

WWD 2013 – India and South Asia – From Conflict to Cooperation

INDIA AND SOUTH ASIA: FROM CONFLICT TO CO-OPERATION

This World Water Day comes in year which has been declared as the “International Year of Water Cooperation” by the United National General Assembly. In addition, the UN has proclaimed the decade 2005-2015 as the International Decade for Action, “Water for Life”.

The UN declarations would be welcome if we are able to take credible and effective steps towards water cooperation at every level in an equitable, sustainable way and through local participation. This becomes increasingly relevant when demand for water is increasing due to rising population, urbanisation, industrialisation, increased per capita use and increased losses due to climate change. The available and utilisable supply of water is either stagnant or decreasing due to increased pollution, increased temperatures, changing rainfall pattern, melting of glaciers and over exploitation. Moves towards centralised and undemocratic governance and privatisation of resources are not helpful as they do not promote cooperation, but only further conflicts. **The prevailing and emerging situation is a sure fire recipe for increasing conflicts, not cooperation.**

At the same time, UN Declaration of July 2010, declaring water as a human right remains only on paper. UN and the governments will clearly need to go beyond mere words and pious declarations.

Water: Some key characteristics Water is not just a commodity for market or an economic good. It is an ecological entity embedded in larger ecology that includes the climate, land, forests, and biodiversity. This includes, but is not limited to: Glaciers, rivers, wetlands, lakes, aquifers, soil, snow and water vapour in the atmosphere. In fact our understanding of the interplay of water in the larger eco-system is still far from complete. When we use water from any source, we should be mindful of its impact in the larger ecosystem. The UN resolution for declaring the 2005-2015 decade was not called “water for life” for nothing. Life here includes not just life of every human being but life on the entire planet.

INDIA AND NEIGHBOURS On this occasion, it would be useful to take a look at the situation in the region. India and China are locked in one-up man ship in Brahmaputra basin, India and Pakistan are competing in destroying shared rivers, ecology and connected livelihoods through hydropower projects in the Indus river basin while India and Bangladesh are struggling to arrive at an agreement on sharing the Teesta waters. When it happens, this will be only the second water sharing treaty, among the 54 rivers shared by India and Bangladesh.

Considering that the countries in this region share the Himalayan watershed on which numerous big and small rivers and millions of people and biodiversity depend, there is an urgent need to have a Regional Policy for the common good of the people of the region.

Possible Chinese diversion The Chinese government officials have often talked about China’s intention of diverting the Brahmaputra (basically Siang River, one of the main tributaries of the Brahmaputra) river to North China, just before the river enters India. China has officially declared its plans to build at least

four hydropower projects on the river. The work on the water diversion project is yet to start and China has denied that the project is being taken up. However the Indian government is pushing more big hydro projects in Arunachal Pradesh, claiming that these will help establish India's prior use rights over the waters of these rivers when China does decide to take up its North South diversion project.

Such a push for big hydro in Arunachal Pradesh under the bogey of Chinese plans is only likely to worsen the situation for the people of Arunachal Pradesh and also for downstream areas in India and Bangladesh. This will only create new water conflicts. Moreover, there is no international mechanism that would help India claim its prior user right. The 1997 UN Convention on the Law of the Non-Navigational Uses of International Watercourses could have been of use, but India has yet to ratify the convention. The best course for India is to push China for a water sharing treaty.

In view of the crisis of **climate change**, this need has become even more acute. Today, there is no such policy and each country is developing multiple projects on its own, and many of the so-called development projects are actually accelerating climate change impacts and conflicts. Hundreds of hydropower projects are either constructed, are under construction or are being planned across the countries in the region. These projects, along with their paraphernalia of roads, townships, mining, tunnelling, blasting, muck dumping, diverting of rivers and dams are cumulatively having huge, though as yet unquantified impact on the glaciers, forests, aquatic and terrestrial biodiversity, communities, water availability and water supply, thereby impacting the climate as well.

Flood forecasting: One of the areas where information sharing is immediately required is in the area of sharing information about forecasts related to floods in the shared rivers. The governments in the region seem to have a number of agreements to share information in this regard, including Pakistan-India, Nepal-India, Bhutan-India, Bangladesh-India and China-India. Unfortunately, the shared information in this aspect is not in the public domain. Such shared information must be in public domain. What use is the flood forecasting related information if it is not shared among the people who are going to face the disastrous impacts of floods?

Transparency and Participation in governance in shared river basins There are elaborate, mostly bilateral inter-governmental mechanisms on governance of water and rivers in a number of cases in the South Asia region. These pertain to the bilateral arrangements of India with Pakistan, Bhutan, Bangladesh, Nepal and China. These arrangements include basin level commissions, minister level committees, officer level committees, project specific commissions and so on. Unfortunately, there is practically no transparency in the functioning of these mechanisms, nor is there any role for any concerned actors outside the government. In governance of rivers, waters and related projects, local people have the right to know what is going on in these committees and commissions.

