Chapter III

Indo-Bangladesh Conflict and Conflict Resolution

Water conflicts often arise as a result of unequal distributions of water, or from a dependency-led need for more water – often at the expense of neighbouring states. The sharing of Ganga waters has been the most conspicuous issue affecting the Indo-Bangladesh relations. The Ganges River dispute has been one of the protracted and the most interesting of international water disputes. The river Ganges feeds down from the Himalayan Nanda Devi range and incorporates the nations of India, Bangladesh, Bhutan, Nepal and China as riparian states. Regarded as one of the world's great rivers, the Ganges has an economic, social and spiritual importance for over half-a-billion basin inhabitants who are dependent upon the river for the provision of hydro-electricity, industry, agriculture, navigation and various other aspects of regional life (for details see: Nazem, 1991: 109; Nishat, 1996: 69-79; Rahman, 1984: 269-275; Gulati, 1988: 117; N. Islam, 1992: 215-223). For over 92% of its course the river flows within India, before entering the Brahmaputra and Meghna rivers in Bangladesh and finally falling into the Bay of Bengal. Indeed the Ganga-Brahmaputra-Meghna system is responsible for the existence of Bangladesh itself, which is a delta, formed from systems silt deposits.

The problem over the Ganges is typical of conflicting interests of up and down the riparian streams. India, as an upper riparian state developed plans for water diversions for its own irrigation, navigability and water supply interests. Initially Pakistan and later Bangladesh has interests in protecting the historic flow of the river for its own down-stream uses. The sharing of the

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Ibid., p. 8.
Ganges waters has been the major issue of contention between these two countries. Bangladesh’s problem has been that of shortage of waters in the Ganges particularly in the lean period due to the construction of the Farakka Barrage over the Ganges by Government of India. India’s problem is that it needs diversion of the Ganges waters into the river Hoogly in order to save Calcutta port, which has vital economic significance for the whole of eastern India.

The conflict centres around the competing claims of India and Bangladesh for the limited dry season flow of the Ganges, and the redistribution of the river's flow at the Farakka Barrage. Farakka lies a few kilometers within Indian territory and it allocates or diverts the entire flow of the Ganges along either the Hoogly system within India, or Bangladesh’s Padma system. India’s reasoning for diverting the flow is to help flush out the Port of Calcutta, which is becoming silted up (for details see: Tiwari, 1989: 120-121; Swain, 1993: 429-431; Bhasin, 1996: 390-391, 442-443, 469, Verghese, 1996: 50).

The conflict arose as a result of the decision of the Indian government to build a barrage at Farakka on the Ganges. The 2246 meter long Farakka barrage, located 17 km. Upstream of Bangladesh near Manoharpur, has been a long lingering source of conflict and tension between India and Bangladesh. It stands close to the point where the main flow of the river enters Bangladesh, and the river Hoogly, which is a distributory of the Ganges, continues in West Bengal past Kolkata. The Ganga enters Bangladesh 11 miles below a village called Farakka, in the district of Murshidabad and joins the Brahmaputra at a Goulanda in Bangladesh and then meets the Meghna before the combined flow of the three rivers enter the Bay of Bengal. The Ganga has a peak flow of 3,300,000 cusecs during monsoon period, but it is reduced to a discharge of only 50 to 60 thousand cusecs at Farakka during the months of March, April and May. The rate of

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discharge at 75% availability for the most critical period of the year is of the order of 55,000 cusecs.4

The conflict between India and Bangladesh is basically related to the shortage of water in the Calcutta port, which has necessitated for India to make alternative arrangements in order to maintain the flow of waters. Calcutta is an important port of India situated on the banks of the river Hoogly. This port had a key position in the trade based economy of the Britishers. Therefore, Britishers were specifically concerned of the maintenance of Calcutta Port. The port has inherited its economic importance after independence. It is in fact basic to the trade, which is passed through Calcutta Port.5 In the beginning there was no scarcity of waters in the Hoogly for navigational purposes. However, because of the silt formation in the riverbed there was a gradual shifting in the course of the Ganga, which had resulted in the scarcity of water in Calcutta Port that adversely affected navigational activities. An urgent need was felt to save the Calcutta Port by making some alternative arrangements for the maintenance of water flow in the Hoogly river. In order to flush down the silt deposited in the Calcutta Port there was also a need to make a strong current of water.6 It had been suggested that constructing a barrage across the river Ganges at Farakka would solve the problem.7 Though it was decided in 1951 to construct a barrage at Farakka, the project was actually begun in 1961 and completed in 1975. The Farakka Barrage had two objectives. The first is to maintain

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navigability of this river and flush out the silt deposited in the Kolkata port and the second is to ensure saline free water supply for Kolkata city.  

