

# INDIA'S INTER-LINKING OF RIVER PROJECT

## Some international norms

PROFESSOR M. SHAH ALAM

It is not unusual for a lower riparian country to have problems with the upper riparian country over the use of water of an international river. Such problems in varying degrees exist in many parts of the world. There is no alternative to sweet river water for agriculture, irrigation, drinking, protection of nature and environment, besides on-shore navigation. It explains why many rules, customs, usages, conventions and norms of international law have grown over the years to provide for peaceful use of river water by the riparian states. It is indispensable to abide by these rules. Otherwise, interests of the riparian states, especially those of the lower riparian, would suffer.

In the fifties, when India started constructing the Farakka barrage to divert Ganges water to Hoogly River to facilitate navigability of Calcutta port, we could apprehend its disastrous consequences for us in the lower riparian country. However, while the then Pakistan regime successfully reached an agreement with India in 1960 to make sufficient Indus water available for agriculture and irrigation in West Pakistan, the Ganges water issue remained unresolved in the then East Pakistan. Consequently, newly independent Bangladesh faced harsh Farakka reality in 1974. After nation-wide people's movement, diplomatic initiatives, call by the United Nations, discussions with India, signing of a number of short-term agreements and ultimately the Thirty-Year Treaty of 1996, we could to some extent resolve the problem of water sharing with our neighbour in the upstream. However, water available during dry season by such agreements or treaties is no alternative to water available from the natural flow of rivers. We are apprehending similar water sharing problems in Teesta and Barak

River. However, the main problem today, which is already set to pose a major catastrophic threat to us, is India's projected plan to divert the flows of the Ganges and Brahmaputra to North and West Indian regions by multiple inter-linking of river canals.

The problems of the use of water of international rivers ought to be resolved under international river law. In the last two hundred years, prominent international jurists all have held the opinion that water of an international river ought not to be used by a state in a way seriously detrimental to the interests of other riparian states, particularly that of the lower riparian. Any problem or dispute amongst the riparian states must be resolved by discussions based on exchange of necessary information amongst them. Reflecting this universally recognised doctrine, many international declarations, resolutions, conventions and principles have been adopted over the years which rightly indicate the present position of international law on the issue.

Some of the notable international instruments on the issue are: (a) Helsinki Rules adopted in the Conference of International Law Association in 1966, which unequivocally affirm that every riparian state has a right to logical and equitable share of water of any international river; (b) the 1973 UN General Assembly Resolution (UN Doc. A/8730. 1973), under which a state is prevented from doing any work which may cause substantial damage to any region beyond its jurisdiction; (c) a similar such provision enshrined in Article 30 of the UN Convention on the Economic Rights and Duties of the States (UN. Doc. A/RES/3281/XXIX, 1974); (d) 1972 Stockholm Declaration adopted in the UN Human Environment Conference, emphasising that activities in the territory of

one state must not endanger the environment of other states; (e) 1997 UN Convention on International Water Courses providing for prevention of any act in the territory of any state causing damages to other riparian states and the need for collaboration and exchange of information amongst the basin states to resolve any problem or dispute amongst them by discussions.

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Recognising the norms of international river law, many bilateral treaties have also been concluded, of which significant are India-Nepal Kosi River Treaty (1954), Gandok Irrigation and Hydraulic Power Treaty (1959); and the above mentioned India-Pakistan Indus water Treaty (1960). United States have also bilateral treaties with Canada and Mexico over the use of water of

river Colorado and Rio Grand respectively.

For better administration and management of international river basin with equitable water sharing and proper protection of environment in view, many joint river commissions have been established in many parts of the world, which are working successfully, e.g. Mekong River Commission (Kampochia, Laos, Thailand and Vietnam); Convention and Protection of the Rhine (Germany, France, Luxemburg, the Netherlands and Switzerland); Nile Basin Initiative (Egypt, Sudan, Ethiopia, Uganda, Kenya, Tanzania, Burundi, Rwanda, Congo and Eretria); Senegal River Basin Water and Environmental Management Project (Guinea, Mali, Mauritania and Senegal).

Last May, Indian Water Resources Minister Uma Bharati stated that India would start working on her planned river linking project to divert the flows of the Ganges and Brahmaputra to feed some regions of North and West India without further delay. It is understood the project was for many years at study and conceptual stage. Previously, Bangladesh more than once urged India to formally discuss the matter at Joint Rivers Commission. Every time India was reluctant to discuss the issue on the plea that the project was only at conceptual stage. Now the scenario has changed. Therefore, a meeting of the Bangladesh-India Joint Rivers Commission ought to be convened without delay to discuss the issue.