The need for such public participation was acutely felt in the aftermath of the Kosi Disaster on the Indo-Nepal border in August 2008. During the initial period of this disaster, it was shown how the bilateral Kosi High Level committee had failed to achieve the proper maintenance of the embankment that breached with the flow of water in the river was less than 1.5 lakh cusecs (Cubic Feet per Second) even as the design capacity of the embankment was over 9 lakh cusecs. In the days that followed, it became

clear that if there had been some non government people on the Indo Nepal Kosi committees and there was more transparency with representation from local communities and civil society in the committees, it would have helped ensure the maintenance of the embankment and that possibly would have saved it from breaching at least on that particular occasion.

Conditions for water cooperation We need to understand key conditions that would help achieve better cooperation in water sector. Some key conditions in this regard include:

Clearly defined priorities for water use, rules of allocation of water to different users, water allocation mechanisms among various sectors, democratic rules of governance of such mechanisms, understanding the importance of ecosystem resources, Conservation of ecosystem resources including Wetlands, forests, rivers, lake, biodiversity; clearly defined and legally enforceable Right to Water and mechanisms to enforce the same. Good governance in this context would include clearly defined norms for key aspects like transparency, accountability and participation. There is need to have legal and institutional set up to achieve these goals.

The weaker sections (tribals, Dalits, women, marginal farmers, coastal and mountain populations) or weaker stakeholders (environment, rivers) have always been losing at the negotiating table. Centralising of authority and decision making being more and more away from local stakeholders creates possibility of more conflicts and conflict resolution becomes more difficult. Local water management can help reduce and also help address conflicts at the local level.

WORLD COMMISSION ON DAMS: Framework for cooperation in water managementThe report of the World Commission on Dams: *Dams and Development – A New Framework for Decision Making* provides a useful starting point to achieve cooperation in water management[1]. The recommendations of the report are applicable at every level, from community to international level. It would be good if the United Nations recognises the principles in the WCD report in this year of water cooperation and provides some institutional support for their implementation and if countries in the region follow these recommendations for transboundary as well as local rivers.

THE ROLE OF UN Sixty percent of the world's freshwaters are transboundary. So there should be little doubt that water cooperation is critical to avoid conflicts and ensure effective and sustainable use of shared resources. Over the years, the UN has been coming out with various programs and principles on water resources management. However, none of them have legal and institutional back up. Its 1997 Convention on the Law of the Non-Navigational Uses of International Watercourses is yet to come into force[2] as it has yet to receive ratification of the required 35 countries. Significantly, India abstained from voting for the convention at the UN and also has yet to ratify it.

Another instrument in this context is the UNECE (UN Economic Commission for Europe) Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention)[3] is currently the only international legal framework *in force* governing the management of transboundary water resources. It turned into a global convention in Feb 2013, having received sufficient number of ratifications. The UNECE website says in this regard: "This is a ground-breaking development

as the Convention was originally negotiated as a regional instrument by countries of the United Nations Economic Commission for Europe. It is also a major milestone of the International Year of Water Cooperation celebrated in 2013... more than 30 countries from outside the UNECE region already actively participate in activities under the Convention. Several countries have already indicated their interest in becoming Parties... will create a strong legal base for present and future Parties to the Convention to join their forces to protect transboundary waters and the benefits deriving from them... Moreover it will strengthen political support to transboundary water cooperation.”

At the same time UN needs to ensure that it does not become cause of greater conflicts as is happening now through its funding of destructive hydropower and other projects under the UNFCCC’s Clean Development Mechanism. Those projects are happening at the cost of the local communities and their environment and providing completely unjustified, unwarranted and unnecessary funding of project developers, thus fattening the bank balances of the rich and at the same time creating more conflicts.

The world leaders and media have been quoting *ad nauseam* the now infamous quote from the former United Nations Secretary General Boutros Boutros Ghali to the effect that next war may be fought for water. Many would call this unwarranted war mongering, that too from a UN personnel. There is a lot the UN needs to do to achieve greater water cooperation across the world to wash off this image. May the UN succeed in this effort!

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[1] It calls for going “beyond looking at water as a finite commodity to be divided and embrace an approach that equitably allocates not the water, but the benefits that can be derived from it”, for agreements based on principles of equitable and reasonable utilisation, no significant harm, prior information, free prior and informed consent of affected communities. The report says that “Storages and diversion of water on transboundary rivers has been a source of considerable tension between countries and within countries.” Some key strategic priorities of the report include: gaining public acceptance, recognising entitlements, sustaining rivers and livelihoods.

[2] See for details: http://treaties.un.org/Pages/ViewDetails.aspx?src=UNTSO&tabid=2&mtdsg_no=XXVII-12&chapter=27&lang=en#Participants

[3] See for details: <http://www.unece.org/index.php?id=32154>