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THE BANGLADESH-INDIA TREATY ON SHARING OF THE GANGES WATERS : GENESIS AND SIGNIFICANCE

1. The Ganges and Bangladesh

Bangladesh and India share 54 trans-boundary rivers draining through Bangladesh. The Ganges is one of the most important of these, and the largest trans-boundary river flowing through the South Asian region, with its basin spreading over China, Nepal, India and Bangladesh. The Ganges originates from the southern slopes (at around 23,000-ft) of the Himalayas. It flows through Nepal into India, coursing through seven States (Provinces) of India before entering Bangladesh. It traverses a total distance of 1,570 miles before emptying into the Bay of Bengal.

The Ganges has three trans-Himalayan tributaries, namely the Karnali, Sapt Kosi and Sapt Gandaki emanating from Nepal which provide 71% of the total dry season flows and 41% of the annual flows of the Ganges at Farakka. Farakka is of relevance in this reckoning because this was the place, 11 miles upstream of the Bangladesh border, situated in the province of West Bengal in India, where India constructed a Barrage for diverting waters to the

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Hooghly River, thus affecting Bangladesh's traditional apportionment of the share of the Ganges waters.

The precipitation over the Ganges Basin is mainly due to the South West Monsoon. The average rainfall in India varies from 350mm in the western part to about 1000mm in the middle course and between 1,500mm to 2,200mm near the delta. Glaciers in the Himalayas are also an important source of water for the Ganges, with probably 3500 glaciers draining part of their waters into the Ganges (by way of comparison, the Indus Basin in India-Pakistan also has 3500 glaciers draining into it, while the Teesta and Brahmaputra basins have only 600 glaciers draining into them).

The flows of the Ganges are highly seasonal. Floods during the monsoon and scarcity during the dry season are the two extreme characteristics of its flows. The total availability of the Ganges water at Farakka during peak monsoon floods often exceeds 2.5 million cubic feet per second (cusecs). In stark contrast, during the driest months (March-April for Bangladesh) total availability at Farakka, before the commissioning of the Farakka Barrage by India, used to be between 55 and 65 thousand cusecs.

It would be relevant to note here that the Ganges basin in Bangladesh is home to about one third of Bangladesh's 120 million population. The inhabitants of the Gangetic plains in Bangladesh are dependent on this river for agriculture, domestic and municipal uses of water, fisheries, industries, forestry, and navigation. The Ganges also provides for bio-diversity in the environment and maintenance of the delicate balance in the ecosystem of the south-western region of the country where the Sunderbans, the largest mangrove forests of the world, are located. Historically, the fresh water flow through the Gorai River, the only distributary of the Ganges in Bangladesh, served to flush down the intruding salinity upstream from the Bay of Bengal.

The commissioning of the Ganges Barrage by India in 1975 was, therefore, viewed as largely cutting into and adversely affecting the above factors in Bangladesh, since it dramatically reduced the historical dry season flows into Bangladesh. During the monsoons, there is a surfeit of water in the region, but during the dry season the situation reverses drastically. The problem was further compounded by the fact that there was no other major source of water in this region to supplement the needs of the people, the land and the ecosystem during the dry season. This is where the dispute started, although its origins go further back in time to the days of Pakistan and its relations with India. Earlier, during the days when the British ruled India, there were varying opinions on how the progressively drying Hooghly, on which Calcutta Port was built, could be resuscitated.

2. The Dispute over the Ganges and a Brief History of Negotiations 1947-71

Four years after the Partition of India, the Government of Pakistan drew the attention of the Government of India to reports of a contemplated Indian project to divert large amounts of the Ganges water during the dry season, to augment the flows of the Bhagirathi-Hooghly river which serviced the Calcutta port. India responded, in March 1952, that the project was only under preliminary investigation and described Pakistan's concern as purely hypothetical.

In May 1952, Pakistan quoted press reports that India was engaging in a multipurpose scheme envisaging the resuscitation of not one but five rivers in West Bengal, and that large quantities of the waters of the Gandak, a tributary of the Ganges, were being diverted for irrigation schemes in Bihar, Uttar Pradesh and Nepal. Pakistan pointed out that these withdrawals, combined with the reported Barrage to be constructed across the Ganges at Farakka, would have ruinous effects on East Pakistan (now Bangladesh). India replied a year later, in May 1953 reassuring that the reports

were unfounded since the feasibility of the project proposals were still under examination. At the same time, India also expressed the desire for cooperative development of the water resources of the Ganges with Pakistan.