**Indian Perspective**

India’s basic contention is that the port of Calcutta has been threatened due to shortage of waters in the river Hoogly. High silting, high salinity, frequent and intense ideal bars, poor navigability because of lowering down of water level has made it imperative to introduce in Hoogly additional water supplies of 40,000 cusecs during lean season to flush out sandbars and silt deposited. The Indian perspective is entirely different from the Bangladesh perspective. Indian view, at the government level is that Bangladesh is extremely rigid and unreasonable on this issue that it has greatly over pitched its water needs and has in fact never used more than a small fraction of the waters that have been flowing through; that it tended to exaggerate the adverse effect of reduced flow. It keeps insisting on ‘historic’ flows and virtually seeks to impose a vote on upstream uses; and it has blown the conflict up into a big political issue in domestic politics, making inter-governmental negotiations difficult. A further complication in the Indian case is that it has a federal structure and at the level of the state government there is a feeling that in its negotiations with Bangladesh, the Government of India fails to pay adequate heed to the interest of the states and tends to be generous to Bangladesh and their cost.  

The Indian view about the purpose of the Farakka Barrage was also different from Bangladesh. According to Indian perspective the primary purpose of the Farakka barrage was the diversion of a part of the waters of the Ganga to the Bhagirathi-Hoogly arm to arrest the deterioration of Calcutta Port. The secondary purpose was to protect Calcutta’s drinking and industrial...
water supplies from the incursion of salinity. According to Indian view these goals were perhaps legitimate goals. The construction of a diversion barrage across the Ganga was not a post-partition project arising out of ill will or indifference towards erstwhile East Pakistan. In fact, the project was first conceived by British engineers way back in the 19th century. Even if partition had not taken place, the barrage would probably have been built.11

Indian views are also controversial on the idea of augmentation. At an early stage, it was agreed that the existing lean season flow was inadequate for the combined need of the two countries and it was necessary to augment this flow. But there was sharp disagreement on how the augmentation was to be accomplished. The Indian proposal for the augmentation was that Ganga was water-short and needed to be augmented by a diversion of waters from the Brahmaputra, which had a large surplus.12 But according to India this should be done through the transfer of about 100,000 cusecs of water from the Brahmaputra River by constructing a 324 km long link canal from Jogighapa in Assam to Farakka running across Bangladesh.13 Bangladesh rejected this idea by arguing in favor of augmentation from within the Ganga system by storing its monsoon flow behind seven high dams in Nepal. But India has objected to the proposal for the construction of storage dams because these dams would be too far from Farakka and there would be loss of lot of waters through seepage. Moreover, India has believed in the bilateral negotiations and has opposed inclusion of any third party/country in it and the construction of dam would naturally make the issue a multilateral one. India has also believed that after the construction of reservoirs Nepal might demand navigational rights to Bangladesh through India. It also pointed out:

There was also no indication of Nepal's willingness to accept the large storage in Nepal as envisaged by Bangladesh to augment the flow of the Ganga at and below Farakka.

**Bangladesh Perspective**

The main issue before Bangladesh regarding water is that due to the diversion of the Ganga waters at Farakka it receives only 15,000 cusecs of water from the Ganga during the lean season. The shortage of water has created several difficulties for it. In fact, Bangladesh feels that India's decision to divert water at Farakka has affected its economy. Bangladesh claimed that Farakka diversion had brought harmful geographical changes as well as adversely affected the economic conditions of the people of the southwestern part of the country. Bangladesh claimed its negative impact on hydrology. Bangladesh believed that due to Ganga diversion the minimum discharge of the river at Hardinge Bridge fell below the minimum ever recorded. The minimum discharge of the Ganga reached a record low of 23,000 cusecs as compared to the historical average of 64,430 cusecs. The Bangladesh's claim about its negative impact on groundwater was that the groundwater level in the highly affected area went down by five feet on average with a range of three to eight feet below normal in 1976. Regarding the increase in salinity Bangladesh claimed that since the late 1970s the south-west region had been facing the critical problem of salinity intrusion from the Bay of Bengal as a result of the drastic reduction of fresh water flows in the Gorai river – the major distributary of the Ganga. About its impact on irrigation Bangladesh claimed that the reduced water flow and penetration of salinity in the fresh water was damaging in agriculture, the most important sector of the economy. It had resulted in a loss of rice output. Bangladesh also faced problem of

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14 Upreti. no. 6, p. 142.
15 Ibid.
floods, which were caused owing to the mismanagement of the Ganga waters and for which Bangladesh blamed India.  

