APPENDIXES

APPENDIX I

THE INDUS WATERS TREATY

(9 September 1960)

PREAMBLE

THE Government of India and the Government of Pakistan, being equally desirous of attaining the most complete and satisfactory utilisation of the waters of the Indus system of rivers and recognising the need, therefore, of fixing and delimiting, in a spirit of goodwill and friendship, the rights and obligations of each in relation to the other concerning the use of these waters and of making provision for the settlement, in a cooperative spirit, of all such questions as may hereafter arise in regard to the interpretation or application of the provisions agreed upon herein, have resolved to conclude a Treaty in furtherance of these objectives, and for this purpose have named as their plenipotentiaries:

THE GOVERNMENT OF INDIA:

Shri Jawaharlal Nehru
Prime Minister of India

and

THE GOVERNMENT OF PAKISTAN:

Field Marshal Mohammad Ayub Khan, H.P., H.J.,
President of Pakistan

who having communicated to each other their respective Full Powers and having found them in good and due form, have agreed upon the following Articles.

ARTICLE I

Definitions

As used in this Treaty:
(2) The term "Tributary" of a river means any surface channel, whether in continuous or intermittent flow and by whatever name called, whose waters in the natural course would fall into that river, e.g. a tributary, a torrent, a natural drainage, an artificial drainage, a nadi, a nallah, a nal, a khad, a cho. The term also includes any sub-tributary or branch or subsidiary channel, by whatever name called, whose waters, in the natural course, would directly or otherwise flow into that surface channel.


(6) The term "Western Rivers" means The Indus, The Jhelum and The Chenab taken together.


(8) ...

(9) The term "Agricultural Use" means the use of water for irrigation, except for irrigation of household gardens and public recreational gardens.

(10) The term "Domestic Use" means the use of water for:

(a) drinking, washing, bathing, recreation, sanitation (including the conveyance and dilution of sewage and of industrial and other wastes), stock and poultry, and other like purposes;

(b) household and municipal purposes (including use for household gardens and public recreational gardens); and

(c) industrial purposes (including mining, milling and other like purposes).

but the term does not include Agricultural Use or use for the generation of hydro-electric power.
(11) The term "Non Consumptive Use" means any control or use of water for navigation, floating of timber or other property, flood protection or flood control, fishing or fish culture, wild life or other like beneficial purposes, provided that, exclusive of seepage and evaporation of water incidental to the control or use, the water (undiminished in volume within the practical range of measurement) remains in, or is returned, to, the same river or its tributaries; but the term does not include Agricultural Use or use for the generation of hydro-electric power.

(12) The term "Transition Period" means the period beginning and ending as provided in Article 11 (6).

(13) The term "Bank" means the International Bank for Reconstruction and Development.

(14) The term "Commissioner" means either of the Commissioners appointed under the provisions of Article VIII (1) and the term "Commission" means the Permanent Indus Commission constituted in accordance with Article VIII (3).

(15) The term "interference with waters" means:

(a) Any act of withdrawal therefrom; or

(b) Any man-made obstruction to their flow which causes a change in the volume (within the practical range of measurement) of the daily flow of waters; Provided however that an obstruction which involves only an insignificant and incidental change in the volume of the daily flow, for example, fluctuations due to afflux caused by bridge piers or a temporary by-pass, etc, shall not be deemed to be an interference with the waters.

(16) The term "Effective Date" means the date on which this Treaty takes effect in accordance with the provisions of Article XII, that is, the first of April 1960.

ARTICLE II

Provisions Regarding Eastern Rivers

(1) All the waters of the Eastern Rivers shall be available for the unrestricted use of India, except as otherwise expressly provided in this Article.
(2) Except for Domestic Use and Non-Consumptive Use, Pakistan shall be under an obligation to let flow, and shall not permit any interference with, the waters of the Sutlej Main and the Ravi Main in the reaches where these rivers flow in Pakistan and have not yet finally crossed into Pakistan. The points of final crossing are the following: (a) near the new Hasta Bund upstream of Suleimanke in the case of the Sutlej Main, and (b) about one and a half miles upstream of the syphon for the B.R.B.D. Link in the case of the Ravi Main.

(3) Except for Domestic Use, Non-consumptive Use and Agricultural Use (as specified in Annexure B) Pakistan shall be under an obligation to let flow, and shall not permit any interference with, the waters (while flowing in Pakistan) of any Tributary which in its natural course joins Sutlej Mains or the Ravi Main before these rivers have finally crossed into Pakistan.

(4) All the waters, while flowing in Pakistan, any Tributary which, in its natural course, joins the Sutlej Main or the Ravi Main after these rivers have finally crossed into Pakistan shall be available for the unrestricted use of Pakistan; Provided however that this provision shall not be construed as giving Pakistan any claim or right to any releases by India in any such Tributary. If Pakistan should deliver any of the waters of any such Tributary, which on the Effective Date joins the Ravi Main after this river has finally crossed into Pakistan, into a reach of the Ravi Main upstream of this crossing, India shall not make use of these waters; each Party agrees to establish such discharge observation stations and make such observations as may be necessary for the determination of the component of water available for the use of Pakistan on account of the aforesaid deliveries by Pakistan and Pakistan agrees to meet the cost of establishing the aforesaid discharge observation stations and making the aforesaid observations.

(5)* There shall be a Transition Period during which, to the extent specified in Annexure H, India shall

(i) limit its withdrawals for Agricultural Use.

(ii) limit abstractions for storages; and

(iii) make deliveries to Pakistan from the Eastern Rivers.
(6)* The Transition Period shall begin on 1 April 1960 and it shall end on 31 March 1970, or, if extended under the provisions of Part 8 of Annexure H, on the date up to which it has been extended. In any event, whether or not the replacement referred to in Article IV (1) has been accomplished the Transition Period shall end not later than 31 March 1973.

(7)* If the Transition Period is extended beyond 31 March, 1970, the provisions of Article V (5) shall apply.

(8)* If the Transition Period is extended beyond 31 March, 1970, the provisions of Paragraph (5) shall apply during the period of extension beyond 31 March 1970.

(9)* During the Transition Period, Pakistan shall receive for unrestricted use the waters of Eastern Rivers which are to be released by India in accordance with the provisions of Annexure H. After the end of Transition Period, Pakistan shall have no claim or right to releases by India of any of the waters of the Eastern Rivers. In case there are any releases, Pakistan shall enjoy the unrestricted use of the waters so released after they have finally crossed into Pakistan; Provided that in the event that Pakistan makes any use of these waters, Pakistan shall not acquire any right whatsoever, by prescription or otherwise, to a continuance of such releases or such use.

ARTICLE III

Provisions Regarding Western Rivers

(1) Pakistan shall receive for unrestricted use all those waters of the Western Rivers which India is under obligation to let flow under the provisions of Paragraph (2).

(2) India shall be under an obligation to let flow all the waters of the Western Rivers, and shall not permit any interference with these waters, except for the following uses, restricted (except as provided in item (c) (ii) of Paragraph 5 of Annexure C) in the case of each of the rivers, The Indus, The Jhelum and the Chenab, to the drainage basin thereof:

(a) Domestic use;
(b) Non-Consumptive Use;
(c) Agricultural Use, as set out in Annexure C; and
(d) Generation of hydro-electric power, as set out in Annexure D;

* Paragraphs marked with an asterisk have since been implemented or have lapsed.
(3) Pakistan shall have the unrestricted use of all waters originating from sources other than the Eastern Rivers which are delivered by Pakistan into The Ravi or The Sutlej, and India shall not make use of these waters. Each Party agrees to establish such discharge observation stations and make such observations as may be considered necessary by the Commission for the determination of the component of water available for the use of Pakistan on account of the aforesaid deliveries by Pakistan.

(4) Except as provided in Annexures D and E, India shall not store any water of, or construct any storage works on, the Western Rivers.

