

# Revisiting the Politics of the Ganga Water Dispute between India and Bangladesh

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## Abstract

India and Bangladesh have signed the Ganga/Ganges River Water treaty in December 1996. The Ganga Water treaty is cited as one of the important examples of peaceful negotiations between upstream and downstream neighbours in South Asia. The present article revisits the Indo-Bangladesh Ganga Water politics and understands the political dynamics which led to the signing of the treaty between the two countries. The reading of the negotiation process since beginning to the present time suggests that though the technical nature of the problem remains the same, a change in domestic politics facilitates or obstructs the negotiation process. Since India and Bangladesh share another 53 rivers, it is important to learn a successful mechanism from the negotiation of 1996 which can be applied to other river issues. The article is based on primary as well as secondary sources.

## Keywords

Ganga Dispute, politics of river water, 1996 Treaty, operation of the Ganga Treaty, domestic politics, Indo-Bangladesh hydrological relationship

## Introduction

The issue of river water sharing has been at the centre stage of India and Bangladesh's relationship for the past four decades. Bangladesh, in fact, inherited this legacy from Pakistan as the Farakka barrage had become a bone of contention even before Bangladesh was born in 1971. Since then, its relationship with India has often acquired a mono-focal character till 1996 because of their long-standing and deep-rooted dispute on the Farakka barrage. Furthermore, Dhaka's handling of this issue has also determined the fate of its top political leaders and considered as the single most-important yardstick for judging the performance of its successive ruling regimes.

The present article approaches the Ganga river water sharing issue between India and Bangladesh with fresh research insight gained through the primary sources. Interviews have been conducted with people who were directly involved with the negotiation of the treaty. The article argues that both India's

and Bangladesh's approach towards the issue of river water sharing over the Farakka barrage and their eventual agreements, or indeed disagreements, have *not* been shaped so much by the technical issues at stake. In fact, the propensity of reaching an agreement on this issue is directly linked to two critical factors: first, the political relationship between their respective ruling regimes in New Delhi and Dhaka at any given historical juncture; and second, the politicisation of the Farakka issue, especially in Bangladesh, by various political parties and leaders for their domestic political ends.

The article is structured in the following manner. The post-1971 negotiation is divided into five phases, which takes into account the changing equations of New Delhi's relationship with Dhaka and how these have, in turn, influenced the negotiations on the issue of river water sharing. Before addressing its political dynamics, however, it is important to briefly outline the geographical features of the Ganga that traverses a 2,510-kilometre long journey through India and Bangladesh. It rises in Gangotri, on the southern slope of the Himalayan range in India and moves in a south-east direction towards Bangladesh. The mainstream of the Ganga bifurcates into two channels which are known as Bhagirathi–Hooghly in India and Padma in Bangladesh. After covering a distance of about 112 kilometres, the river moves towards the south-east and joins the Brahmaputra in the heart of Bangladesh and their combined flow then runs south to empty into the Bay of Bengal. This geographical feature divides India and Bangladesh (earlier East Pakistan) as upstream and downstream riparian states.<sup>1</sup>

## Indo-Bangladesh Negotiations on the Farakka Barrage

The liberation of Bangladesh marked a significant point of departure in the resolution of the Farakka barrage dispute. The following section discusses this in detail which is organised into five parts.

### *First Phase: Friendly Regimes and Productive Talks*

Bangladesh's first President, Sheikh Mujib ur Rahman, appreciated and duly acknowledged India's role in liberating Bangladesh and sought to establish very friendly relations with India.<sup>2</sup> In March 1972, a Treaty of Friendship, Cooperation and Peace was signed which envisaged joint studies and an action plan for flood control, river basin development and the development of hydro-power and irrigation.

The first round of political dialogue was held in Delhi between India's Minister of External Affairs, Sardar Swaran Singh, and his Bangladeshi counterpart, Knodakar Moshtaque Ahmed, on 8 July 1973, reaffirming that a final decision on the sharing of the Ganga would be taken at a summit meeting between the two Prime Ministers scheduled to be held in 1974. B.M. Abbas, who had been participating in the water negotiations as a Member of Pakistan's team before 1951, recalled a conversation with India's Foreign Minister, Sardar Swaran Singh. While discussing India's decision to supply coal for setting up a power station in Bangladesh:

Mr. Swaran Singh saw no difficulty in increasing power potential of Karnafuli as lands to be submerged within India were barren and I pointed out that India had objected to this project in Pakistan days and alleged

submersion of an Indian copper mine, he laughed and said that *the situation was now different*. (Abbas 1984, 30-31; italics added)

This shows that if ties between the ruling regimes are friendly, it helps develop a mutual understanding between the neighbours.