The Bangladesh view of this conflict was that there had been a "unilateral diversion" of the water of the Ganga by India in order to harm Bangladesh and due to this diversion the reduction in flows had several adverse effects on Bangladesh. Bangladesh objected and claimed at various stages (1975-77 and 1988-96) that India had intentionally pursued a policy of unilaterally withdrawing Ganges water at will, and ignoring Bangladesh’s lower riparian rights to an international river. According to Bangladesh’s view this was a case of a larger and more powerful country disregarding the legitimate interests of a smaller and weaker neighbour and inflicting grievous injury on it. This view of the dispute was widely prevalent in Bangladesh.

There was a divergence between India and Bangladesh on how the augmentation was to be achieved. The Indian view about the augmentation has already been discussed. The position of Bangladesh regarding the augmentation of the river flow was that the total water requirements of the entire Ganga basin could be met from the resources available within the basin itself. Bangladesh had therefore proposed augmentation through harnessing and developing the enormous monsoon flows of the Ganges in the upper catchment region of Nepal and India. This augmentation proposal would involve the construction of storage reservoirs in Nepal at seven sites, along with the storage of 51 dams in India on the Ganges. The proposed reservoirs in India and Nepal would store monsoon waters for release during the dry season and thus could significantly augment the flow. This proposal put forward by Bangladesh was unacceptable to India since it required the

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17 Upreti, no. 6, p. 142.
18 Iyer, no. 10, p.129.
21 Ibid., p. 60.
participation of Nepal. India perceived the Ganga water conflict as purely bilateral issue. The construction of dams in Nepal would naturally make the issue multilateral one. India had consistently shown its preference for bilateral arrangements rather than regional ones.  

There were several proposals but these proposals were not acceptable to Bangladesh for some reasons. First, Bangladesh viewed the Indian proposal as based on the concept of mass transfer of water from one basin to another (from Brahmaputra to Ganges). Bangladesh argued that such a mass transfer of water across a basin would be against the internationally accepted principles initiated by the International Commission of Irrigation and Drainage (ICID). Second, Bangladesh viewed that all the lean season flows of the Brahmaputra River basin were required in the Brahmaputra-dependent areas to maintain the ecological balance of the river, to prevent salinity ingress in the lower Brahmaputra-Meghna basin and to meet irrigation demand.

This raises the question that why could a consensus not be reached between the two countries for augmenting the Ganges lean season flow despite all provisions made repeatedly by the Indo-Bangladesh treaties and agreements? There could be several reasons for this, only a few of which are mentioned here. First, the desire to implement any provision made by the treaty depends on the extent of its need for both the countries. The need to arrive at an early settlement of an augmentation proposal did not seem that great for India. For Bangladesh, augmentation was urgently needed (Bandhyopadhyay, 1995). Thus differences in the level of urgencies between the two countries may have delayed finalization of augmentation proposals. This suggests that for implementing any provision made by the treaty, the urgency of its need for both the countries should be similar. Second, a lack of general principles for sharing waters from Trans-boundary Rivers has also helped in delaying finalization of augmentation proposals. Third, the involvement of an outside institution for mediation and availability of financial

resources, are key to arriving at an early settlement of any conflict between
the two countries. Lack of such a mediator and financial resources may have
contributed to the disagreement between India and Bangladesh concerning
the augmentation proposal.\textsuperscript{23}  

\textbf{Historical Overview}

The Ganges water sharing conflict began shortly after the partition of
India in 1947. Since independence in 1947, India and Pakistan (later
Bangladesh) have been in conflict over their rights to use the waters of the
Ganges. The Boundary Commission, headed by Sir Cyril Radcliffe, awarded
Murshidabad, a predominantly Muslim majority district to India, according to
India's need to save Calcutta port.\textsuperscript{24}  Two big river systems – Indus and the
Ganges – which were shared by both India and Pakistan generated lot of
controversies and conflicts. While the Indus conflict was solved with the
conclusion of the Indus treaty, the Ganges water controversy remained
unresolved, which was actually concerned with East Pakistan. The
controversy between India and Pakistan over the Ganges began after India
started preliminary planning for Farakka barrage in 1950-51. Pakistan had
objected that such a construction would affect the flow of water from the
Ganges into East Pakistan.\textsuperscript{25}  Pakistan perceived that the reduction of dry
season flow would have serious implications for Bangladesh (the then East
Pakistan).\textsuperscript{26}  However, India continued to work for planning the Farakka
project. The Pakistan government had desired that the project should be
discussed with it before it was finally designed, as its implementation could
have adverse consequences for East Pakistan.\textsuperscript{27}

