

Teesta, Tipaimukh and River Linking

Danger to Bangladesh-India Relations

IMTIAZ AHMED

The Supreme Court's verdict directing the Government of India to implement the interlinking of rivers seems to have overlooked the regional and international implications of what the Indian Court strangely considers "the rivers of the country". Just Bangladesh shares 54 rivers with India. Any unilateral action by India on any of its international rivers will degrade its relations with its neighbours while also adversely affecting its ecology, economy and society.

Ever since the current Awami League regime came to power in 2009 and Bangladesh signed a 50-clause historic communiqué with India, following Bangladesh Prime Minister Sheikh Hasina's visit to New Delhi in January 2010, there has been great expectation with regard to the development of Bangladesh-India relations. Such expectation, however, got slightly marred following the visit of India's Prime Minister Manmohan Singh to Dhaka in September 2011, particularly when the water sharing agreement over Teesta could not be signed and it was cancelled at the very last minute. Still, very few think that Bangladesh-India relations can go back to pre-2009 period of uncertainty, if not "distant neighbourliness", as one former Indian diplomat once opined.¹

But is that the case? Can we seriously speak of a qualitative change in Bangladesh-India relations? Let me limit myself to issues of water between the two countries, particularly Teesta, Tipaimukh and India's river linking project, and see where the relationship is heading.

One could argue that Mamata Banerjee had good reasons to stall the agreement over Teesta with Bangladesh. From her standpoint, given the paucity of water and before deciding to share with Bangladesh, she wanted a guarantee from Delhi as to how much water Sikkim, where the

Teesta originates, would be willing to share with West Bengal. This is a fair demand. But then critics believe that Mamata also took the opportunity to pressurise Delhi for an economic package for her state in exchange for her consent to the Teesta agreement. Things have proved difficult on both accounts. Bringing Sikkim into the fold, in addition to West Bengal, for negotiating an international agreement would dilute the power of the federal government and that is something Delhi is unwilling to allow. As for the economic package from Delhi in exchange for consenting to India's foreign policy initiative vis-à-vis Bangladesh, indeed, a federal matter, amounts to "blackmailing" the central government over and above the embarrassment that Mamata had caused to Prime Minister Manmohan Singh by dropping out from his travel entourage to Dhaka at the last minute. Just for this alone, Delhi probably is unwilling to deliver the economic package to Mamata so easily.

Teesta's Implications

But lack of progress on Teesta meant three things. First, there is now pressure on the ruling Awami League domestically, with the criticism being mounted by the opposition, as well as a sizeable section of the non-partisan civil society, that the ruling party "gave in" to India's demands while getting little in return. And this with respect to the agreement on the "transit", understood, however, more in the sense of a movement of goods from one side of India to another through Bangladesh. Second, there is now a slight strain in the Dhaka-Delhi relationship, with the former privately blaming the latter that the incident has not only irked Hasina personally, but

Imtiaz Ahmed (imtiazalter@gmail.com) teaches International Relations at the University of Dhaka, Bangladesh.

also cost the ruling Awami League its face. Now it has to salvage the situation by taking a less flexible, if not an apathetic, posture against Delhi. And this became clear when Bangladesh, interestingly along with Pakistan, failed to attend a counterterrorism meeting of the experts from the South Asian Association for Regional Cooperation countries hosted by Delhi in February 2012.²

Finally, there is now misgiving in Bangladesh about Mamata Banerjee's motives. Questions are being asked whether her opposition to Teesta and the exchange of enclaves has more to do with defending the interests of the non-Bengali business community in West Bengal, who supposedly are less than keen on a newer Bangladesh-India relationship, including "pan-Bengali fondness", as it would create space for Bangladeshi entrepreneurs and make them competitors, particularly in the north-east states of India where these non-Bengali businessmen hold a monopoly on economic activities.

But then Teesta is not the sole issue. Sharing of waters on other rivers, particularly Feni as well as Manu, Muhuri, Khowai, Gumti, Dharla and Dudhkumar, all got stalled as a result of India's, or rather Mamata's, faux pas over the Teesta. A resolution of the issue before India's next federal election seems unlikely, but that could cost the ruling Awami League dearly at home since it too has to face a national election in a year and half from now! Delhi needs to reflect on this seriously and act accordingly if it wants to consolidate the progress in Bangladesh-India relations made thus far.

Dammed

When it comes to water, the sharing of rivers on an equitable basis is only one aspect of the problem facing Bangladesh-India relations. No less problematic is India's passion to develop dams, and in this respect the proposed Tipaimukh Dam has already played some role in marring Bangladesh-India relations. And there are good reasons for this.

Critics, particularly environmentalists and several technical experts, on both sides of the border have questioned the feasibility and safety of the proposed dam.