Ganges and Brahmaputra are two major source rivers for most of the rivers and tributaries in Bangladesh. Impact of massive diversion of water flows of these two key rivers at the upstream would be disastrous for the whole of Bangladesh. In fact, diversion of the courses of two international rivers of such a grandiose scale is unheard of. It would create not only water problem for the lower

riparian state, but would lead to serious environmental hazards for the entire region, including India herself. This explains why many water and environment experts in India, including prominent hydrologist Himanshu Thakkar, are opposing the river interlinking project. They argue India relies on underground water for some two-thirds of her irrigation and for more than three-quarters of her drinking water. Wells and pumps management and operation can be improved, and collection and storage of rain water increased to reduce dependence on river water. Massive diversion of river water by link canals is risky and may lead to adverse consequences, all of which cannot be contemplated right now.

Very recently, the Chief Minister of Bihar Nitish Kumar blamed the Farakka barrage for increasing frequency of floods in his state. He alleged that interference with the natural flow of the Ganges water by Farakka led to increase of silt-deposits raising the level of river-bed and reducing the water containing power of the river, which is the main reason for frequent floods in Bihar. The Chief Minister also urged the central government to look for an alternative to resolve the state's flood problem.

The 1996 Ganges Water Treaty and the 2011 Framework Agreement for Development between India and Bangladesh signed by Prime Minister Sheikh Hasina and Manmohan Singh stipulate that any water problem between the two countries would be resolved amicably by discussions. Inter-linking of the river issue needs to be discussed on an emergency basis. People's awareness and support on the issue is necessary. Popular awareness and support strengthens diplomatic and negotiating position of a state-party for successful dispute resolution.

The writer is a member of the Law Commission.

# Making best use of old Central Jail area

MAHBUBUR RAHMAN

The recent controversy with the land use of the would-be-abandoned central jail area shows how short our memory is collectively. It has been almost 100 years since the issue was raised and resolved in 1917 in favour of creating an urban park on the freed land. The main advocator was Sir Patrick Geddes, widely recognised as the father of modern town planning. In fact, all other subsequent plans for the city of Dhaka in 1958, 1981 and 1997, have suggested doing the same. The last of these, the Dhaka Structure Plan, has just quietly expired its time period (1995-2015); however, the much-hyped DAP (Detail Area Plan) based on it is valid till there is a new Plan. Hence it is the only justified and legal thing to consult the DAP as to the use of this valuable land.

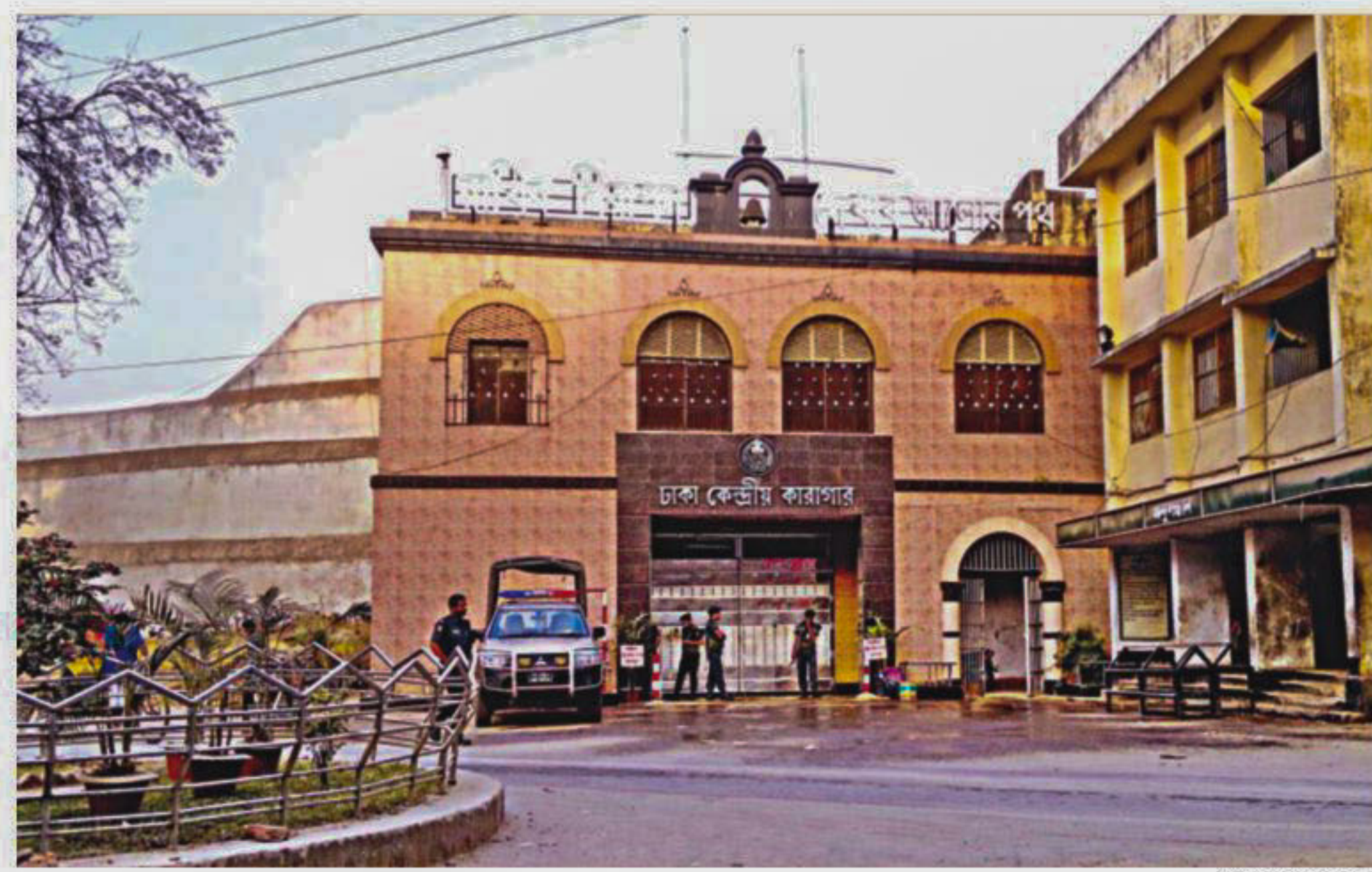
In this regard, I remember the workshop (of experts) organised by RAJUK on draft DAP in September 2007. Though I represented the Institute of Architects Bangladesh (IAB) in that meeting, I was keener to voice a citizen's conscience. But we were dismayed to see that the consultant had proposed developing commercial uses on the land to be vacated by the relocation of the central jail, after mentioning that it has no historic value. I opposed this instantly, and suggested keeping the land as a much-needed open area for the Dhakaites, which I presume was later adopted in the revised final version. I had left the country after a while, and currently have no access to a copy of the DAP; but it will be worth checking.