\textsuperscript{23} Ibid, pp. 62-63.
\textsuperscript{24} Govt. of India, Partition Secretariat, \textit{Partition Proceedings} (New Delhi, 1950), vol. 5, p. 50.
\textsuperscript{25} Chandrika J. Gulati, \textit{Bangladesh: Liberalism to Fundamentalism} (New Delhi: Sage
\textsuperscript{26} Ben Crow, A Lindquist and D. Wilson, \textit{Sharing the Ganges: The Politics and
\textsuperscript{27} V. K Tyagi, “The Farakka Barrage Dispute: A Study in Indo-Bangladesh Relations”,
The talks between India and Pakistan began in October 1951. In October 1951, Pakistan expressed its concern about the barrage and requested prior consultations on the grounds that the lower riparian was a stakeholder in any upstream water utilization scheme. India replied six months later on March 8, 1952, that the project was under preliminary investigation and described Pakistan's concern over its probable effects as purely hypothetical. Subsequently, a series of negotiations were held at political, bureaucratic and technical levels between Pakistan and India about the proposed construction of the Farakka Barrage. In this context, Pakistan tried several approaches to reach some concrete agreements including cooperative ventures, negotiations at higher levels, as well as involving the assistance of a third party like UNO (Crow, 1995). But the negotiations were fruitless.

In March 1956, Pakistan’s apprehensions were further heightened when India repudiated the Barcelona convention and statute of 1921 on the regime of navigable waterways of international concern. Pakistan regarded this move as a signal by India to proceed with the construction of the Farakka Barrage in the Ganges (Abbas, 1984). But in January 1961, the Government of India formally informed Pakistan about its intention to go ahead with the plan to build a barrage across the Ganga river at Farakka.

During the period 1961-70, India and Pakistan had several meetings where issue of data exchange and other technical issues were discussed. The July 1970 meeting that was last with Pakistan was significant because India recognised the Ganga as an international river for the first time and accepted the principle of sharing of its water. But the period 1950-71 was fruitless as far as cooperation on Ganga water sharing was concerned.28

The problem of sharing the Ganga waters got aggravated after the emergence of Bangladesh. Bangladesh emerged as a sovereign nation state in 1971. The two nations, after duly recognising the shortage of the lean

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28 Tiwari, no. 19, p. 1688.
season flows of water to meet the needs of both the countries, decided to agree to a sharing arrangement of flows of the lean season. Accordingly, in March 1972, the prime ministers of both the countries agreed to establish the Joint River Commission (JRC) on a permanent basis. The friendship treaty was signed between the prime ministers of both the countries. Through this treaty Joint River Commission was established in November 1972 with an objective of maximizing benefit from the common rivers.

However, the phase of bonhomie was short-lived as India and Bangladesh had diverging interest and strategies for the development of the Ganga water resources. Even after the establishment of the JRC and despite several levels of negotiations, the water sharing issues concerning Farakka could not be resolved. It was only in May 1974, Sheikh Mujibur Rahman, the prime minister of Bangladesh visited India. During his talks with Indian Prime Minister Indira Gandhi, he demanded that the water issue should be resolved quickly. In a joint declaration after the visit the two sides expressed their determination of resolving water sharing issue at Farakka before the commissioning of the Farakka Barrage project. The two sides also agreed on basic principles for the future agreement on Ganga water sharing issue i.e. (a) there was a need to increase the volume of Ganga during the minimum flow period to meet the full needs of both India and Bangladesh. (b) The augmentation of water would be through optimum utilisation of the water resources available to both the countries. The responsibility for finding a solution was left to the Joint River Commission. The Commission accordingly took up the augmentation issue. However, due to differing perceptions held by the two sides JRC could not arrive at any agreed solution.

In April 1975 the Farakka barrage went on a test operation for 41 days under the temporary agreement. India continued to withdraw waters from the Ganges to the feeder canal’s full capacity even during the dry season of 1976.
As a result, the availability of water in Ganges at Hardinge Bridge (in Bangladesh) decreased to about 23,200 cusecs from the pre-Farakka flows of around 65,000 cusecs. This created a water-deficit problem that adversely impacted a number of sectors in the Ganges Dependent Area (GDA) of Bangladesh. The Government of India, however, denied or minimized the extent and gravity of such damage.32