The original consideration for the dam was to contain the flood water in the Cachar plains of Assam but later the emphasis of the dam shifted to hydroelectric power generation. The dam will have an installed capacity of 1,500 MW with only a firm generation of 412 MW, that is, less than 30% of the installed capacity.³ People residing in the area soon reflected on the impact the construction of the dam would have on their livelihood and began to oppose the project, as the following report indicates:

Anti-dam campaigners continue to voice against the construction of Tipaimukh Dam in the State [of Manipur]. United Community Development Platform, Moirang, People's Action for Development-Tiddim, Social Action Committee, Moirang-B Gram Panchayat and Bishnupur District Youth Council joined organised a cycle rally at Moirang today....Later, the rallyists faxed a memorandum to Prime Minister Dr Manmohan Singh demanding the revocation of memorandums of understanding (MOUs) signed among Manipur Government, National Hydro Electric Power Corporation and Satluj Jal Vidyut Nigam Limited (SJVN) on 28 April 2010 and 22 October 2011 for the construction of Tipaimukh Dam at the confluence of Tuivai and Barak rivers.

Demanding protection of environment, nature, indigenous life and tradition, the memorandum also stressed on upholding indigenous people's rights and spelling out clearly the purpose of construction of the dam. The memorandum also demanded for immediate halt of all the processes of Tipaimukh Dam construction, taking consent from people in this regard and construction of small dams instead of big dams. The representation also reminded the prime minister that 7.8 million trees and 24,82,222 hectares of forest will be submerged if Tipaimukh Dam is commissioned.⁴

Similar is the opposition to the dam in Bangladesh – with reasons ranging from environmental degradation, hydrological drought, and unpredictable outcome from possible seismic changes, loss of agricultural production to the massive displacement of people. And it is this alarm that got reflected in January 2010 joint communiqué and later in the September 2011 joint statement issued by Hasina and Manmohan, "The Prime Minister of India reiterated the assurance that India would not take steps on the Tipaimukh project that would adversely impact Bangladesh". But then, India's unwillingness to halt the project is not only creating mistrust but also bad feelings inside Bangladesh vis-à-vis India, a factor which the ruling Awami League could

ill-afford given the risk it had taken to resolve some of the contentious issues that had marred the relationship between the two countries for over three decades.

Bolt from the Blue

On the top of this, almost like a bolt from the blue, came the Indian Supreme Court's verdict on 27 February 2012 in favour of "nationalisation and inter-linking of rivers" of India, which, like Teesta and Tipaimukh, has similar, if not greater, potential of adversely affecting Bangladesh-India relations. And there are good reasons for this.

Bangladesh has 57 cross-boundary rivers, of which 54 are shared with India and the remaining three with Myanmar. Any change in the flow of any of the 54 rivers shared by Bangladesh and India is bound to have an adverse impact on Bangladesh's economy, society, environment, and even polity. Bangladesh being a riverine and a lower riparian country remains sensitive to matters of water, whether inland or maritime. But let us examine the Indian Supreme Court verdict and see to what extent Bangladesh needs to be worried about. I will limit myself to four areas.

First, the river systems. India has three major river systems: the Indus rivers; the Himalayan rivers; and the peninsular rivers. Insofar as Indus and peninsular river systems are concerned there is little Bangladesh can do as changes in those river systems do not affect Bangladesh directly. Although much of the content of the Supreme Court's verdict deals with the peninsular river systems there is one reference to the Himalayan rivers system and that is where Bangladesh's worries lie. As the judgment states:

Apart from diverting water from rivers which are surplus, to deficit areas, the river linking plan in its ultimate stage of development will also enable flood moderation. It was comprised of two components: Peninsular Rivers Development and Himalayan Rivers Development. The first involved major inter-linking of the river systems and the latter envisaged the construction of storage reservoirs on the principal tributaries of rivers Ganga and Brahmaputra in India, Bhutan and Nepal. This was to help transfer surplus flows of the eastern tributaries of the Ganga to the west, apart from linking the main Brahmaputra and its tributaries with the Ganga and Mahanadi rivers.

Apart from the unanswered question of why Bhutan and Nepal would be interested in "storage" of surplus water and have them diverted to India, there is also the problem of having such storage adversely affecting Bangladesh, as its rivers are linked to the Himalayan rivers system, including the Brahmaputra and the Ganga. The verdict seems to have overlooked the regional and international implications of linking what the Indian Court considers "the rivers of the country". This indeed may be true with respect to the peninsular rivers but certainly not for the Himalayan rivers.

Second, the apprehensions and the dissenters. Although the verdict of the Indian Supreme Court acknowledges that

The Union of India and some states have shown their concerns and their apprehensions about these projects, including questioning the reliability of water supply from distant sources, distribution of water given the existing tribunal awards and the continued availability of existing water surpluses...

still it goes on to claim that

these projects are in the national interest, as is the unanimous view of all experts, most state governments and particularly, the central government.