ARTICLE IV

Provisions Regarding Eastern Rivers and Western Rivers

(1) Pakistan shall use its best endeavours to construct and bring into operation, with due regard to expedition and economy, that part of a system of works which will accomplish the replacement, from the Western Rivers and other sources, of water supplies for irrigation canals in Pakistan which, on 15 August 1947 were dependent on water supplies from the Eastern Rivers.

(2) Each Party agrees that any Non-Consumptive Use made by it shall be so made as not to materially change, on account of such use, the flow in any channel to the prejudice of the uses on that channel by the other Party under the provisions of this Treaty. In executing any scheme of flood protection or flood control each Party will avoid, as far as practicable, any material damage to the Other Party, and any such scheme carried out by India on the Western Rivers shall not involve any use of water or any storage in addition to that provided under Article III.

(3) Nothing in this Treaty shall be construed as having the effect of preventing either party from undertaking schemes of drainage, river training, conservation of soil against erosion and dredging, or from removal of stones, gravel or sand from the beds of the Rivers: Provided that:

* since implemented
(a) in executing any of the schemes mentioned above, each Party will avoid, as far as practicable, any material damage to the other Party;

(b) any such scheme carried out by India on the Western Rivers shall not involve any use of water or any storage in addition to that provided under Article III

(c) except as provided in Paragraph (5) and Article VII (1) (b), India shall not take any action to increase the catchment area, beyond the area on the Effective Date, of any natural or artificial drainage or drain which crosses into Pakistan, and shall not undertake such construction or remodelling of any drainage or drain which so crosses or falls into a drainage or drain which so crosses as might cause material damage in Pakistan or entail the construction of a new drain or enlargement of an existing drainage or drain in Pakistan; and

(d) should Pakistan desire to increase the catchment area, beyond the area on the Effective Date, of any natural or artificial drainage or drain, which receives drainage waters from India, or, except in an emergency, to pour any waters into it in excess of the quantities received by it as on the Effective Date, Pakistan shall, before undertaking any work for these purposes, increase the capacity of that drainage or drain to that extent necessary so as not to impair its efficacy for dealing with drainage waters received from India as on the Effective Date.

(4) Pakistan shall maintain in good order its portions of the drainages mentioned below with capacities not less than the capacities as on the Effective Date:

(a) Hudiara Drain
(b) Kasur Nala
(c) Salimshah Drain
(d) Fazilka Drain

(5) If India finds it necessary that any of the drainages mentioned in Paragraph (4) should be deepened or widened in Pakistan, Pakistan agrees to undertake to do so as a work of Public interest, provided India agrees to pay the cost of the deepening or widening.
(6) Each Party will use its best endeavours to maintain the natural channels of the Rivers, as on the Effective Date, in such condition as will avoid, as far as practicable any obstruction to the flow in these channels likely to cause material damage to the other Party.

(7) Neither Party will take any action which would have the effect of diverting the Ravi Main between Madhopur and Lahore, or the Sutlej Main between Harika and Suleimanke, from its natural channel between high banks.

(8) The use of the natural channels of the Rivers for the discharge of flood or other excess waters shall be free and not subject to limitation by either Party, and neither Party shall have any claim against the other in respect of any damage caused by such use. Each Party agrees to communicate to the other Party, as far in advance as practicable, any information it may have in regard to such extraordinary discharges of water from reservoirs and flood flows as may affect the other Party.

(9) Each Party declares its intention to operate its storage dams, barrages and irrigation canals in such manner, consistent with the normal operations of its hydraulic systems, as to avoid, as far as feasible, material damage to the other party.

(10) Each Party declares its intention to prevent, as far as practicable, undue pollution of the waters of the Rivers which might affect adversely uses similar in nature to those to which the waters were put on the Effective Date and agrees to take all reasonable measures to ensure that, before any sewage or industrial waste is allowed to flow into the Rivers it will be treated, where necessary, in such manner as not materially to affect those uses: Provided that the criterion of reasonableness shall be the customary practice in similar situations on the Rivers.

(11) The Parties agree to adopt, as far as feasible, appropriate measures for the recovery, and restoration to owners of timber and other property floated or floating down the Rivers, subject to appropriate charges being paid by the owners.

(12) The use of water for industrial purposes under Article II (2), II (3) and III (2) shall not exceed:
(a) in the case of an industrial process known on the Effective date, such quantum of use as was customary in that process on the Effective Date;

(b) in the case of an industrial process not known on the Effective date:

(i) such quantum of use as was customary on the Effective Date in similar or in any way comparable industrial process; or

(ii) if there was no industrial process on the Effective Date similar or in any way comparable to the new process, such quantum of use as would not have a substantially adverse effect on the other Party.

(13) Such part of any water withdrawn for Domestic Use under the provisions of Articles II (3) and III (2) as is subsequently applied to Agricultural Use shall be accounted for as part of the Agricultural Use specified in Annexure B and Annexure C respectively; each Party will use its best endeavours to return to the same river (directly or through one of its Tributaries) all water withdrawn therefrom for industrial purposes and not consumed either in industrial processes for which it was withdrawn or in some other Domestic Use.

(14) In the event that either Party should develop a use of the waters of the Rivers which is not in accordance with the provisions of this Treaty, that Party shall not acquire by reason of such use any right, by prescription or otherwise, to a continuance of such use.

(15) Except as otherwise required by the express provisions of this Treaty, nothing in this Treaty shall be construed as affecting existing territorial rights over the waters of any of the Rivers or the beds or banks thereof, or as affecting existing property rights under municipal law over such waters or beds or banks.

ARTICLE V

Financial Provisions

(1) In consideration of the fact that the purpose of part of the system of works referred to in Article IV (1) is the
replacement, from the Western Rivers and other sources, of water supplies from the Eastern Rivers, India agrees to make a fixed contribution of Pounds Sterling 62,060,000 towards the cost of these works. The amount in Pounds Sterling of this contribution shall remain unchanged irrespective of any alteration in the par value of any currency.*

(2) The sum of Pounds Sterling 62,060,000 specified in Paragraph (1) shall be paid in ten equal instalments on the 1st of November of each year. The first of such annual instalments shall be paid on 1st November 1960, or if the Treaty has not entered into force by that date, then within one month after the Treaty enters into force.**

(3) Each of the instalments specified in Paragraph (2) shall be paid to the Bank for the credit of the Indus Basin Development Fund to be established and administered by the Bank, and payment shall be made in Pounds Sterling, or in such other currency or currencies as may from time to time be agreed between India and the Bank.*

(4) The payments provided for under the provisions of Paragraph (3) shall be made without deduction or set-off on account of any financial claims of India on Pakistan arising otherwise than under the provisions of this Treaty: Provided that this provision shall in no way absolve Pakistan from the necessity of paying in other ways debts to India which may be outstanding against Pakistan.

(5)** If, at the request of Pakistan, the Transition Period is extended in accordance with the Provisions of Article II (6) and Part 8 of Annexure H, the Bank shall thereafter pay to India out of the Indus Basin Development Fund the appropriate amount specified in the Table below:-

<table>
<thead>
<tr>
<th>Period of Aggregate Extension of Transition Period</th>
<th>Payment to India</th>
</tr>
</thead>
<tbody>
<tr>
<td>One year</td>
<td>£ Stg 3,125,000</td>
</tr>
<tr>
<td>Two years</td>
<td>£ Stg 6,046,250</td>
</tr>
<tr>
<td>Three Years</td>
<td>£ Stg 9,850,000</td>
</tr>
</tbody>
</table>

(6) The provisions of Article IV (1) and Article V (1) shall not be construed as conferring upon India any right to participate in the decisions as to the system of works which

* Since implemented
** Since lapsed
Pakistan constructs pursuant to Article IV (1) or as constituting an assumption of any responsibility by India or as an agreement by India in regard to such works.