India’s action of withdrawal of Ganges waters in 1976 was ‘unilateral’. In 1976, the Government of Bangladesh took the water sharing issue to several international fora including the UN General Assembly. The UN responded to Bangladesh’s case with an ambivalent consensus statement (26 Sept. 1976) urging both parties to negotiate.33 However, internationalisation of the issue was taking a toll on India, which could not be labelled as the big tyrant of the subcontinent. Thus, to avoid any conflict, India and Bangladesh made attempts to restart the talks without preconditions.34

Conflict Resolution: Short-Term Water Sharing Arrangements

Upon the direction of the 31st UN General Assembly (UN 1976), the first agreement between the Government of the People’s Republic of Bangladesh and the Government of the Republic of India on sharing of the Ganges waters at Farakka and on augmenting its flows was signed on 5th November 1977 at Dhaka, for the duration of 5 years.35 There were many important components of the agreement: (a) the treaty was to remain in the force for five years but was extendable by mutual agreement; (b) the lean season flow between March 31 to May 31 was defined by it; (x) the amount of water for Bangladesh was to be calculated from recorded flows of the Ganga

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11 Miah et al., no. 13, p. 13.
11 Tiwari, no. 19, p. 1689.

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at Farakka from 1948 to 1973. The agreement incorporated a guarantee clause under which during the leanest period (from April 21 to May 31) in case of exceptionally low flows (below 55,000 cusecs), Bangladesh was to be guaranteed at least 80 per cent (27,600 cusecs) of her stipulated share for the concerned 10-day period. This provision was significant for Bangladesh.36

In the course of preparing proposals for flow augmentation both Bangladesh and India had different perceptions. Bangladesh felt that the total water requirements of the entire Ganges basin could be met from the resources available within the basin itself. India, however, proposed to transfer waters from the Brahmaputra to upstream of Farakka at the Ganges. Both Bangladesh and India disapproved of one another’s proposals. As the obligation for the flow augmentation scheme was not fulfilled, the 1977 agreement expired in November 1982 and was not renewed after its expiry.37

On 7th October 1982 Memorandum of Understanding (MOU) was signed between the two countries for sharing dry season flow of Ganges in 1983 and 1984. There was no agreement for 1985 dry season. On 22nd November 1985 another MOU was signed for 3 years, which expired on 31st May 1988. The water sharing arrangement of these two MOU was almost same as 1977 Agreement.38

From 1989 onwards, India continued withdrawing water from the Ganges without any mutual agreements. Meanwhile, Bangladesh continued to urge India for a long-term water sharing agreement because the conditions in the Ganges Dependent Areas in Bangladesh started to become critical due to upstream diversion. In March 1993 the situation intensified when the Ganges flow came down to about 9,218 cusec (261 cumecs).39 Several levels

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36 Tiwari, no. 16, p. 1689.
of negotiations took place between the two countries to arrive at a permanent water sharing arrangement at Farakka, to cope with the situation. Meetings followed this between the two Prime Ministers in 1992 and 1993. However, differences of understanding persisted. As a result, Bangladesh was unable to develop any comprehensive water resource development programs in her Ganges Dependent Areas due to the absence of a guaranteed quantum of water in the river.40

New governments came into power in India and Bangladesh in May 1996 and June 1996 respectively. It recognised the gravity of the situation and accorded a top priority to concluding a long-term agreement with India for sharing the Ganges waters. After negotiations at various levels, an agreement was reached and the prime ministers of Bangladesh and India signed a treaty on 12 December 1996.41 This treaty is valid for 30 years. This reconciles the Bangladesh’s desire for a long-term agreement with the Indian desire.42 A brief chronology of historical evolution of water conflict and conflict resolution attempts between the two nations are presented in Table 1.

<table>
<thead>
<tr>
<th>Year</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>1951</td>
<td>Pakistan (Bangladesh after 1971) officially objected India’s plan to construct Farakka Barrage on 29th October 1951.</td>
</tr>
</tbody>
</table>