During the Bangladesh Prime Minister Mujibur Rahman's visit to India and discussions with Mrs Indira Gandhi in 1974, the two leaders realised that the Farakka barrage would be commissioned before the end of the year and since the lean season flow was not sufficient to fulfil the requirements of both countries, the Joint River Commission (JRC) sought to explore all possible options of augmentation for optimum utilisation of their jointly available water resources in order to find a mutually acceptable formula for sharing waters in the lean season. Despite intense negotiations on augmentation from June 1974 onwards, the JRC could not reach an agreement on augmentation of the lean season flow of the Ganga. While New Delhi suggested augmentation at the lower Ganga from the Brahmaputra in view of the limited storage potential on the Ganga and rapidly growing demands for agricultural requirements within India, Bangladesh, on the other hand, continued to insist on augmentation within the Ganga basin. Two ministerial-level meetings took place in February and April 1975 but failed to break the impasse on augmentation.

The Indian side proposed that while discussions on augmentation would be continued, a test run of the Feeder canal of the Farakka Barrage had become necessary in view of the advent of the lean period of the dry season that year. The two sides further agreed that India would carry varying discharges ranging from 11,000 cusecs to 16,000 cusecs, in 10-day periods from 21 April to 31 May, while ensuring continuance of remaining flows that were 39,000 to 44,000 cusecs for Bangladesh (Karim 1998, 222). The amount negotiated for Bangladesh was more than what Pakistan had demanded in 1968. But Bangladesh felt deceived by the way the interim agreement had worked out to withdraw the water at Farakka, and the barrage was commissioned pending any headway on a mutually acceptable solution. This was reflected when the Bangladesh Water Resources Minister Abdur Rob Serniabat cancelled the visit to attend the commissioning ceremony (Iftekharuzzaman 1994, 221–222).

### *The Domestic Pressures*

The opposition in Bangladesh and Mujib's detractors played a major role in undermining the goodwill between the two countries. The society was divided among different groups depending on their role in the liberation struggle: those who had fought the liberation war, and those who were confined to Dhaka, and the collaborators of the Pakistan army.<sup>3</sup> The Indian role in Bangladesh's liberation and the bilateral relationship was coming under increasing public scrutiny and criticism due to various ideological streams prevailing in Bangladesh.

Bangladesh's National Awami Party leader Maulana Bhasani<sup>4</sup> opposed the Friendship Treaty and criticised Mujibur Rahman for having mortgaged the political and economic sovereignty of Bangladesh to India. The unresolved issue of Farakka further fuelled such sentiments. The former Ambassador Harun ur Rashid explains that Sheikh Mujib was facing a tough time on the home front. People were dismayed with the introduction of one-party rule and criticised Mujib for neither ensuring democratic governance nor being able to get water from India.<sup>5</sup> Soon, there was an army coup spearheaded by a few disgruntled army officers. The army putsch assassinated Sheikh Mujib and his family members, overthrew the government and established a military regime headed by General Ziaur Rehman.

### *Second Phase: A Total Rupture*

The assassination of Mujibur Rahman quickly transformed the situation and simmering tensions came to the fore, resulting in mutual distrust and later an open conflict. In the years 1975 and 1976, the issue of the Farakka barrage was soon forgotten in the fallout of coups and counter-coups in Bangladesh.

India continued to withdraw water from the Ganges after the expiry of the June 1975 Agreement. Bangladesh did not publicly protest about these withdrawals until early 1976. India blamed Bangladesh for non-cooperation in collection of data and information required to finalise the joint assessment, as per the provisions of the 1975 Agreement, while Bangladesh accused India of a breach of the agreement due to its continuing withdrawal at the end of the 40-day period.

Mrs Indira Gandhi had forged an excellent rapport and partnership with Mujib ur Rahman and she did not, in principle, favour military regimes in India's neighbourhood and thus, made little efforts to evolve even a working relationship with General Ziaur Rahman.<sup>6</sup> Ambassador Harun illustrates this point through a personal experience. When Bangladesh's new President, General Ziaur Rahman, came to India in the late 1977 and met Mrs Gandhi, he described her as 'a very difficult and tough lady'.<sup>7</sup> According to Harun, these incidents led to further deterioration in their bilateral relationship during Mrs Gandhi's regime.<sup>8</sup> But Ziaur Rehman followed policies which were completely opposite to Mujib's regime.

At home, Ziaur Rehman consolidated his position by winning the Presidential election and parliamentary elections with the support of the Jamaat-i-Islami and the Muslim League constituency held in 1978 and in 1979, respectively. After liberation, both these parties had been banned for collaborating with the Pakistani army. Ziaur Rahman amended the Constitution to replace the word Secularism with 'absolute trust and faith in almighty Allah' which should be 'the basis of all actions'. He adopted an anti-India posture because members of Jatiyo Rakhi Bahini had fled to India and operated from there to wage a guerrilla operation against his regime after Mujib's assassination.<sup>9</sup> Zia pursued a largely pro-Pakistan and pro-US foreign policy.

On the water issue, Zia's government pursued a twin-track policy of holding India responsible for all its problems at home and seeking international support for its cause at various fora. The absence of any agreement on water sharing during the 1976 and 1977 dry seasons provided fuel to the fire. A Bangladesh White Paper of 1976 asserted that the withdrawal of water by India threatened the survival of millions of people of Bangladesh; the media, with official encouragement, portrayed it as a 'conspiracy against the independence and sovereignty of the country' (Khosla 2005, 73). Bangladesh held Farakka responsible for all kinds of problems raging in the northern part of the country including the destruction of a bird sanctuary, floods and causing unemployment.