(7) Except for such payments as are specifically provided for in this Treaty, neither Party shall be entitled to claim any payment for observance of the Provisions of this Treaty or to make any charge for water received from it by the other Party.

ARTICLE VI

Exchange of Data

(1) The following data with respect to the flow in, and utilisation of the waters of, the Rivers shall be exchanged regularly between the Parties:—

(a) Daily (or as observed or estimated less frequently) gauge and discharge data relating to flow of the Rivers at all observation sites.

(b) Daily extractions for or releases from reservoirs.

(c) Daily withdrawals at the heads of all canals operated by government or by a government agency (hereinafter in this Article called canals), including link canals.

(e) Daily deliveries from link canals.

These data shall be transmitted monthly by each Party to the other as soon as the data for a calendar month have been collected and tabulated, but not later than three months after the end of the month to which they relate: Provided that such of the data specified above as are considered by either Party to be necessary for operational purposes shall be supplied daily or at less frequent intervals, as may be requested. Should one Party request the supply of any of these data by telegram, telephone, or wireless, it shall reimburse the other Party for the cost of transmission.

(2) If, in addition to the data specified in Paragraph (1) of this Article either Party requests the supply of any data relating to the hydrology of the Rivers, or to canal or reservoir operation connected with the Rivers, or to any provision of this Treaty, such data shall be supplied by the other party to the extent that these are available.
ARTICLE VII

Future Co-Operation

(1) The two Parties recognize that they have a common interest in the optimum development of the Rivers, and, to that end, they declare their intention to cooperate, by mutual agreement, to the fullest possible extent. In particular:

(a) Each Party, to the extent it considers practicable, and on agreement by the other Party to pay the costs to be incurred, will, at the request of the other Party, set up or install such hydrologic observation stations within the drainage basins of the Rivers, and set up or install such meteorological observation stations relating thereto and carry out such observations thereof, as may be requested and will supply the data so obtained.

(b) Each Party, to the extent it considers practicable on agreement by the other Party to pay the costs to be incurred, will, at the request of the other Party, carry out such new drainage works as may be required in connection with new drainage works of the other Party.

(c) At the request of either Party, the two Parties may, by mutual agreement, cooperate in undertaking engineering works on the Rivers.

The formal arrangements, in each case, shall be as agreed upon between the Parties.

(2) If either Party plans to construct any engineering works which would cause interference with the waters of any of the Rivers and which, in its opinion, would affect the other Party materially, it shall notify the other Party of its plans and shall supply such data relating to the work as may be available and as would enable the other Party to inform itself of the nature, magnitude and effect of the work. If a work would cause interference with the waters of any of the Rivers but would not in the opinion of the Party planning it, affect the other Party materially, nevertheless the Party planning the work shall, on request supply the other Party with such data regarding the nature, magnitude and effect, if any of the work as may be available.
ARTICLE VIII

Permanent Indus Commission

(1) India and Pakistan shall each create a permanent post of Commissioner for Indus Waters, and shall appoint to this post, as often as a vacancy occurs, a person who should ordinarily be a high ranking engineer competent in the field of hydrology and water use. Unless either Government should decide to take up any particular question directly with the other Government, each Commissioner will be the representative of his Government for all matters arising out of this Treaty, and will serve as the regular channel of communication on all matters relating to the implementation of the Treaty, and, in particular with respect to

(a) the furnishing or exchange of information or data provided for in the Treaty; and

(b) the giving of any notice or response to any notice provided for in the Treaty

(2) The status of each Commissioner and his duties and responsibilities towards his Government will be determined by that Government.

(3) The two Commissioners shall together form the Permanent Indus Commission.

(4) The purpose and functions of the Commission shall be to establish and maintain cooperative arrangements for the implementation of this Treaty, to promote cooperation between the Parties in the development of the waters of the Rivers and in particular,

(a) to study and report to the two Governments on any problem relating to the development of the waters of the Rivers which may be jointly referred to the Commission by the two Governments; in the event that a reference is made by one Government alone, the Commissioner of the other Government shall obtain the authorization of his Government before he proceeds to act on the reference;

(b) to make every effort to settle promptly, in accordance with the provisions of Article IX (1) any question arising thereunder;
(c) to undertake, once in every five years, a general tour of inspection of the Rivers for ascertaining the facts connected with various developments and works on the Rivers;

(d) to undertake promptly, at the request of either Commissioner, a tour of inspection of such works or sites on the Rivers as may be considered necessary by him for ascertaining the facts connected with those works or sites; and

(e) to take, during the Transition Period, such steps as may be necessary for the implementation of the Provisions of Annexure H.

(5) The Commission shall meet regularly at least once a year, alternatively in India and Pakistan. This regular meeting shall be held in November or in such other month as may be agreed upon between the Commissioners. The Commission shall also meet when requested by either Commissioner.

(6) To enable the Commissioners to perform their functions in the Commission, each Government agrees to accord to the Commissioner of the other Government the same privileges and immunities as are accorded to representatives of member States to the principal and subsidiary organs of the United Nations under Sections 11, 12, and 13 of Article IV of the Convention on the Privileges and immunities of the United Nations (dated 13th February 1946) during the periods specified in those sections. It is understood and agreed that these privileges and immunities are accorded to the Commissioners not for the personal benefit of the individuals themselves but in order to safeguard the independent exercise of their functions in connection with the Commission; consequently, the Government appointing the Commissioner not only has the right but is under a duty to waive the immunity of its Commissioner in any case where, in the opinion of the appointing Government, the immunity would impede the course of justice and can be waived, without prejudice to the purpose for which the immunity is accorded.

(7) For the purposes of the inspections specified in Paragraph 4 (c) and (d) each Commissioner may be accompanied by two advisers or assistants to whom appropriate facilities will be accorded.

(8) The Commission shall submit to the Government of India and to the Government of Pakistan, before the first of June of every year, a report on its work for the year ended on the preceding 31st of March and may submit to the two Governments other reports at such times as it may think desirable.
(9) Each Government shall bear the expenses of its Commissioner and his ordinary staff. The cost of any special staff required in connection with the work mentioned in Article VII (1) shall be borne as provided therein.

(10) The Commission shall determine its own procedures.

**ARTICLE IX**

Settlement of Differences and Disputes

(1) Any question which arises between the Parties concerning the interpretation or application of this Treaty or the existence of any fact which, if established, might constitute a breach of this Treaty shall first be examined by the Commission, which will endeavour to resolve the question by agreement.

(2) If the Commission does not reach agreement on any of the questions mentioned in paragraph (1), then a difference will be deemed to have arisen, which shall be dealt with as follows:

(a) Any difference which, in the opinion of either Commissioner, falls within the provisions of Part I of Annexure F shall, at the request of either Commissioner, be dealt with by a Neutral Expert in accordance with the provisions of Part 2 of Annexure F;

(b) If the difference does not come within the provisions of Paragraph (2) (a) or if a Neutral Expert does not come within the provisions of Paragraph 7 of Annexure F, has informed the Commission that in his opinion, the difference, or a part thereof, should be treated as a dispute, then a dispute will be deemed to have arisen which shall be settled in accordance with the provisions of Paragraphs (3) and (4).

Provided that, at the discretion of the Commission, any difference may either be dealt with by a Neutral Expert in accordance with the provisions of Part 2 of Annexure F or be deemed to be a dispute to be settled in accordance with the provisions of Paragraphs (3), (4) and (5) or may be settled in any other way agreed upon by the Commission.
(3) As soon as a dispute to be settled in accordance with this and the succeeding paragraphs of this Article has arisen the Commission shall, at the request of either Commissioner, report the fact to the two Governments, as early as practicable, stating in its report the points on which the Commission is in agreement and the issues in dispute, the views of each Commissioner on these issues and his reasons therefor.