The Central Jail, originally a fort encircled by mud walls, was erected by Sher Sah Suri. At that time, it was on the outskirts of the city confined by the river (Buriganga) and Dholai Khal. In 1602, Man Singh set up his garrison there; his entourage settled in between the fort and the Dhakeswari Temple, in an area that was therefore named as 'Urdibazaar'. When Islam Khan Chisti's move towards Dhaka was stalled in Shahjadpur due to rain and flood, he sent an advance party to Dhaka to repair the old fort in order to make it suitable for his court and residence. It is only suffice to say that the central jail area is no less historically

important.

It surprises me that we are forgetting the government held design competition as to the most befitting use of this land in the late 1980s. It was won by a group of architects, who incidentally were my classmates. One of them years earlier had undertaken this very project as his final thesis, and proposed a low-rise mixed use in an intimate scale that we usually associate with old Dhaka. At about the same time, another architecture student took up the same exercise as his final project. And

by important structures like the fort and mosque) through the Bara Katra. On the other tip of it was the point where the Swadhinota Stambha (which now proudly stands in Suhrawardy Udyan), via the Kendriyo Shahid Minar. This line thus represented the history of the city starting from when it became for the first time a capital. In fact, Islam Khan in 1610 landed somewhere near the Ghat (Pakurtuli in the Babubazaar area), paraded by the outer periphery of the city, and reached the old Afghani Fort.



Premise of the former Dhaka Central Jail.

PHOTO: STAR

ever since, the reuse proposal for the central jail area became a popular architectural exercise in different architecture schools of the country.

Another architect, who was then my graduate student, came up with a daring and exciting proposal with symbolic content; yet it was surrealistically simple. He adopted two bold premises and the postulations thereof, connecting old Dhaka with the new with an axis cutting through the land. The axis originated at Swari Ghat, connecting the Chawk (originally an open plaza surrounded

This line will cut 85 percent of the land on the west, which he proposed to keep green, from the more historical east part with Purba Darwaza (East Gate) as a formal entry. This part had a mix of small-scale civic-cultural uses. The statement the graduating student made was bold and definite, and unseen for years in a project at this level in any architecture school in Bangladesh. It was highly applauded, and was exhibited at the Shilpakala Academy. But all such proposals, many of which are valuable and possess a high level of practicality, in terms of directing

towards enhancing the amenities and livability of the city, are never taken up to be implemented.