At the same time, Bangladesh took the Farakka dispute to all kinds of international fora. In its first attempt to draw global attention to the problem, Bangladesh raised the issue at the Colombo Summit of the Non-Aligned Movement followed by the Islamic Foreign Ministers' Conference in Istanbul and finally at the UN. Sharing his experience of bringing the Farakka issue to the United Nations, the former foreign Secretary of Bangladesh Mr Reaz Rahman stated that getting the Ganges water issue listed in the General Assembly was a big victory because all the big powers of the General Assembly were upper riparian states.<sup>10</sup> Though Bangladesh wanted the issue to be discussed in the main Assembly, the General Assembly referred the matter to the Political Committee where only two persons made an intervention, the Bangladesh Foreign Secretary himself and the President of the General Assembly, because India had

lobbied hard with the member countries. The President of the General Assembly also suggested that both countries should solve the matter bilaterally.<sup>11</sup> This did not dissuade Dhaka from raising the issue elsewhere. Bangladesh's policy of internationalising the issue however drew a blank and the deadlock persisted. The situation changed only with a change of government in India.

### *Third Phase: Rapprochement and the First Agreement on Water Sharing*

The general elections in India had for the first time brought a non-Congress government to power in 1977. Morarji Desai became the Prime Minister of India and was keen to chart a different foreign policy from that of the Congress and established a good rapport with the government in Dhaka, with far-reaching consequences for their bilateral relationship. Bangladesh, on its part, scaled down its demands for water and within eight months, the two countries reached a comprehensive five-year agreement on Farakka on 30 September 1977, which was formally signed at Dhaka two months later, on 5 November that year.

The Agreement had two parts: water sharing at Farakka and the long-term augmentation of the flows. The first related to the five lean months period from 1 January to 31 May in accordance with the agreed 10-day schedules, whereby if water flows were to fall down to 80 per cent of the assumed value in any 10-day period, India guaranteed Bangladesh 80 per cent of its stipulated share. A joint committee was constituted for the implementation of these arrangements. Two reviews were built in the Agreement at the end of three years and the other six months before the expiry of the treaty. The JRC was made responsible for investigating and studying schemes relating to economical and feasible long-term ways for augmentation of the dry season flows within a time-frame of three years.

In 1978, India and Bangladesh exchanged their respective proposals for augmentation. India proposed the storages on the Dihang, Subansiri and Barak in the Brahmaputra–Meghna system, and a barrage at Jogighopa with a Brahmaputra–Ganga gravity link canal passing through both India and Bangladesh and joining the Ganga at a point just above Farakka. The Indian proposal considered the Ganga–Brahmaputra–Meghna Basin as an integrated system in which the densely populated Ganges sub-basin had relatively less water availability, less storage potential and greater demands for irrigation, whereas the sparsely populated Brahmaputra and Meghna sub-basins had relatively plentiful water availabilities, large storage possibilities and less demand for irrigation.

Bangladesh had reservations about the Indian proposal and argued that within India and Nepal the Ganga system had sufficient potential for augmenting flows at Farakka. It envisaged a number of storages in the upper catchments of the Ganga system for storing surplus monsoon flows and ensuring regulated releases so as to increase flows below Farakka. Bangladesh completely ruled out the possibility of any storage within its territory. India and Bangladesh should, it was argued, seek Nepal's cooperation jointly as was decided in the exchange of side letters during the signing of 1977 Agreement.

On technical grounds, both sides' position was not much different from the earlier period when Mujib and Mrs Gandhi were negotiating the water-sharing arrangement at Farakka. In India, the Congress made it clear that if it was voted to power, it would scrap the Agreement. Mr Reaz Rahman, the former Bangladesh Foreign Secretary, shared this with the author that the Congress party was especially opposed to the guarantee clause, which was an essential part of the 1977 Agreement.<sup>12</sup>

#### *Fourth Phase: The See-saw Game: Reverting to the Old Paradigm*

With the return of the Congress to power in New Delhi in 1980, the cordial atmosphere once again turned sour. Significantly, however, Mrs Indira Gandhi never carried out her threat of scrapping the Farakka treaty. At the end of the five-year period, both parties concluded that water-sharing arrangement for the lean season had worked according to plan, though they could not reach any agreement on the augmentation issue. The final review of the 1977 Agreement concluded that the matter of augmentation would be taken up at the higher political level. However, just before that Bangladesh witnessed another coup and General Ershad came to power in Dhaka.

There was no substantial change in General Ershad's foreign policy towards India and Farakka in particular. President Ershad visited India in October 1982, and the two sides signed an interim agreement for 18 months that covered the dry seasons of 1983 and 1984. The terms of reference were based on a revised sharing formula with marginal differences in allocation albeit with a significant and conspicuous absence of the guarantee clause as was stipulated in the 1977 Agreement. The memorandum of understanding (MOU) had two critical components: the allocation of water and strategies for its augmentation. Discussions on augmentation once again proceeded along the well-treaded, traditional positions.