40 Miah et al., no. 13, p. 14.
41 Ibid.
42 Iyer, no. 11, p. 142.
<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
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</thead>
<tbody>
<tr>
<td>1974</td>
<td>Farakka Barrage construction is completed. In a joint declaration on 16 May 1974, the prime ministers of Bangladesh and India acknowledged that there was a need to augment the lean season flow of Ganges to meet the full requirements of both countries and expressed their determination that before the Farakka project would be commissioned they would arrive at a mutually acceptable allocation of the water available during the periods of minimum flow in the Ganges. The declaration authorised Indo-Bangladesh JRC to study scheme relating to the augmentation of the dry season Ganges flow and make recommendations to meet the requirements of both countries.</td>
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<tr>
<td>1975</td>
<td>On 18(^{th}) April 1975, Bangladesh allowed India to divert 310-450 m(^{3})/Sec of Ganges water from 21(^{st}) April to 31(^{st}) May 1975 to test the feeder canal of the Farakka Barrage through a ministerial level declaration. Farakka Barrage started operation on 21(^{st}) of April 1975. On June 1975, Indo-Bangladesh JRC submitted its report in pursuance on the 1974 Joint declaration. Bangladesh side suggested augmentation of dry season flow through building storage reservoirs in Nepal and whereas Indian side stressed augmentation through diversion of water from the Brahmaputra river to the Ganges River (Abbas 1984: 42). Neither side agreed on others proposal.</td>
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<tr>
<td>1976</td>
<td>India continued unilateral diversion of the Ganges flow beyond the stipulated period in the 1975 ministerial declaration throughout the 1976 dry season and withdrew 1133 m(^{3})/sec. of water at Farakka. Bangladesh raised the issue to the UN. On 26(^{th}) November 1976, UN General Assembly adopted a consensus statement, which directed both countries to urgently negotiate a fair and expeditious settlement of the Farakka problem to promote the well being of the region (UN, 1976).</td>
</tr>
<tr>
<td>Year</td>
<td>Event</td>
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<tr>
<td>1977</td>
<td>Upon the direction of the UN, India and Bangladesh signed Ganges water agreement on 5&lt;sup&gt;th&lt;/sup&gt; November 1977 for the duration of 5 years.</td>
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<tr>
<td>1982</td>
<td>7&lt;sup&gt;th&lt;/sup&gt; October 1982, a Memorandum of Understanding (MOU) was signed between the two countries for sharing dry season flow of Ganges at Farakka in 1983 and 1984. The understanding reached between the Prime Minister of India, Indira Gandhi and the President of Bangladesh, H. M. Ershad, at the Delhi summit on November 1982, followed this MOU.</td>
</tr>
<tr>
<td>1985</td>
<td>There was no agreement for 1985 dry season. The President of Bangladesh and the Prime Minister of India discussed the issue during the commonwealth summit at Nassau, Bahamas in October 1985 and agreed to sign a MOU for Ganges water sharing at Farakka. On 22&lt;sup&gt;nd&lt;/sup&gt; November 1985, another MOU was signed for 3 years, which expired on 31&lt;sup&gt;st&lt;/sup&gt; May 1988.</td>
</tr>
<tr>
<td>1986</td>
<td>On 29-31 October 1986 a team of experts from Bangladesh and India officially approached to Nepal regarding the potential water storage projects at upstream of the Ganges basin in Nepal. The meeting ended without any outcome.</td>
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<tr>
<td>1993</td>
<td>Bangladesh raised the issue at Commonwealth Summit held at Cyprus in October 1993.</td>
</tr>
<tr>
<td>1995</td>
<td>On 23&lt;sup&gt;rd&lt;/sup&gt; October 1995, Bangladesh again raised the issue to 50&lt;sup&gt;th&lt;/sup&gt; UN General Assembly about the misery of Bangladeshi people due to the unilateral water diversion at Farakka Barrage.</td>
</tr>
<tr>
<td>1996</td>
<td>An agreement between Bangladesh and India on sharing the Ganges water at Farakka was signed on 12&lt;sup&gt;th&lt;/sup&gt; December 1996 for the duration of 30 years.</td>
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</tbody>
</table>
In the 36th Indo-Bangladesh JRC meeting, held on September 2005, Bangladesh again proposed to have tripartite talks involving Nepal for building water reservoir in Nepal in order to augment the dry season flow of the Ganges.43

Conflict Resolution: Water Sharing Treaty Between India and Bangladesh

In 1996 some unique circumstances developed and their historic alignment resulted in conflict resolution initiatives. In May 1996, the united front led coalition government came to the power in India with H.D. Deve Gowda as the Prime Minister and Inder Kumar Gujral as the external affairs minister. In Bangladesh the Awami League was voted back to power again after 20 years and Sheikh Hasina assumed office as the Prime Minister.44 The conflict over the sharing of Ganga water has been resolved through conflict resolution approach. In fact the resolution of the conflict between India and Bangladesh over the sharing of Ganga water has been one of the significant developments with regard to conflict resolution in South Asia. Intense discussions culminated in a summit meeting between Bangladesh Prime Minister Sheikh Hasina and her Indian counterpart Deve Gowda wherein the two leaders signed a treaty on December 12, 1996 that envisages the sharing of Ganges water between the two countries for the next 30 years. Bangladesh-India water treaty is the outcome of a compromise on the part of both the sides. Thus, conflict resolution approach between India and Bangladesh marked an end to the oldest and by far, the thorniest conflict between Bangladesh and India.