(4) Either Government may, following receipt of the report referred to in Paragraph (3), or if it comes to the conclusion that his report is being unduly delayed in the Commission, invite the other Government to resolve the dispute by agreement. In doing so it shall state the names of its negotiators and their readiness to meet with the negotiators to be appointed by the other Government at a time and place to be indicated by the other Government. To assist in these negotiations, the Governments may agree to enlist the services of one or more mediators acceptable to them.

(5) A Court of Arbitration shall be established to resolve the dispute in the manner provided by Annexure G.

(a) upon agreement between the Parties to do so; or

(b) at the request of either Party, if, after negotiations have begun pursuant to Paragraph (4), in its opinion the dispute is not likely to be resolved by negotiation or mediation; or

(c) at the request of either Party, if, after the expiry of one month following receipt by the other Government of the invitation referred to in paragraph (4) that Party comes to the conclusion that the other Government is unduly delaying the negotiations.

(6) The provisions of Paragraphs (3), (4) and (5) shall not apply to any difference while it is being dealt with by a Neutral Expert.

**ARTICLE X**

**Emergency Provision**

If at any time prior to 31 March 1965, Pakistan should represent to the Bank that, because of the outbreak of large-scale international hostilities arising out of causes beyond

* Lapsed on 31 March 1965.
the control of Pakistan, it is unable to obtain from abroad the materials and equipment necessary for the completion, by 31 March 1973, of that part of the system of works referred to in Article IV (1) which relates to the replacement referred to therein, (hereinafter referred to as the "replacement element") and if, after consideration this representation with India, the Bank is of the opinion that:

(a) these hostilities are on a scale of which the consequence is that Pakistan is unable to obtain in time such materials and equipment as must be procured from abroad for the completion by 31 March 1973, of the replacement element, and

(b) since the Effective Date, Pakistan has taken all reasonable steps to obtain the said materials and equipment, and with such resources of materials and equipment as have been available to Pakistan both from within Pakistan and abroad has carried forward the construction of replacement element with due diligence and all reasonable expedition.

the Bank shall immediately notify each of the Parties accordingly, The Parties undertake, without prejudice to the provisions of Article XII (3) and (4) that, on being so notified, they will forthwith consult together and enlist the good offices of the Bank in their consultation, with a view to reaching mutual agreement as to whether or not, in the light of the circumstances then prevailing, any modifications of the provisions of this Treaty are appropriate and advisable and, if so, the nature and extent of the modifications.

ARTICLE XI

General Provisions

(1) It is expressly understood that:

(a) this Treaty governs the rights and obligations of each Party in relation to the other with respect only to the use of the waters of the Rivers and matters incidental thereto; and

(b) nothing contained in this Treaty, and nothing arising out of the execution thereof, shall be construed as constituting a recognition or waiver (whether tacit, by implication or otherwise) of any rights or claims whatsoever of either of the Parties other than those rights or claims which are expressly recognized or waived in this Treaty.
Each of the Parties agrees that it will not invoke this Treaty, anything contained therein, or anything arising out of the execution thereof, in support of any of its own rights or claims whatsoever or in disputing any of the rights or claims whatsoever of the other Party, other than those rights or claims which are expressly recognised or waived in this Treaty.

(2) Nothing in this Treaty shall be construed by the Parties as in any way establishing any general principle of law or any precedent.

(3) The rights and obligations of each party under this Treaty shall remain unaffected by any provisions contained in, or by anything arising out of the execution of any agreement establishing the Indus Basin Development Fund.

ARTICLE XII

Final Provisions

(1) This Treaty consists of the Preamble, the Articles hereof and Annexures A to H hereto, and may be cited as "The Indus Waters Treaty, 1960".

(2) This Treaty shall be ratified and the ratifications thereof shall be exchanged in New Delhi. It shall enter into force upon the exchange of ratifications, and will then take effect retrospectively from the first of April 1960.

(3) The provisions of this Treaty may from time to time be modified by a duly ratified treaty concluded for that purpose between the two Governments.

(4) The provisions of this Treaty, or the provisions of this Treaty as modified under the provisions of Paragraph (3), shall continue in force until terminated by a duly ratified treaty concluded for that purpose between the two Governments.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed this Treaty and have hereunto affixed their seals.

Done in triplicate in English at Karachi on this Nineteenth Day of September 1960.

FOR THE GOVERNMENT OF INDIA:

Jawaharlal Nehru

FOR THE GOVERNMENT OF PAKISTAN:

MOHAMMAD AYUB KHAN FIELD MARSHAL, H.P, H.J
FOR THE INTERNATIONAL BANK FOR RECONSTRUCTION: AND DEVELOPMENT

for the purposes specified in Articles V and X and
Annexures F, G and H

W.A.B. Iliff

source: Foreign Affairs Record, (New Delhi), vol. 6, no. 10, October 1960, pp. 10-20
APPENDIX II

THE TASHKENT DECLARATION

(10 January 1960)

The Prime Minister of India and the President of Pakistan having met at Tashkent and having discussed the existing relations between India and Pakistan, hereby declare their firm resolve to restore normal and peaceful relations between their countries and to promote understanding and friendly relations between their peoples. They consider the attainment of these objectives of vital importance for the welfare of the 600 million people of India and Pakistan.

I

The Prime Minister of India and the President of Pakistan agree that both sides will exert all efforts to create good neighborly relations between India and Pakistan in accordance with the United Nations Charter. They reaffirm their obligation under the Charter not to have recourse to force and settle their disputes through peaceful means. They considered that the interests of peace in their region and particularly in the Indo-Pakistan Sub-Continent and, indeed, the interests of the peoples of India and Pakistan were not served by the continuance of tension between the two countries. It was against this background that Jammu and Kashmir was discussed and each of the sides set forth its respective position.

II

The Prime Minister of India and the President of Pakistan have agreed that all armed personnel of the two countries shall be withdrawn not later than 25 February 1966 to the positions they held prior to 5 August 1965 and both sides shall observe the ceasefire terms on the ceasefire line.

III

The Prime Minister of India and the President of Pakistan have agreed that relations between India and Pakistan shall be based on the principle of non-interference in the internal affairs of each other.
IV

The Prime Minister of India and the President of Pakistan have agreed that both side will discourage any propaganda against the other country and will encourage propaganda which promotes the development of friendly relations between the two countries.

V

The Prime Minister of India and the President of Pakistan have agreed that the High Commissioner of India to Pakistan and the High Commissioner of Pakistan to India will return to their posts and that the normal functioning of diplomatic missions of both countries will be restored. Both Governments shall observe the Vienna Convention of 1961 on Diplomatic intercourse.

VI

The Prime Minister of India and the President of Pakistan have agreed to consider measures towards the restoration of economic and trade relations, communications as well as cultural exchanges between India and Pakistan, and to take measures to implement the existing agreements between India and Pakistan.

VII

The Prime Minister of India and the President of Pakistan have agreed that they give instructions to their respective authorities to carry out the repatriation of the prisoners of war.

VIII

The Prime Minister of India and the President of Pakistan have agreed that both sides will continue the discussion of questions relating to the problems of refugees and evictions/illegal immigrations. They also agreed that both sides will create conditions which will prevent the exodus of people. They further agreed to discuss the return of the property and assets taken over by either side in connection with the conflict.
The Prime Minister of India and the President of Pakistan have agreed that the sides will continue meetings both at the highest and at other levels on matters of direct concern to both countries. Both sides have recognised the need to up joint Indian-Pakistani bodies which will report to their Governments in order to decide what further steps should be taken.

The Prime Minister of India and the President of Pakistan record their feelings of deep appreciation and gratitude to the leaders of the Soviet Union, the Soviet Government and personally to the Chairman of the Council of Ministers of the USSR for their constructive, friendly and noble part in bringing about the present meeting which has resulted in mutually satisfactory results. They also express to the Government and friendly people of Uzbekistan their sincere thankfulness for their overwhelming reception and generous hospitality.

