human rights. All human beings should have access to an adequate water supply for consumption, irrigation, sanitation and domestic purposes.

However, India is harboring ambitions that are otherwise in compliance with international declaration on human rights. For instance, India plans to build dams on its western rivers, which are allocated to its neighboring country, Pakistan, for hydroelectric power generation. Although, the power generation project can be good for the public of India, simultaneously, these projects deprive the people of Pakistan.

Thus, the World Bank should play the role of “facilitator” to mediate and lessen tensions between India and Pakistan.



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