#### *The Domestic Pressures*

General Ershad was facing a difficult situation at home mainly due to his regime's lack of political legitimacy. Emulating the strategy of General Zia-ul-Haq in Pakistan, Ershad also turned to Islam and proclaimed it to be the state religion. His declaration of Islam as state religion gave rise to ISA (Islamic Shansonotantrannadolan) as the religious political party which questioned his legitimacy to make Islam as state religion.

#### *Bilateral Talks: Turning a New Leaf?*

After the demise of Mrs Indira Gandhi, her son and successor Mr Rajiv Gandhi came to power and directed the top government officials to restart the negotiation process. Mr Ramawamy Iyer, who was then Water Secretary of the Indian government, reiterated this point that the new Prime Minister made an earnest effort to resolve the long-standing issue of water sharing though political negotiations had not yet taken off.<sup>13</sup> Rajiv Gandhi met President Ershad at the Commonwealth Heads of Government Conference at Nassau (Bahamas) in October 1985 and signed a MOU for a three-year period. The MOU was modelled after the 1982 understanding and decided to start afresh. A new Joint Committee of Experts (JCE) alongside the JRC was created. The JCE was headed by their irrigation secretaries for a 12-month period. Meanwhile, India agreed to approach Nepal for eliciting data on the feasibility of augmenting lean season flows at Farakka from the waters stored in Nepal (Verghese 2007, 366). Both countries' respective water resources secretaries visited Kathmandu in November 1986 to meet their Nepalese counterpart who was keen to find out Nepal's potential gain from such a deal.

In 1988, Bangladesh witnessed massive floods, resulting in submergence of almost two-thirds of Bangladesh's territory. The top leaders of Bangladesh cutting across the political spectrum held Farakka responsible for the deluge. President Ershad reiterated in numerous public speeches that the waters causing so much death and destruction in the country had flowed from beyond the borders and the damage



might have been mitigated if there had been the right mix of concern and commitment shown by India (Hasan 1991, 35). The Indian Air Force helicopter rescue and relief mission in Dhaka was suddenly told that it was no longer required. In Bangladesh, different political parties were engaged in competitive politics in accusing India for causing such devastation. The Acting Ameer of Jamaat-e-Islami, Mr Abbas Ali Khan, for instance, blamed the subservient foreign policy of the Ershad regime and demanded his resignation for its failure to find a way for permanent solution of the Farakka problem (POT 1988, 1962). The Bangladesh Nationalist Party (BNP) Chairman, Begum Khaleda Zia, observed that the devastating floods were mainly due to construction of different barrages including the Farakka barrage in the upstream parts of various rivers for which India was responsible (*The New Nation*, 22 September 1988).

At the same time, when Ershad was trying to mollify domestic opinion, Mr Anishul Islam Mahmud, the irrigation minister in the Ershad regime in 1984, told this author about his efforts in persuading and convincing the press and members of parliament that separating the issue of sharing water from augmentation was in Bangladesh's interest.<sup>14</sup> The groundwork for signing the treaty was, in fact, done at Malaysia where the Indian Prime Minister Rajiv Gandhi and President Ershad were scheduled to meet in 1989. At this time, the former announced general elections resulting in yet another regime change in New Delhi and Mr Ershad too had to succumb to pressures of domestic agitation for restoration of a democratic government and an election was held in 1991 which brought Mrs Khaleda Zia to power. Bangladesh's Constitution was changed from the Presidential system to the Parliamentary form of Government and Mrs Khaleda Zia then became the Prime Minister of Bangladesh.

### *Farakka: The Political 'Football' in Bangladesh's Domestic Politics*

The India–Bangladesh's negotiations on Farakka are marked by a paradox. The military regime of Ershad could have single-handedly negotiated a water treaty and was keen to do so as an instrumentality to gain legitimacy for his regime. New Delhi did not oblige due to his sinking popularity. However, the onset of democracy in Bangladesh heralded an era of competitive politics, in which Farakka was used as a political 'football' between its two mainstream political parties. A concession, in fact, *any* concession made by one party was debunked as a 'sell-out' by the other sitting on the opposition benches; Awami League (and later, the Bangladesh Nationalist Party [BNP], in turn) missed no opportunity of accusing the ruling party of making Bangladesh subservient to India, thus rendering it practically impossible to arrive at a bipartisan consensus for negotiating any mutually acceptable agreement with New Delhi. Paradoxically, the tables would turn every time in the sense that every party that won elections and came to power was forced to face the harsh reality that without adopting a conciliatory and accommodative approach of mutual 'give and take', negotiations with India would simply not yield any positive results. However, by then, its hands would be tied by those sitting on the opposition benches clamouring for a hard-line approach. This cycle continues till date. The following section explains this phenomenon which got underway in the period leading to the 1991 elections.