They invite the Chairman of the Council of Ministers of the USSR to witness this Declaration.

sd/-
Lal Bahadur Sastri
Prime Minister of India
Government of the Republic of India

sd /-
F.M. Mohammad Ayoob Khan
President of Pakistan
Government of the Islamic Republic of Pakistan

Witness:
Sd/- Alexi Kosigyn
Chairman of the Council of Ministers of the USSR

Source: Foreign Affairs Record, vol.12, no.1, January 1966, p. 9-10
Desirous of expanding the existing relations of sincere friendship between them,

Believing that the further development of friendship and cooperation meets the basic national interests of lasting peace in Asia and the world,

Determined to promote the consolidation of universal peace and security and to make steadfast efforts for the relaxation of international tensions and the final eliminations of the remnants of colonialism,

Upholding their firm faith in the principles of peaceful co-existence and cooperation between States with different political and social systems,

Convinced that in the world today international problems can only be solved by cooperation and not by conflict,

Reaffirming their determination to abide by the purposes and principles of the United Nations Charter,

The Republic of India on the one side, and the Union of Soviet Socialist Republics on the other side,

Have decided to conclude the present treaty, for which purposes the following plenipotentiaries have been appointed:

On behalf of the Republic of India: Sardar Swaran Singh, Minister of External Affairs.

On behalf of the Union of Soviet Socialist Republics: Mr A.A. Gromyko, Minister of Foreign Affairs.

Who, having each presented their credentials, which are found to be in proper form and due order, have agreed as follows:
ARTICLE I

The High Contracting Parties solemnly declare that enduring peace and friendship shall prevail between the two countries and their peoples. Each party shall respect the independence, sovereignty and territorial integrity of the other party and refrain from interfering in the other's internal affairs. The High Contracting Parties shall continue to develop and consolidate the relations of sincere friendship, good neighbourliness and comprehensive cooperation existing between them on the basis of the aforesaid principles as well as those of equality and mutual benefit.

ARTICLE II

Guided by the desire to contribute in every possible way to ensure enduring peace and security of their people, the High Contracting Parties declare their determination to continue their efforts to preserve and to strengthen peace in Asia and throughout the world, to halt the arms race and to achieve general and complete disarmament, including both nuclear and conventional, under effective international control.

ARTICLE III

Guided by their loyalty to the lofty ideal of equality of all peoples and nations, irrespective of race or creed, the High Contracting Parties condemn colonialism and racialism in all forms and manifestations, and reaffirm their determination to strive for their final and complete elimination.

The High Contracting Parties shall cooperate with other States to achieve these aims and to support the just aspirations of the peoples in their struggle against colonialism and racial domination.

ARTICLE IV

The Republic of India respects the peace-loving policy of the Union of Soviet Socialist Republics aimed at strengthening friendship and cooperation with all nations.

The Union of Soviet Socialist Republics respects India's policy of nonalignment and reaffirms that this policy constitutes an important factor in the maintenance of universal peace and international security and in the lessening of tensions in the world.
ARTICLE V

Deeply interested in ensuring universal peace and security, attaching great importance to their mutual cooperation in the international field for achieving these aims, the High Contracting Parties will maintain regular contacts with each other on major international problems affecting the interests of both the States by means of meetings, and exchanges of views between their leading statesmen, visits by official delegations and special envoys of the two Governments, and through diplomatic channels.

ARTICLE VI

Attaching great importance to economic, scientific and technological cooperation between them, the High Contracting Parties will continue to consolidate and expand mutually advantageous and comprehensive cooperation in these fields as well as expand trade, transport and communications between them on the basis of the principles of equity, mutual benefit and most favoured nation treatment, subject to the existing agreements and the special arrangements with contiguous countries as specified in Indo-Soviet Trade Agreement of 26 December 1970.

ARTICLE VII

The High Contracting Parties shall promote further development of ties and contacts between them in the fields of science, art, literature, education, public health, press, radio, television, cinema, tourism and sports.

ARTICLE VIII

In accordance with the traditional friendship established between the two countries, each of the High Contracting Parties declares that it shall not enter into or participate in any military alliance directed against the other Party.

Each High Contracting Party undertakes to abstain from any aggression against the other party and to prevent the use of its territory for the commission of any act which might inflict military damage on the other High Contracting Party.

ARTICLE IX

Each High Contracting Party undertakes to abstain from providing any assistance to any third country that engages in armed conflict with the other Party. In the event of either being subjected to an attack or a threat thereof, the High
Contracting Parties shall immediately enter into mutual consultations in order to remove such threat and to take appropriate effective measures to ensure peace and the security of their countries.

ARTICLE X

Each High Contracting Party solemnly declares that it shall not enter into any obligation, secret or public, with one or more States, which is incompatible with this Treaty. Each High Contracting Party further declares that no obligation be entered into, between itself and any other State or States, which might cause military damage to the other Party.

ARTICLE XI

This Treaty is concluded for the duration of twenty years and will be automatically extended for each successive period of five years unless either High Contracting Party declares its desire to terminate it by giving notice to the other High Contracting Party twelve months prior to the expiration of the Treaty. The Treaty will be subject to ratification and will come into force on the date of exchange of Instruments of Ratification which will take place in Moscow within one month of the signing of this Treaty.

ARTICLE XII

Any difference of interpretation of any Article or Articles of this Treaty which may arise between the High Contracting Parties will be settled bilaterally by peaceful means in a spirit of mutual respect and understanding.

The said Plenipotentiaries have signed the present Treaty in Hindi, Russian and English, all text being equally authentic and have affixed thereto their seals.

Done in New Delhi on the Nineth Day of August in the year One Thousand Nine Hundred and Seventy One.

On Behalf of the UNION OF SOVIET SOCIALIST REPUBLICS

Sd/- A.A. Gromyko
Minister of External Affairs.

On Behalf of the REPUBLIC OF INDIA

Sd/- SWARAN SINGH
Minister of External Affairs.

Source: Survival, XIII, October 1971, pp. 351-3
APPENDIX IV

INDO - PAK AGREEMENT (SIMLA) - 2 JULY 1972

I. The Government of India and the Government of Pakistan are resolved that the two countries put an end to the conflict and that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the sub-continent, so that both countries may henceforth devote their resources and energies to the pressing task of advancing the welfare of their people.

In order to achieve this objective, the Government of India and the Government of Pakistan have agreed as follows:

(i) That the principles and purposes of the Charter of the United Nations shall govern the relations between the two countries.

(ii) That the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them. Pending the final settlement of any of the problems between the two countries, neither side shall unilaterally alter the situation and both shall prevent the organisation, assistance or encouragement of any acts detrimental to the maintenance of harmonious relations.

(iii) That the pre-requisite for reconciliation, good neighbourliness and durable peace between them is a commitment by both countries to peaceful co-existence, respect for each other’s territorial integrity and sovereignty and noninterference in each other’s internal affairs, on the basis of equality and mutual benefit.

(iv) That the basic issues and causes of conflict which have bedevilled the relations between the two countries for the last twenty-five years shall be resolved by peaceful means.

(v) That they shall always respect each other’s national unity, territorial integrity, political independence and sovereign equality.

(vi) That in accordance with the Charter of the United Nations, they will refrain from the threat or use of force against the territorial integrity or political independence of each other.

Source: Foreign Affairs Record, vo. 18, no.7, July 1972, pp.15-16
II. Both governments will take all steps within their power to prevent hostile propaganda directed against each other.

Both countries will encourage the dissemination of such information as would promote the development of friendly relations between them.

III. In order progressively to restore and normalise relations between the two countries step by step it was agreed that:

(i) Steps shall be taken to resume communications, postal, telegraphic, sea, land including border posts, and air links, including overflights.

(ii) Appropriate steps shall be taken to promote travel facilities for the nationals of the bother country;

(iii) Trade and cooperation in economic and other agreed fields will be resumed as far as possible;

(iv) Exchange in the fields of science and culture will be promoted.