Of course, the context may have changed over the years and the use of this core city land needs to be carefully re-examined and a proposal be made and executed, taking into cognizance the history of the land, morphology of the surrounding area, and the needs of Dhakaites. More importantly, the site provides an opportunity of a lifetime to do something for the city that its citizens can be proud of (we have somewhat wasted another such opportunity with part of the old airport unless that is made publicly more accessible). In his article titled "Can city design prevent terrorist attacks?", published on August 27, Adnan Morshed had aptly stated:

"The city's young needs playfields to exhaust their energy. How serious are urban administrators in Bangladesh about preserving neighbourhood playgrounds as a way to keep the youth engaged with city life and away from the dark underworld of nefarious indoctrination? About 52 out of Dhaka's 90 wards (60 percent of the metropolitan area) have no access to parks or playgrounds; only 36 have some open space ranging between 0.01-0.21 acre per 1,000 population. Have we thought about how neighbourhood playfields would help create more Shakib al-Hasans and less Nibrases?"

(...) The demand for urban land is

skyrocketing, leading to misguided policies of gentrification and a mastani culture of land-grabbing. Experts recommend that a liveable city should have a minimum of 25 percent of its area as open space. Dhaka's open space is only about 14.5 percent and rapidly shrinking. Research has shown that without adequate public plazas—essential for a city's democratic practices, recreation, and community-building—the antisocial instincts of city dwellers balloon."

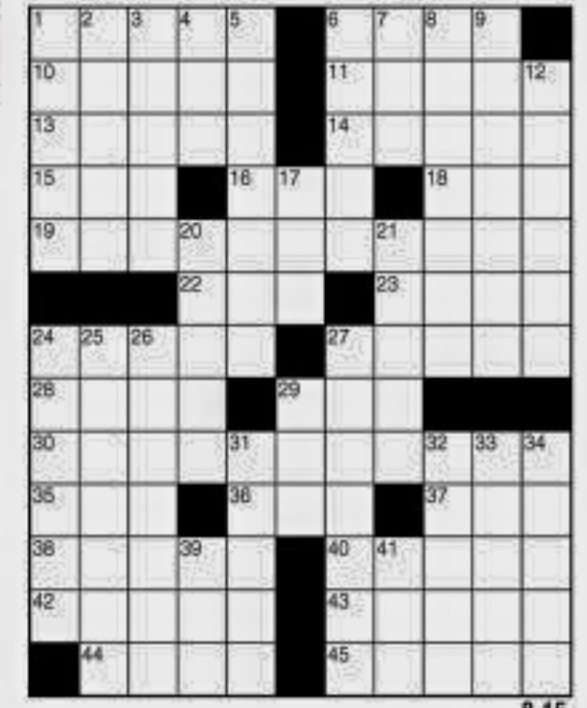
Now we have 25 schools of architecture with several thousand students and about 3,000 professional architects practicing in Bangladesh. Let's organise a two or three phase open urban design idea competition for both students (can be from architecture, planning, history, or any background from any of the nearly 100 universities) and professionals (could include architects, planners, engineers) or groups thereof. The first phase can be a one-day design charrette; a brief can be developed from ideas of this phase. But such a brief must include a symbolic representation, iconic structures, an open area, and mixture of small scale cultural uses.

Such participatory design approach will indeed contribute to the sustainability of whatever use that would be proposed and built in the area as a result, and will remain as a milestone in the city's history.

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### CROSSWORD BY THOMAS JOSEPH

- ACROSS  
1 "Get lost!"  
6 Phone downloads  
10 Fill with joy  
11 Siren, for example  
13 Wanderer  
14 Superior to  
15 Purpose  
16 Pop's mate  
18 Diner dessert  
19 Inability to recall  
22 Free (of)  
23 Tennis great Arthur  
24 Lukewarm  
27 Velocety  
28 Sweeping story  
29 Expected  
30 Pulley used for hoisting  
35 Crude abode  
36 Ailing  
37 Solo of "Star Wars"  
38 Steer clear of  
40 Make blank  
42 Showed over  
43 Rich cake
- 44 Wallet bills  
45 Girder material  
DOWN  
1 Blood fluid  
2 Nearby  
3 Black bird  
4 Had lunch  
5 Disney's Ariel, for one  
6 Gentle as-  
7 Place for a pint  
8 Pop the question  
9 Raw fish appetizer  
12 Stank  
17 Ancient  
20 Magic illusion  
21 Jacket flap  
24 Tie down  
25 Shoulder ornament  
26 Visualize  
27 Rents from a renter  
29 Pa. neighbor  
31 Legal claims  
32 Chicago airport  
33 Social group  
34 Prepare for prayer  
39 Writer Brown  
41 Nonsense



### YESTERDAY'S ANSWER

GOOD GOAT  
DONNA RAGES  
EATER IRENE  
ALASKAN ODE  
LIP RIDDLER  
TEETER ADDS  
ADMAN  
SCAT ANKARA  
PYRAMID IAN  
ACT ALADDIN  
SLURTS NOISE  
MERITS TUNES  
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