The end of martial law in 1990 had paved the way for elections to be held in Bangladesh in 1991. The issue of Farakka and the larger Indo-Bangladesh relationship was a key point of contestation between different political parties. The BNP, led by Begum Khaleda Zia, attacked the Awami League fiercely for being sympathetic to India and issued a dire warning that if BNP did not come to power, the country

would be sold by the Awami League and the capital of Bangladesh would be New Delhi instead of Dhaka (POT 1991, 2352).

After coming to power, however, Khaleda Zia tried to normalise relations with India. A year after becoming the Prime Minister of Bangladesh, she visited India in 1992 and signed an 11-point joint communiqué with India which mentioned joint efforts for reaching an equitable, long-term and comprehensive arrangement for sharing the flows of major rivers. This evoked a huge hue and cry back home because the opposition parties had been clamouring for more water. The Awami League's leader Sheikh Hasina termed it as a 'treaty of bondage' and demanded it to be scrapped. Countering the attack against her party by the BNP during electioneering, it was Sheikh Hasina's turn to accuse the government of having 'masters, no foreign friends' (*Morning Post*, 25 October 1993). Sheikh Hasina declared that while the Awami League's government had realised 44,000 cusecs of Ganges water during the dry season in 1974, the Ziaur Rahman government had got 34,500 cusecs, 10,000 cusecs less than the Awami League government and now Begum Zia had failed to fetch 'even a mug of water' from New Delhi (POT 1992, 3521). She challenged the government to 'prove that you are not serving the interest of India by not realising the just share of the Ganges waters' (*Daily Star*, 8 January 1994). In such circumstances, Begum Zia became hesitant to pursue further water negotiations with India until she was sure of receiving the same volume of water as demanded by the opposition. The agitation over the Ganges water sharing was not confined only to political parties but other sections of society were also involved. The Dhaka University students had launched an action programme to press for the immediate settlement of the Farakka dispute and cancellation of the 25-year friendship treaty between Bangladesh and India (POT 1990, 1654).

BNP adopted a twin-track strategy with regard to the Farakka issue. First, as explained earlier, it explored the bilateral track of negotiations with New Delhi to find a mutually acceptable settlement, and second, it sought to internationalise the issue in various international fora. The first did not make much headway partly due to technical constraints emanating from the lack of availability of sufficient water to satisfy demands made by both sides. There seems to be a consensus—a mistaken one—among Bangladesh's ruling regimes and different political parties that India was forced to agree for water-sharing negotiations in 1977 because Bangladesh had gone to the UN in 1976 and that international pressure on India had paid rich dividends. The Bangladesh Prime Minister Khaleda Zia in her address to the UN pointed out that 'the pledges made by India at the time of commissioning the Farakka Barrage remained unfulfilled' (*Daily Star*, 19 October 1993). Later, she raised the water-sharing issue in the Commonwealth meeting in October 1993 which according to her had become a 'life and death question for the people of the country' (*The Bangladesh Times*, 22 October 1993). Even during the visit of foreign dignitaries to the country, the Bangladesh ministers would raise the Farakka issue.

In such circumstances, it became well-nigh impossible to expect a long-term water-sharing negotiation which the then BNP government had been demanding. Leave aside a long-term water-sharing treaty, even an MOU could not be signed between the two countries. Mr Narasimha Rao's visit did not take place because of tension in the aftermath of the Babri mosque demolition that led to the cancellation of his visit for the SAARC summit citing security reasons.

*The Bangladesh Times* editorial summed up the situation:

The water sharing issue is not merely technical and bureaucratic but also largely political. And because it is so overwhelmingly political a solution has so far evaded us. The necessary thrust on the experts will have to come



from the ministers and the political leadership of the two countries. Bangladesh hopes that there will be no lack of *political thrust from India*. (*The Bangladesh Times*, 29 August 1992)

Interestingly, towards the end of Khaleda Zia government's term, she once again, adopted an anti-India stance and cautioned people that the coming elections would determine the future of Bangladesh's independence and sovereignty and that if the BNP was not elected, 'the country might again be shackled by foreign powers' (*POT* 1995, 593). The Awami League President, Sheikh Hasina, however, quickly paid back in the same coin, and in a reference to the 25 years of the Indo-Bangla Friendship Treaty, she challenged Khaleda Zia: 'If you call it a "treaty of slavery", why do you not scrap it?' (*Morning Sun*, 25 May 1995) Sheikh Hasina alleged that the BNP did not fulfil any of its pre-election promises and though it had raised anti-Indian slogans before the election, after capturing power, 'it completely handed over Bangladesh to India in the last four years' (*New Nation*, 21 March 1995) and that the entire northern part of the country had turned into a desert because of Farakka, but the Prime Minister forgot to raise the issue during her visit to New Delhi and rather signed an accord 'selling out the country to India' (*ibid.*).

### *Fifth Phase: The Final Breakthrough*

In 1996, new governments came to power in both New Delhi and Dhaka. In Bangladesh, the Awami League headed by Sheikh Hasina won the elections, while in India a non-Congress coalition government led by Deve Gowda came to power. One of its important constituents was the Left Front, which was in power in West Bengal at that time. Mr I.K. Gujral became the Foreign Minister of India.