In this connection delegations from the two countries will meet from time to time to work out the necessary details.

IV. In order to initiate the process of establishment of durable peace, both governments agree that:

(i) Indian and Pakistani forces shall be withdrawn to their side of the international border;

(ii) In Jammu and Kashmir, the line of control resulting from the cease-fire of December 1971, shall be respected by both sides. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations.

Both sides further undertake to refrain from the threat of the use of force in violation of this line;

(iii) The withdrawals shall commence upon entry into force of this agreement and shall be completed within a period of thirty days thereof.

V. This agreement will be subject to ratification by both countries in accordance with their respective constitutional procedures and will come into force with effect from the date on which the instruments of ratification are exchanged.

VI. Both governments agree that their respective Heads will meet again at a mutually convenient time in the future and that in the meanwhile, the representatives of the two sides will meet to discuss further the modalities and arrangements for the establishment of durable peace and normalisation of relations including the questions of prisoners of war and civilian internees, a final settlement of the Jammu and Kashmir and the resumption of diplomatic relations.

sd/- Mrs Indira Gandhi
Prime Minister, for the Government of India

sd/- Z.A. Bhutto
President, for the Government of Pakistan.
APPENDIX V

INDO-PAK AGREEMENT REGARDING DELINEATION OF THE LINE OF CONTROL : (29 AUGUST 1972)

In pursuance of the recent exchange of letters between the Prime Minister of India and the President of Pakistan, the representatives of the two sides met in New Delhi from 25th to 29th August 1972. The Pakistan delegation comprised Mr Aziz Ahmed, special envoy of the President of Pakistan and Mr Rafi Raza, Special Assistant to the President of Pakistan and Mr Abdul Sattar, Director-General, Ministry of Foreign Affairs. The Indian delegation comprised Mr P.N Haksar, Principal Secretary to the Prime Minister of India, Mr T.N Kaul, Foreign Secretary, Mr S.K. Banerji, Secretary, Ministry of External Affairs and Mr. A.S. Chib, Joint Secretary.

The two sides reviewed the development since the signing of the Simla agreement and the need to resolve any doubts that may have arisen on either side to ensure the smooth implementation of the agreement. They reaffirmed the determination of the two governments to implement the provisions of the Simla agreement in letter and in spirit for the establishment of durable peace in the sub-continent.

The two sides made the following recommendations to their respective governments:

(i) The line of control in Jammu and Kashmir resulting from the ceasefire of December 17, 1971 will be delineated along its entire length and respected by both sides without prejudice to the recognised positions of either side. Maps showing this line will be exchanged by both sides. The inviolability of the line of control will be ensured by both the sides in accordance with paragraph 4 (ii) of the Simla Agreement. It was agreed that the delineation of the line will be completed by the 4th September 1972.

(ii) In view of certain practical difficulties that have arisen, it may not be possible to complete the process of withdrawals within the period specified in the Simla agreement. Accordingly, the withdrawals to the international border will be completed by the 15th September 1972.

(iii) Political leaders from Tharparkar will visit the areas of Sind occupied by Indian forces in order to assure the inhabitants of the area that they will be welcome to remain in or return to their homes in Pakistan in safety and dignity from camps in India in accordance with the plan given by the Director of Military Operations of India on 21 August 1972 (vide annexure). The Indian side will give necessary facilities to ensure full implementation of the plan.

Source: Foreign Affairs Record, September 1972
Vol.18, No.9, September 1972, p.9
APPENDIX VI

INDO - BANGLADESH JOINT DECLARATION ON THREE WAY
REPATRIATION, 17 APRIL 1973

The Government of India and Government of the People's Republic of Bangladesh have been giving consistently their most anxious thought and consideration to the problem of restoring friendly, harmonious and good neighbourly relations between India, Bangladesh and Pakistan on the basis of sovereign equality of each State with the object of promoting, in every possible way, durable peace in the subcontinent, so that each country may devote its resources and energies to the pressing task of advancing the welfare of its own people. With this object in view, the Government of India and the Government of the People's Republic of Bangladesh have been carrying on mutual consultations. More recently the Foreign Minister of the People's Republic of Bangladesh, His Excellency, Dr Kamal Hossain, paid a visit to Delhi on 13 April 1973 at the invitation of the Minister of External Affairs, Government of India, Mr Swaran Singh. The discussion between the two Ministers concluded on April 16.

During these discussions and mutual consultations the Government of India and the Government of the People's Republic of Bangladesh considered measures to promote jointly the process of normalisation in the sub-continent and to solve the humanitarian and other problems arising out of the armed conflict of 1971.

Reviewing the entire situation in the sub-continent the Government of India and the Government of People's Republic of Bangladesh noted with regret and concern that progress in the establishment of friendly harmonious relations had not yet been achieved owing to the failure of Pakistan to recognise the realities in the sub-continent. They felt that the policy hitherto pursued by the Government of Pakistan has stood in the way of negotiations among all the three countries on the basis of sovereign equality of each. They further noted with concern that Pakistan continued to persist in hostility towards Bangladesh and despite the clear provisions of the Simla Agreement, continued to maintain a hostile attitude against India. The Government of the People's Republic of Bangladesh reiterated their stand that they cannot participate in any discussions with Pakistan at any level except on the basis of sovereign equality.
Despite the difficulties created and hostility manifested by the Government of Pakistan, the Government of India, and the Government of the People's Republic of Bangladesh, are resolved to continue their efforts to reduce tension, promote friendly and harmonious relations in the sub-continent and work together towards the establishment of a durable peace.

Inspired by this vision and sustained by the hope that in the larger interests of reconciliation, peace and stability in the sub-continent, Pakistan will refrain from persisting in hostility, and bearing in mind the letter and spirit of the Simla Agreement concluded between India and Pakistan which Bangladesh had welcomed, the Government of India and the Government of the People's Republic of Bangladesh jointly declare as follows:

Without prejudice to the respective positions of the Government of India and the Government of the People's Republic of Bangladesh, the two Governments are ready to seek a solution to all humanitarian problems through simultaneous repatriation of the Pakistani prisoners of war and civilian internees, except those required by the Government of the People's Republic of Bangladesh for trial on criminal charges, the repatriation of Bangalies forcibly detained in Pakistan and the repatriation of Pakistanis in Bangladesh, i.e. all non-Bengalees who owe allegiance and have opted for repatriation to Pakistan.

The Government of India and the Government of the People's Republic of Bangladesh earnestly hope that Pakistan will respond to the constructive initiative taken by the two governments to solve the humanitarian problems in the manner set out in Paragraph 5.

Source: Foreign Affairs Record, vol. 19, No. 5, May 1973, pp. 18-19
APPENDIX VII

INDO-PAK AGREEMENT (NEW DELHI) - 28 AUGUST 1973

The special representative of the Prime Minister of India, Mr P.N. Haksar, and the Pakistan Minister of State for Defence and Foreign Affairs, Mr Aziz Ahmed, held talks in Rawalpindi from July 24 to July 31, 1973 and in New Delhi from August 18 to August 28, 1973. These talks were held in the context of solving the humanitarian problems set out in the joint Indo-Bangladesh Declaration of April 17, 1973.

The special representatives reaffirmed the resolve of their respective governments expressed in the Simla Agreement that "the two countries put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the subcontinent".