At the same time, the verdict mentions that "The Court is not equipped to take such expert decisions and they essentially should be left for the central government and the concerned state". And this is followed by a similar statement: "this Court may not be very appropriate forum for planning and implantation of such a programme having wide national dimensions and ramifications". If that is the case then why provide such a "what is to be done" kind of a verdict with respect to the river linking project? And given the concern expressed by both national and international environmentalists to the project, the Indian Supreme Court's claim that the project constitutes "the unanimous view of all experts" remains a suspect. But more importantly, although the Court acknowledges that "some Indian states" are opposed to the project, it fails to go beyond the territoriality of India and see notable dissenters beyond the border and in the region.

Third, displacement. The Court verdict did make references to "displaced people" and "development induced displacement"

and as such remains aware of the "cost of resettlement of displaced people" without however knowing or calculating what such a "cost" would actually be. Arundhati Roy once tried to calculate the cost of another development-induced displacement in India, the one resulting from the construction of large dams, and her finding remains pertinent to the river linking project as well:

According to a detailed study of 54 Large Dams done by the Indian Institute of Public Administration, the average number of people displaced by a Large Dam in India is 44,182. Admittedly, 54 dams out of 3,300 is not a big enough sample. But since it's all we have, let's try and do some rough arithmetic. A first draft. To err on the side of caution, let's halve the number of people. Or, let's err on the side of abundant caution and take an average of just 10,000 people per Large Dam. It's an improbable low figure, I know, but... never mind. Whip out your calculators. $3,300 \times 10,000 = 33,000,000$ That's what it works out to. 33 million people. Displaced by Big Dams alone in the last 50 years.⁵

Roy's calculation remains valid now that India's Supreme Court has initiated another development-induced displacement in the form of the river linking project but failed to address the issue in a meaningful way.

Potential for Conflicts

What is worrisome for Bangladesh, however, is not the internal displacement of people within India but the displacement of its own people as a result of the ecological imbalance that is bound to result from the construction of storage reservoirs and the linking of the Himalayan rivers. In this context, India needs to be mindful of the fact that any displacement of people within Bangladesh has the potential of creating newer conflicts between Bangladesh and India, as well as that some of them could end up as environmental refugees across the border! Apart from Bangladesh, India will also have to consider the international impact of this river linking project on Nepal, Bhutan and Pakistan. As it is, India and Pakistan have seen many points of conflict over the existing river sharing pacts.

Finally, rivers' rights. If the verdict of the Indian Court has ignored one thing completely and thoroughly, it is the right of the rivers, something to which Ashis Nandy,

Ajaya Dixit and I had jointly adhered to and advocated some 15 years back:

Right of the rivers must be codified and guaranteed by the state and the people. Such "rights" have already been codified for oceans and seas. Under the United Nations Convention on the Law of the Sea, it is now the "general duty" of all coastal states to protect and preserve the resources and the riches of the oceans and seas, not simply for the consumption of future generations but for the reproduction of human life itself. River rights can be enacted with similar goals in mind...

Rivers also have their rights, including the right to be relatively pollution free, to be relatively pollution free, to be a safe habitat for riverine forms of life and, within limits, to flow freely... While interference with rivers has contributed to modernisation, bringing electricity and irrigation facilities to a wider section of people, such diversion of water from its natural course has often led to disasters, their magnitude determined by the scale of interference. For example, while large-scale surface irrigation has worsened the problems of water-logging and soil salinity, unregulated withdrawal of water by dams located upstream has dried up downstream beds of several rivers. In places, this has meant an attack on the economic and other life-support systems of the people, in turn leading to the creation of environmental refugees.⁶

The verdict otherwise is bereft of imagination, which, however, is required not only when it comes to managing the environment for future generations but also in channelising newer relationship between India and its riverine neighbours. Any extension of the river linking project beyond the peninsular rivers is bound to destroy whatever "goodwill" India has achieved so far. Neither India nor its neighbours can afford such a watering of conflicts. And there lies the hope!

NOTES

- 1 Deb Mukharji, "Distant Neighbours: India and Bangladesh" in Atish Sinha and Madhup Mohta (ed.), *Indian Foreign Policy: Challenges and Opportunities* (New Delhi: Academic Foundation 2007), pp 557-68.
- 2 Pallab Bhattacharya, "SAARC Experts Discuss Anti-Terror Mechanism", *The Daily Star*, 10 February 2012.
- 3 Mohiuddin Alamgir, "India's Tipaimukh Dam: Another Farakka for Bangladesh in the Offing?" *NewAge Extra*, 12-18 June 2009.
- 4 "Protest against Tipaimukh Dam Continues in Manipur", *North-east Today*, 23 February 2012. Website: <http://www.northeasttoday.in/our-states/manipur/protest-against-tipaimukh-dam-continues-in-manipur/>, accessed on 26 March 2012.
- 5 Arundhati Roy, *The Greater Common Good* (Bombay: IndiaBook Distributors 1999), pp 9-10.
- 6 Imtiaz Ahmed, Ajaya Dixit and Ashis Nandy, *Water, Power and People: A South Asian Manifesto on the Politics and Knowledge of Water* (Colombo: Regional Centre for Strategic Studies 1997), pp 9-10.