The circumstances in mid-1996 seemed extraordinarily propitious to adopting a fresh approach towards the issue of water sharing mainly because both New Delhi and Dhaka, in a rare display of political resolve, agreed to take the negotiations undertaken thus far to its logical conclusion and conclude a deal on water sharing.<sup>15</sup> A non-Congress regime in New Delhi and the Awami League in Dhaka, as explained earlier, offered a rare window of opportunity to negotiate a mutually acceptable deal. The Awami League had returned to power after a 20-year-long gap and New Delhi was keen to strengthen this regime in Dhaka. Both realised the need to overcome the impasse over the Ganga waters issue and the urgency to arrive at an agreement before the onset of the next dry season. Farooq Sobhan, the then foreign Secretary of Bangladesh in 1996, shared this assessment and noted that the 'Awami League had stronger commitment towards having a treaty. India also reciprocated in the same manner. Traditionally BNP has been less receptive to India'.<sup>16</sup>

The Bangladesh Foreign Secretary visited India during 6–10 August 1996 to prepare the ground work (Karim 1998, 227). During this visit, the Foreign Secretary also held a meeting, at the suggestion of the Indian External Affairs Minister, I.K. Gujral, with the West Bengal Chief Minister to seek his help and support in finding a permanent solution to the problem of sharing of the Ganga waters. Mr Jyoti Basu assured him that he would do everything possible on his part to bring the matter to an amicable resolution.

During September 1996, the Indian External Affairs Minister visited Bangladesh and the two sides agreed to convene a Joint Committee involving members of their respective foreign ministries which were tasked to bring water experts from both sides to work towards finalisation of an agreement on water sharing. The formation of such a committee was another major departure from the past where

such committees had always been under the jurisdiction of the Water Resources Ministry. By bringing the technical experts under the supervision of the political leadership, the discussions were ‘moderated in a manner so as to lend flexibility and give pre-eminence to the political agenda over the obfuscation of engineering technicalities’ (Karim 1998, 228).

The visit of the Bangladesh Minister for Water Resources to India from 28 October to 1 November 1996 to hold further talks with his Indian counterpart was quickly followed by that of the Foreign Minister’s visit and the meeting between the Joint Committee of Experts. During 9–13 November 1996, both sides reaffirmed their commitment of arriving at an agreement on a fair and equitable sharing of the Ganga waters before the onset of the next dry season. The Bangladesh Foreign Minister also visited Calcutta to get Mr Jyoti Basu actively involved in the negotiating process. In fact, Mr Basu’s visit to Bangladesh from 27 November to 2 December 1996 proved to be very crucial because it helped in significantly narrowing the differences between the two sides. He had wide-ranging discussions with both the Bangladesh’s Prime Minister and the Foreign Minister. While the negotiations were underway at the political level, the Joint Committee met several times to re-examine the technicalities involved and worked hard towards arriving at an agreed draft agreement to be placed before the two governments. This culminated in the last marathon session of the Committee from 5 to 10 December in New Delhi at the foreign secretaries’ level. It was during this final round of negotiations that the nature of the instrument to be drawn up—Treaty instead of Agreement—and the duration of 30 years was agreed upon.

The final product, the treaty on the sharing of the Ganges waters entered into by India and Bangladesh on 12 December 1996 was ‘a more significant document than most people had considered possible’ (Iyer 2003, 236).

### *A Critical Evaluation of the Functioning of the Treaty*

The 1996 Treaty has three parts: the preamble, the operative part containing 12 Articles and the Annexures. Articles I to XI set forth the provisions for sharing of the Ganga flow and related matters. Though the 1977 agreement contained a ‘guarantee clause’ and the 1985 deal had a ‘burden sharing’ formula, the 1996 Treaty did not include any compulsory in-built safeguards for Bangladesh. There are, however, various provisions which provided a modicum of security, for instance, there is a provision of 35,000 cusecs to either side in the alternate 10-day segments in the period from 11 March to 10 May. Another important aspect of the Treaty is that when the flow goes below 50,000 cusecs, the Treaty recognises an emergency situation and provides for immediate consultations by the two governments. The treaty also provides for a conflict resolution mechanism by prescribing a joint monitoring of flows, which should eliminate or minimise the possibility of disagreements over the data.

The treaty faced its first test only a few months after it came into force because the actual availability of the waters of the Ganges at Farakka turned out to be far less than the average flow of Ganga during the period from 1948 to 1988, as reiterated in the IXth schedule of the Treaty and the flow of water in the Padma River was not according to the Treaty. The Indo-Bangladesh Joint Committee (JC) on Ganga water monitoring team held its first Joint Inspection Meeting (JIM) at Bheramara, a few kilometres away from the Hardinge Bridge site.

The Indo-Bangladesh JRC meeting was held in Dhaka on 10 April 1997 to discuss the reasons behind the low water level flow. The Indian side reiterated that 1997 could be considered as an abnormal year.