Desirous of solving the humanitarian problems resulting from the conflict of 1971 and thus enabling the vast majority of human beings referred to in the Joint Declaration to go to their respective countries, India and Pakistan have reached the following agreement:

(i) The immediate implementation of the solution of these humanitarian problems is without prejudice to the respective positions of the parties concerned relating to the case of 195 prisoners of war referred to in clauses (vi) and (vii) of this paragraph;

(ii) Subject to clause (i), repatriation of all Pakistani prisoners of war and civilian internees will commence with the utmost despatch as soon as logistic arrangements are completed and from a date to be settled by mutual agreement;

(iii) Simultaneously, the repatriation of all Bangladeshis in Pakistan and all Pakistanis in Bangladesh referred to in clause (v) below, to their respective countries will commence;

(iv) In the matter of repatriation of all categories of persons the principle of simultaneity will be observed throughout as far as possible;

(v) Without prejudice to the respective positions of Bangladesh and Pakistan on the question of non-Bengalees who are stated to have 'opted for repatriation to Pakistan', the Government of Pakistan, guided by considerations of humanity,
agrees, initially, to receive a substantial number of such non-Bengalees from Bangladesh. It is further agreed that the Prime Ministers of Bangladesh and Pakistan or their designated representatives will thereafter meet to decide what additional number of persons who may wish to migrate to Pakistan may be permitted to do. Bangladesh has made it clear that it will participate in such a meeting only on the basis of sovereign equality;

(vi) Bangladesh agrees that no trials of the 195 prisoners of war shall take place during the entire period of repatriation and that pending the settlement envisaged in clause (vii) below the prisoners of war shall remain in India;

(vii) On the completion of repatriation of Pakistani prisoners of war and civilian internees in India, Bengalees in Pakistan and Pakistanis in Bangladesh referred to in clause (v) above, or earlier if they so agree, Bangladesh, India and Pakistan will discuss and settle the question of 195 prisoners of war. Bangladesh has made it clear that it can participate in such a meeting only on the basis of sovereign equality.

The special representatives are confident that the completion of repatriation provided for in this agreement would make a signal contribution to the promotion of reconciliation in the subcontinent and create an atmosphere favourable to a constructive outcome of the meeting of the three countries;

(viii) The time schedule for the completion of repatriation of the Pakistani prisoners of war and civilian internees from India, the Bengalees from Pakistan, and the Pakistanis referred to in clause (v) above from Bangladesh, will be worked out by India in consultation with Bangladesh and Pakistan, as the case may be.

The Government of India will make the logistic arrangement for the Pakistani prisoners of war and civilian internees, who are to be repatriated to Pakistan. The Government of Pakistan will make logistic arrangements within the territory up to agreed points of exit for the repatriation of Bangladesh nationals to Bangladesh. The Government of Bangladesh will make necessary arrangements for the transport of these persons from such agreed points to exit to Bangladesh.

The Government of Bangladesh will make logistic arrangements within its territory to agreed points of exit for the movement of the Pakistanis referred to in clause (v) above who will go to Pakistan. The Government of Pakistan will make ne-
cessary arrangements for the transport of these persons from such agreed points of exit to Pakistan. In making logistic arrangements the governments concerned may seek the assistance of international humanitarian organisations and others;

(ix) For the purpose of facilitating the repatriation provided for in this Agreement the representatives of the Swiss federal Government and any international humanitarian organisation entrusted with this task shall have unrestricted access at all times to Bengalees in Pakistan and to Pakistanis in Bangladesh referred to in clause (v) above. The Government of Bangladesh and the Government of Pakistan will provide all assistance and facilities to such representatives in this regard including facilities for adequate publicity for the benefit of the persons entitled to repatriation under this Agreement;

(x) All persons to be repatriated in accordance with this agreement will be treated with humanity and consideration.

The Government of India and the Government of Pakistan have concurred in this agreement. The special representative of the Prime Minister of India, having consulted the Government of Bangladesh, has also conveyed the concurrence of the Bangladesh Government in this Agreement.

Source: Foreign Affairs Record, vol. 19, No. 9, September 1973, pp. 13-14
APPENDIX VIII

INDO-PAK-BANGLA AGREEMENT (NEW DELHI) - 9 APRIL 1974

On July 2, 1972, the President of Pakistan and the Prime Minister of India signed a historic agreement at Simla under which they resolved that "the two countries put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the subcontinent". The agreement also provided for "the settlement of "their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon".

Bangladesh welcomed the Simla agreement. The Prime Minister of Bangladesh strongly supported its objectives of reconciliation, good neighbourliness and establishment of durable peace in the sub-continent.

The humanitarian problems arising in the wake of the tragic events of 1971, constituted a major obstacle in the way of reconciliation and normalisation among the countries of the subcontinent. In the absence of recognition, it was not possible to have tripartite talks to settle the humanitarian problems as Bangladesh could not participate in such a meeting except on the basis of sovereign equality.

On April 17, 1973, India and Bangladesh took a major step forward to break the deadlock on the humanitarian issues by setting aside political problems of recognition. In a declaration issued on that date they said that they "are resolved to continue their efforts to reduce tension, promote friendly and harmonious relationship in the sub-continent and work together towards the establishment of a durable peace". Inspired by this vision and "in the larger interests of reconciliation, peace and stability in the sub-continent" they jointly proposed that the problem of the detained and stranded persons should be resolved on humanitarian consideration through simultaneous repatriation of all such persons except those Pakistani prisoners of war who might be required by the Government of Bangladesh for trial on certain charges.

Following the declaration there were a series of talks between India and Bangladesh and India and Pakistan. These talks resulted in an agreement at Delhi on August 28, 1973 between India and Pakistan with the concurrence of Bangladesh which provided for a solution of the outstanding humanitarian problems.
In pursuance of this agreement, the process of three-way repatriation commenced on September 19, 1973. So far nearly 300,000 persons have been repatriated which has generated an atmosphere of reconciliation and paved the way for normalisation of relations in the sub-continent.

In February 1974, recognition took place thus facilitating participation of Bangladesh in the tripartite meeting envisaged in the Delhi Agreement, on the basis of sovereign equality. Accordingly His Excellency Dr Kamal Hossain, Foreign Minister of the Government of Bangladesh, His Excellency Sardar Swaran Singh, Minister of External Affairs, Government of India and His Excellency Mr Aziz Ahmed, Minister of State for Defence and Foreign Affairs of the Government of Pakistan met in New Delhi from April 5, to April 9, 1974 and discussed the various issues mentioned in the Delhi Agreement, in particular the question of the 195 prisoners of war and the completion of the three-way process of repatriation involving Bengalees in Pakistan, Pakistanis in Bangladesh and Pakistani prisoners of war in India.

The Ministers reviewed the progress of the three-way repatriation under the Delhi Agreement of August 28, 1973. They were gratified that such a large number of persons detained or stranded in the three countries had since reached their destinations.

The Ministers also considered steps that needed to be taken in order expeditiously to bring the process of the three-way repatriation to a satisfactory conclusion.

The Indian side stated that the remaining Pakistani prisoners of war and civilian internees in India to be repatriated under the Delhi Agreement numbering approximately 6,500 would be repatriated at the usual pace of a train on alternate days and the likely shortfall due to suspension of trains from April 10 to April 19, 1974, on account of Kumbh Mela, would be made up by running additional trains after April 19, 1974. It was thus hoped that the repatriation of prisoners of war would be completed by the end of April 1974.

The Pakistan side stated that the repatriation of Bangladeshi nationals from Pakistan was approaching completion. The remaining Bangladesh nationals in Pakistan would also be repatriated without let or hindrance.

In respect of non-Bengalis in Bangladesh, the Pakistan side stated that the Government of Pakistan had already issued clearances for movement to Pakistan in favour of those non-Bengalees who were either domiciled in former West Pakistan, were employees of the Central Government and their families or were members of the divided families irrespective of their original domicile. The issuance of clearances to 25,000 persons who constitute hardship cases was also in progress.
The Pakistan side reiterated that all those who fall under the first three categories would be received by Pakistan without any limit as to numbers. In respect of persons whose applications had been rejected, the Government of Pakistan would upon request provide reasons why any particular case was rejected. Any aggrieved applicant could at any time seek a review of his application provided he was able to supply new facts or further information to the Government of Pakistan in support of his contentions that he qualified in one or other three categories. The claims of such persons would not be time-barred. In the event of the decision of review of a case being adverse, the Governments of Pakistan and Bangladesh might seek to resolve it by mutual consultation.