Various factors and circumstances facilitated the conclusion of the historic treaty. Firstly, the urgency of the matter is realised by both the sides.

44 Tiwari. no. 16, p. 1610.
They conveyed to each other the political commitment to address and resolve the conflict on a priority basis. Secondly, serious discussions for arriving at a solution to the problem began only after the change of Government in the two countries taking place more or less at the same time. Thirdly, Sheikh Hasina showed the personal commitment to finding an acceptable solution to the Ganga water sharing issue. Her decision not to internationalise the issue pleased India. Fourthly, I. K. Gujral’s attitude towards India’s neighbours had already been soft. The Gujral Doctrine that India should be prepared to give more and get less rather than insist on reciprocity with its smaller neighbour has evidently been at work in forging the Ganga treaty. Under Deve Gowda’s prime ministership, I. K. Gujral enjoyed vast freedom on foreign affairs issues. Fifthly, Gujral provided a pleasant surprise during his September 1996 visit to Dhaka by telling Bangladesh government that India no longer linked water to the transit issue. This was a major departure from Congress Government’s long-standing policy to link water with a transit facility for Indian goods, which Bangladesh opposed vehemently.45

This treaty is essentially regarding the sharing of lean season flows though there is an article for the need for cooperation for the problem of augmentation. It is a 30 years treaty with a provision for a review at the end of 5 years or even at the end of two years if either party wants it. In fact this treaty applies the basic principle of the equal (50:50) sharing of the lean season flow by the two countries. This applies to a range of flows, above 50,000 cusecs, with two modifications at the upper and lower ends respectively. At the upper end there is a slight acceleration of the increase in India’s share to enable it to reach 40,000 cusecs (the full diversion capacity of Farakka feeder canal) at a flow level of 75,000 cusecs instead of 80,000 cusecs. At the lower end, the basic 50:50 sharing is subject to the proviso that in the leanest part of the lean season – from 11 March to 10 May each side will be given a guaranteed 35,000 cusecs, with the residue going to the other side, but in alternate ten days period (three ten-day periods in India’s favour

11 Ibid.
and three in Bangladesh). This means that Bangladesh shall receive the
guaranteed amount of water during March 11-20, April 1-10 and April 21-30,
while India shall receive the same amount during the periods between March
21-31, April 11-20 and May 1-10. In the period 21-31 April when Bangladesh
would have received 34,500 cusecs under the old agreement they will now
get 35,000 cusecs under the new treaty – thus achieving a slight
improvement. This is really the equal sharing principle in a different form (Iyer,

The treaty on the sharing of the Ganga can be viewed in the conflict
resolution perspective that aims to resolve the conflict between India and
Bangladesh permanently. Though the present treaty gives no ‘minimum
guarantee to Bangladesh as demanded by them it has several scattered
provisions which together provide a measure of security to Bangladesh.

- First, there is a guarantee of 35,000 cusecs to either side in alternate 10-
day segments in the period from 1 March to 10 May, but this will operate
only if the flow is 50,000 cusecs or more.

- As there is a possibility that increasing upstream uses may result in
reduced flow in the river, the treaty requires the Government of India to
make every effort to protect the flows arriving at Farakka.

- When the flow fails below 50,000 cusecs, the treaty recognises an
emergency situation and provides for immediate consultations by the two
governments.

- Finally, the sense of insecurity that may be induced by the provision for a
review at the end of 5 years or even the end of two years if either party
desires it to sought to be mitigated by the assurance that pending agreed
adjustments as a result of such a review India shall release to
Bangladesh not less than 90% of its entitlement under the treaty.46

46 Iyer, no. 10, pp. 132-133.
The internationally acknowledged principles of “fairness”, "equity" and "no harm to either side" are mentioned three times in the treaty. There are also some declarations of good intentions. These intentions may not be binding commitments but they are declarations made in good faith and will have to be respected and honoured. The treaty has been generally welcomed in both countries. The general reaction in Bangladesh seems to be one of relief that the Ganga water problem has been resolved at last. When people see more water flowing down the river they are unlikely to be easily persuaded that the treaty is bad for them. BNP has also been critical of the treaty. In India also there has been some criticism. One comment on the treaty by some critics of India is that the treaty is excessively generous to Bangladesh and this treaty will have an adverse impact on Calcutta port. There have been some complaints in Bihar and Uttar Pradesh that their needs have not been kept in mind in the treaty. It has been argued that any treaty with another country should involve both give and take but in this treaty India only gives water but takes nothing. But on the whole, the treaty constitutes a fair settlement with each side sharing the shortage. Augmentation remains a future hope.