Even the historical data showed that before the Farakka Barrage was built, flows had fallen as low as 40,000 and 39,000 cusecs in 1952 and 1953, respectively. Usually, the low point in the flow occurs between the second 10 days of March to the first 10 days of April.

There was another issue pertaining to the discrepancy between the quantum of water released at Farakka barrage in India and that arriving at the Hardinge Bridge—170 kilometres downstream—in Bangladesh, which became a major bone of contention between the two countries in 1997. Several explanations have been offered to explain such a discrepancy. At Hardinge Bridge, the Ganga channels are very large and have a carrying capacity of 1.5 million cusecs, but bad load movement, sediment distribution and sand bar formation can be peculiar, rendering it difficult to measure the flow correctly. B.G. Verghese explains that since it is not a system where you can switch on or off according to a 10-day pattern, water flows increase gradually and the same pattern is followed towards the end of the 10-day period but water does not stop on the 10th day. He underlines the importance of dispelling mistaken notions among some Bangladeshi segments which assume ‘somebody is sitting there whose job is to switch off or switch on the key of water flows’ and that this needs to be understood by the people across the borders.<sup>17</sup>

The switching of 10-day flows to guarantee one side or the other 35,000 cusecs during six alternating 10-day flow periods, Verghese explains, is ‘technically unsafe, as the walls of the Farakka feeder canal could collapse with such abrupt changes in levels’ (Verghese 2001, 173). Both sides had realised this due to their experience from the previous negotiations and that is why, a stepped pattern was written into the treaty instead of the smoother gradient spread over a few days, whereby the quantum of water delivered would have remained the same though with a different 10-day flow pattern (Verghese 2001, 173). The Indian side had no option but to stagger the reduction and augmentation of releases over some days, which altered the pattern of scheduled deliveries in a few 10-day periods, with Bangladesh being compensated for any scheduled deficit in supplies in the ensuing period. This was cited as a treaty violation, though in a point of fact the total quantum of water released to Bangladesh over the lean season as a whole was a little more than stipulated in Annexure II (Verghese 2001, 173).

There is yet another and more complex problem of the Gorai hump. Bangladesh’s grievance about diversions by India from the Ganges at Farakka has revolved around the acute distress said to have been caused in the South-west Khulna region on account of salinity ingress and a shortage of water for agriculture, fisheries, navigation and sustenance of the Sundari mangrove species. This area, because of the Gorai spill, which delivers upland fresh water supplies to the region, is left high and dry as the Ganga recedes. While this is so, it would be erroneous to attribute the problem exclusively or mainly to diversions at Farakka. The entire Ganga system has been shifting east and north as a secular trend over the past century and more. The Bhagirathi, the western-most spill, was the first casualty. Other streams, moving further east, have progressively deteriorated as the Ganges has shifted course. This has resulted in the closure of the Gorai mouth by a hard five-metre silt plug that is now said to measure almost 30 km from outfall point to Gorai bridge (Verghese 2001, 175).

In any case, the Treaty is unlikely to solve this problem, because even 35,000 cusecs are not enough for this purpose; only a water flow to the order of 70,000 cusecs would help the waters of the Ganga in the Gorai river. The answer to this problem is perhaps partly extensive dredging and partly arrangements to head up the Ganga waters and enable them to enter the Gorai (Iyer 2003, 242). Actually the issue of the Gorai River was not a new one. In 1971–1972 the World Bank had made a study of the Gorai region and reported that even in the pre-Farakka years, the flow of the Gorai had been low due to the emergence

of sandbars for which large scale dredging was required. This had been considered by the government of Bangladesh and President Ziaur Rahman had, at one stage, 'initiated labour-intensive excavation activities under the Food for Work Programme which had generated some positive results' (Sobhan 2002, 75–76). This issue was temporarily resolved with the help of summer rain in the middle of May.

In mid-June 1997, an expert-level meeting of the Indo-Bangladesh JRC, held in Dhaka, recommended the formation of a scientific committee to study the causes of the unusual flow of Ganga during the critical period of the dry season, which continued. By early August 1997, the flood information centre in Bangladesh had started warning that the Ganga water flow was above the danger mark, and that certain areas could soon be flooded. The 1998 dry season flows helped to ameliorate the concerns raised in the preceding year as the Ganga flow in Bangladesh that year had fulfilled its expectations. The 1999 dry season flow was less voluminous than that of 1998, but was still far more than what was prescribed under the Treaty. Only on one occasion, Bangladesh objected that it was not receiving water according to the schedule of the Treaty. The JRC stated in a press release issued in Dhaka on 6 April 1999 that in one of the six schedules, Bangladesh received more than its share of the Ganga water during the lean period, the latest quantum being 33,892 cusecs at Hardinge Bridge during 21–31 March against 29,688 cusecs as stipulated in the Treaty (*POT* 1999, 504–505).