The question of 195 Pakistani prisoners of war was discussed by the three Ministers, in the context of the earnest desire of the governments for reconciliation, peace and friendship in the subcontinent. The Foreign Minister of Bangladesh stated that the excesses and manifold crimes committed by these prisoners of war constituted according to the relevant provisions of the UN General Assembly resolutions and international law, war crimes, crimes against humanity and genocide, and that there was universal consensus that persons charged with such crimes as the 195 Pakistani prisoners of war should be held to account and subjected to the due process of law. The Minister of State for Defence and Foreign Affairs of the Government of Pakistan said that his government condemned and deeply regretted any crimes that may have been committed.

In this connection the three Ministers noted that the matter should be viewed in the context of the determination of the three countries to continue resolutely to work for reconciliation. The Ministers further noted that following recognition, the Prime Minister of Pakistan had declared that he would visit Bangladesh in response to the invitation of the Prime Minister of Bangladesh and appealed to the people of Bangladesh to forgive and forget the mistakes of the past in order to promote reconciliation. Similarly, the Prime Minister of Bangladesh had declared with regard to the atrocities and destruction committed in Bangladesh in 1971, that he wanted the people to forget the past and to make a fresh start so that the people of Bangladesh knew how to forgive.

and

In the light of the foregoing in particular having regard to the appeal of the Prime Minister of Pakistan to the People of Bangladesh to forgive and forget the mistakes of the past, the Foreign Minister of Bangladesh stated that the Government of Bangladesh had decided not to proceed with the trials as an act of clemency. It was agreed that the 195 prisoners of war may be repatriated to Pakistan along with the other prisoners of war now in the process of repatriation under the Delhi Agreement.
The Ministers expressed their conviction that the above agreements provide a firm basis for the resolution of the humanitarian problems arising out of the conflict of 1971. They reaffirmed the vital stake the 700 million people of the three countries have in peace and progress and reiterated the resolve of their governments to work for the promotion of normalisation of relations and the establishment of durable peace in the subcontinent.

Source: Foreign Affairs Record (New Delhi), vol. 10, No. 4, April 1974, pp. 8-9
TALKS TAKEN PLACE IN ISLAMABAD ON MAY 12-14, THE INDIAN
DELEGATION BEING LED BY MR JAGAT SINGH MEHTA (MR KEWAL SINGH'S
SUCCESSOR) AND THE PAKISTANI DELEGATION BY MR SHAHI. A JOINT
STATEMENT ISSUED AT THE CONCLUSION OF THE TALKS ANNOUNCED THAT
AGREEMENT HAD BEEN REACHED ON THE FOLLOWING POINTS:

(1) The two countries would send a joint letter to the ICAO
withdrawing their complaints. Overflights and air links would
be restored.

(2) Goods and passenger traffic by rail would be resumed
through the Wagah-Attari border (i.e., between Lahore in Pakistan
and Amritsar in India). Goods meant for the other country could
also be transported by road up to this point.

(3) Diplomatic relations would be reestablished at ambassado-
rial level.

(4) The private sector would be enabled to participate in the
trade between the two countries from July 15. (Under a protocol
signed on November 30, 1974, trade had been handled only on a
government-to-government basis or by government corporations -
see 26913 B).

(5) The issue of detainers would be resolved expeditiously
and efforts would be made to locate and repatriate persons still
untraced. (An agreement on this issue had been signed on April
9, 1974, but had not been fully implemented - see 26509 A).

Announcements on the implementation of various aspects
of the Islamabad agreement were made in the second half of June.

(1) Civil aviation officials reached agreement on June 17,
on arrangements for the resumption of air links and overflights
and on a joint letter to the ICAO to ensure simultaneous with-
drawal of the two countries' complaints. The leader of the Pakis-
tani delegation said that nothing in the agreement debarred bi-
lateral discussions between the two governments on their cases,
including the Indian claim for compensation.

(2) It was announced on June 21, that (i) Mr Kayatyan Shankar
Bajpai, currently Indian ambassador in The Hague had been appointed
ambassador to Pakistan; and (ii) Syed Fida Hassan, who had held a
number of senior posts in the Government of Pakistan, would be
his country's ambassador to India.
(3) Arrangements were announced on June 23, for the inclusion of the private sector in trade between India and Pakistan with effect from July 15.

(4) An agreement was signed in New Delhi on June 28 providing for the resumption of a direct freight and passenger rail link across the Wagah-Attari border, with the first service to take place on a date between July 17 and 24.

Source: Keesing's Contemporary Archives, 23 July 1976, pp. 27845-46

The Government of the Islamic Republic of Pakistan and the Government of the Republic of India

Being desirous of promoting and strengthening friendly relations between them on the basis of sovereignty, equality and mutual benefit,

Taking into consideration the provisions of the Indus Waters Treaty, 1960, to which both the Governments are parties,

Having discussed the differences that had arisen between the two governments regarding the design of the Salal Hydro-electric Plant on Chenab Main, and

Without prejudice to the provisions of the Indus Waters Treaty, 1960 (hereinafter referred to as the Treaty) or to the rights and obligations of the Parties thereunder,

Have agreed as follows:

ARTICLE I

The salient features of the Salal Hydro-electric Plant shall conform to the following:

(i) Location: At Salal, Longitude: 74° 50' East; Latitude: 33° 08' North.
(ii) Full Pondage Level: Not higher than EL 1600 feet.
(iii) Dead Storage Level: Same as the Full Pondage Level.
(iv) Operating Pool: Nil
(v) Dead storage Capacity: Not exceeding 230,303.76 cu ft.
(vi) Immovable Crest Level of the Spillway: Not more than 30 feet below the Full Pondage Level.
(vii) Spillway Gates: 12 numbers, 50 feet wide and 30 feet high. The design shall provide for water to spill over the top of the spillway gates if the gates are not opened in time.
(viii) **Level of Power Intakes:** The centreline of the penstocks at the intake to be not lower than 27.5 feet below the Full Pondage level.

(ix) **Outlet Works:** Six numbers with fill level not below EL 1365 feet. These shall be permanently closed with concrete plugs within one year of the date of the first filling of the reservoir up to the Full Pondage Level or within three years of the first filling of the reservoir to the crest of the spillway, whichever is earlier.

The Dead storage shall not be depleted except in an unforeseen emergency endangering the safety of the earth or the concrete dams. In that event, India shall give immediate information to the Government of Pakistan of the nature of the Emergency and may simultaneously undertake such action as may be necessary.

In case the removal of concrete plugs becomes necessary, India shall hold immediate consultations with the representatives of the Pakistan Government including site inspection of the Plant.

**ARTICLE 2**

India shall not make any further alterations in the features of the design of the Plant specified in Article 1 above except by mutual agreement.

**ARTICLE 3**

Any question which arises between the parties concerning the interpretation or application of this Agreement or the existence of any fact which, if established, might constitute a breach of this Agreement shall be dealt with under the provisions of Article IX of the Treaty.

**ARTICLE 4**

Matters not expressly provided for in this agreement shall be governed by the provisions of the Treaty.

**ARTICLE 5**

The terms used in this agreement shall have the same meanings as in the Treaty.
ARTICLE 6

This Agreement shall come into force upon signature.

Done in duplicate in the Urdu, Hindi and English languages at New Delhi on this Fourteenth day of April, 1978. All the texts will be equally authentic; however, in case of doubt, the English text shall prevail.

sd/-
AGHA SHAHI
Adviser on Foreign Affairs
For the Government of the
Islamic Republic of Pakistan

sd/-
A.B. VAJPAYEE
Minister of External Affairs
For the Government of the
Republic of India