However, the treaty has been generally welcomed in both countries. Some about the actual operation of the treaty has expressed skepticism, based supposedly on past experience. But this is unwarranted. The problem with past agreement was not that they failed but that they were for limited periods and there were years during which there was no subsisting agreements on water sharing. Moreover, the present situation, difficulties could certainly arise in the implementation of the treaty. The provision for a guaranteed 35,000 cusecs to either side could cause temporary hardship. But one must hope that wisdom will prevail. The provision for the mandatory review at the end of five years will be carried out carefully. So as not to destabilise the treaty. Moreover, Article VIII states that if joint committee fails
to resolve conflict arising out of the implementation of the treaty it should be referred to Indo-Bangladesh JRC. If the difference or conflict still remains unresolved, it shall be referred to the two governments, which shall meet urgently at the appropriate level to resolve it by mutual discussion.49

So far as the December 1996 agreement is concerned though it is claimed that it has been successful in resolving the conflict, the problem of scarcity still remains to be there. Now the question arises how this (December 1996) agreement can be considered as conflict resolution. Two answer this question, it can be said that conflict resolution does not involve the removal of scarcity. What meant is that the scarce resources should be managed in such a manner that all the parties to the conflict express their consensus and satisfaction. The basic feature that characterised the December 1996 agreement was the mutual cooperation and understanding of both the parties to the conflict. The problem of scarce water flow during lean season was resolved with their mutual understanding. Though this agreement has not solved the question of scarce resources, it has resolved to share the scarce resources between both the parities to their satisfaction. The problem can be said to be resolved only so long as this agreement remains valid. However, if one party or the other tries to violate this agreement the problem of scarcity would emerge and the situation would again be characterised by incompatibility.

The above discussion shows that the problem has been resolved by and large by the mutual understanding of both the parties. The negotiations to the agreement were direct between both the parties and there was no third party, which helped in facilitating both the parties to come to the negotiation table. This direct interaction helped them to sort out this contentious issue. Though the third party mediation is a technique of conflict resolution, this technique was not applied in this case because the chances of direct

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Rahaman, no. 35, p. 205.
interaction between the parties to the conflict become less while using this technique.

Generally, the third party plays an active role in the conflict settlement. It is different from conflict resolution. In settlement a third party such as an international court or greater power imposes the decision. It could be a compromise, which the party feels they have to accept because neither party has the resources to oppose it. Settlement is like a game in which each team tries to win over the other. However, the December 1996 agreement on the sharing of Ganga water cannot be considered as a victory of one party over the other, because the agreement was concluded by both the parties with their mutual understanding. Therefore, the resolution of Ganga water conflict cannot be regarded as a conflict settlement. It is also different from conflict management. It is also different from conflict management. Although both the terms i.e. conflict resolution and conflict management are used interchangeably, there exists a subtle difference between the both. Conflict management considers that conflicts are long-term processes that often cannot be quickly resolved. It stipulates that in the long-term process of conflict the people or parties who are involved can be controlled or directed to manage the conflict in certain limits. In other words, conflict management aims at controlling or reducing the high intensity of conflict. On the other hand, conflict resolution considers the conflict as short-lived phenomena, which can be approached earlier to resolve it permanently, by going deep into the roots. Prior to the December 1996 agreement, the attempts of both the parties were mainly focussed on the management of the conflict since the agreements concluded by them could not produce the permanent solution to the conflict. They were mainly focussed on reducing the volatility of the conflict. However, the December 1996 agreement has resolved the problem permanently by going deep into its roots. Therefore, it cannot be considered as a conflict management. It is a Conflict Resolution.

From the above discussion it can be deduced that conflict resolution through mutual understanding is a technique to resolve any type of conflict.
The South Asia region is highly susceptible to the violent inter-state conflict. There are many instances of dispute over the sharing of common natural resources. The water sharing issue carries the highest potential for the violent inter-state conflicts. Besides, these conflicts, the border conflict, ethnic conflicts and other such conflicts are common in South Asia. However, if we look at them from the conflict resolution perspective, they could be resolved without posing a serious hurdle in the process of cooperation in South Asia. They can suitably be resolved by mutual understanding rather than by fighting over them or taking out to the international forum. The issues, which are highly prone to war, can easily be resolved by mutual understanding as has been seen in the Ganga water conflict. This approach has successfully resolved the complex and long drawn out conflict over sharing of Ganga water between India and Bangladesh. This approach can be applied safely in the case of various other conflicts in South Asia.