The flow of the Ganga during the dry season of the year 2000 was similar to that of the previous year though in an important departure, the last 10-day period of April witnessed an increased flow as compared to that specified in the Treaty. At the 36th Indo-Bangladesh JRC meeting held in September 2005 at Dhaka, both countries agreed to review the operational implementation of the 1996 treaty as per the provisions of Article X (Rahman 2009, 173). Bangladesh also proposed to hold tripartite talks involving Nepal to discuss the construction of water reservoirs in Nepal to augment the dry season Ganga flow and sought water-sharing agreements for 53 other common rivers shared with India (Rahman 2009, 177).

After a gap of five years, the JRC met in March 2010. A senior officer in the Ministry of Water Resources described the situation of the last five years this way: 'There was a demand by Bangladesh for JRC meeting but Indian Water Resources Ministry kept telling Bangladeshis that we are preparing for a meeting, the moment it is ready we will meet.' He further added:

[F]or instance, at the technical level meeting in 2003, anti-erosion activity was discussed but no decision was taken because of differences about how to do this. Good political atmosphere really plays an important role. If the brief comes from the political level, the mechanism is found for solution. Again, in August 2007, secretary level meeting took place for taking action against anti-erosion activity but nothing concrete came out because of the difference in the approach of going about it, after three years gap, in February 2010, secretary level meeting took place and 50 points have been identified for anti-erosion activities because of good understanding. Since January 2009 to February 2010, almost every month, technical level meetings have been taking place. You can understand that the political atmosphere plays an important role.<sup>18</sup>

Thus, the political relationship between the two regimes plays a decisive role in determining conflict or cooperation between the two countries. In both India and Bangladesh, technical issues have been circumvented if the political will and desire to succeed in finding a solution are present in the ruling parties. This has been the case till the present time.

## Conclusion

The long-standing conflict of Farakka and tortuous negotiations over decades for resolving this issue underlines the importance of understanding water conflicts in the social and political context in the internal as well as the external domains. The technical nature of the problem—both in terms of finding appropriate instrument and using the right technology as well as deciding the quantum of each party's share of common waters, and finding ways of augmenting the water flows had not radically changed over the decades. When the Ganga treaty was signed in 1996, augmentation issue was segregated from water sharing because augmentation involves technicalities. The technical experts of both countries were coming to the same conclusion about the means of augmentation in almost all meetings and the deadlock used to be maintained. Hence in 1996, both issues got separated. Even when the Joint Committee was formed in 1996 to solve the water issue, water experts were brought under political control. Thus, the 1996 treaty was a political decision and even the figure of the quantum of water agreed between the two countries was 35,000 cusecs, little more than what the 1977 Agreement had agreed upon. The real story, however, lies not in finding technical solutions but understanding the local, social specificities of water usage and political compulsions of the ruling regimes on both sides of the border.

Another lesson can be drawn from the discussion is the importance of the role of the Chief Minister of West Bengal Jyoti Basu. As the earlier discussion suggests that the crucial visit made by Jyoti Basu to Bangladesh immediately before the signing of treaty helped in smooth conclusion of the treaty. Not only this, Bangladesh foreign minister also made a visit to New Delhi as well as Calcutta. This has got psychological importance as the Chief Minister of the state was made an important stakeholder in the issue. This is a very good example of inclusion of important stakeholder in the resolution of the river water dispute which can be emulated for resolution of other river water disputes between India and Bangladesh.

It is important to note that the 1996 treaty does not offer an ideal solution. It has been criticised on both technical and political grounds, but the very fact that it became possible to negotiate and sign a long-term treaty in the first place and then, to make it work well for more than a decade is a huge breakthrough, which in turn, materialised precisely because the government in New Delhi and Dhaka have shown the requisite political resolve to achieve this objective.

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## Notes

1. For a detailed discussion of the historical dimension, see Crow et al. (1995, 60), Verghese and Iyer (1994, 175).
2. For India's role in Bangladesh liberation, see Mohammed and Subrahmanyam (1972), Wilcox (1973).
3. For details on this, see Pattanaik (2005, 397).
4. An influential leader in Bangladesh during that period.
5. Personal interview with the author in Dhaka on 27 October 2009.
6. For details, see *Indira Gandhi, Selected Speeches and Writings*, Vol. III, September 1972 to March 1977, New Delhi: Publications Division (1984, 72 and 270). Also see, it is quite true that 'we do not favour military dictatorships and things like that', *Indira Gandhi: Select Speeches and Writings*, Vol. IV (1980–1981), New Delhi: Publications Division (1985, 552); Ziring (1978).
7. Personal interview with the author in Dhaka on 25 October 2009. Also see Rasid (2002, 62).

8. Ibid.
9. Ibid. (404). Also, see Mehta (2006, 235).
10. Personal interview of the author with former foreign secretary, Mr Riaz Rahman on 26 October 2009 in Dhaka.
11. Ibid.
12. Personal interview with the author in Dhaka on 26 December 2009.
13. Personal interview with the author in New Delhi on 26 December 2008.
14. Personal interview with author in Dhaka on 25 October, 2009.
15. For details on this issue, see Iyer (2003).
16. Personal interview with the author on 26 October 2009.
17. Personal interview with the author on 22 August 2009 in New Delhi.
18. Personal interview with the author on 15 June 2010 in New Delhi.

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