Subsequently, there was exchange of correspondence between the two countries, but no real bilateral talks or negotiations on the subject took place until almost nine years later, in June-July 1960, when an experts level bilateral meeting was held. This meeting was inconclusive.

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 river at Farakka. India started construction on the Barrage soon thereafter.

At a meeting in London in March 1961, the Prime Ministers of the two countries agreed to initiate Minister-level consultations, but these never materialized. Four experts level meetings were held between 1960-62 and one in 1968, followed by five meetings at Permanent Secretaries' levels between 1968 and 1970. This disjointed pattern indicates the degree of seriousness (or lack of it) with which either side addressed the matter. India completed the construction of the Barrage in 1970, only the Feeder Canal remained to be completed.

3. The Negotiations 1971-1975

Bangladesh separated itself from Pakistan as an independent nation in 1971. Immediately thereafter, the Government of Bangladesh took up the matter on a priority basis with India. Sheikh Mujibur Rahman, the Leader of the Awami League Party which led Bangladesh to Independence from Pakistan, raised the matter with the Indian Prime Minister, Mrs. Indira Gandhi, during his stop-over at Delhi on his way back to Bangladesh in January 1972 after his long incarceration in Pakistan. In March 1972, the Prime Ministers

of Bangladesh and India in a Joint Declaration, announced the establishment of the Indo-Bangladesh Joint Rivers Commission (JRC). The Joint Declaration stated, *inter alia* :

Consistent with the decisions taken at the meetings of the Foreign Ministers of Bangladesh and India in January, 1972 and of the Prime Ministers early in February, 1972 to strengthen economic and developmental cooperation, the two Prime Ministers decide :

A. To establish a Joint Rivers Commission comprising of experts of both countries on a permanent basis to carry out a comprehensive survey of the river systems shared by the two countries, formulate projects concerning both the countries in the fields of flood control and to implement them.

B. Experts of the two countries are directed to formulate detailed proposals on advance flood warnings, flood forecasting, study of flood control and irrigation projects on the major river systems and examine the feasibility of linking the power grids of Bangladesh with the adjoining areas of India, so that the water resources of the region can be utilized on an equitable basis for the mutual benefit of the peoples of the two countries.

In that same declaration, the two Prime Ministers also announced their intent to sign a Treaty of Friendship, Cooperation and Peace between the two countries. Article 6 of this Treaty stipulated:

The High Contracting Parties further agree to make joint studies and take joint action in fields of flood control, river basin development and the development of hydro-electric power and irrigation.

The Statute of the JRC was signed eight months later in November 1972. One of the major functions of the JRC was to maintain

liaison between the two countries for exerting joint efforts in maximizing the benefits from common river systems to both the countries. Interestingly, the question of sharing the waters of the Ganges was kept out of the purview of the JRC, to be settled at the level of the two Prime Ministers. This was, perhaps, a tacit acknowledgment that this particular problem had acquired political dimensions and implications and, therefore, had to be resolved politically at the highest level.

The two Prime Ministers met once again in New Delhi in May 1974 and discussed, among others, the Ganges issue. Following their meeting, a Joint Declaration was issued on May 16, 1974. This Declaration observed that during the periods of minimum flow in the Ganges, there might not be enough water and, therefore, the fair weather flow of the Ganges in the lean months would have to be augmented to meet the needs of Calcutta Port and the full requirements of Bangladesh. The two Prime Ministers also mandated the JRC to study the best means of augmentation through optimum utilization of the water resources of the region available to the two countries. The two sides expressed their determination that before the Farakka Project was commissioned they would arrive at a mutually acceptable allocation of water available during the periods of minimum flow in the Ganges. The original mandate of the JRC was thus expanded.

The Commission accordingly took up the question of augmentation, but the vastly differing perceptions held by the two sides prevented the JRC from arriving at any agreed conclusion.

The Bangladesh side took the position that there was a potential for storage of monsoon flow in the Ganges basin in India and Nepal, which, if realized, could significantly augment the fair weather flow of the Ganges in the lean months.

The Indian side, on the other hand, held the view that additional storage possibilities in India were limited. It also felt that it would

not be realistic to depend on storage reservoirs as means for augmenting the Ganges flows in the lower reaches. The Indian side was also opposed to considering the question of constructing reservoirs in Nepal on the grounds that it was outside the scope of the JRC. It suggested, instead, that the Brahmaputra basin in India offered storage feasibilities, which could be developed, and the construction of a Brahmaputra-Ganges link canal held prospects for optimum utilization of the resources of the region. This suggestion was an anathema to the Bangladesh side.

Two Ministerial level meetings in February and April 1975 failed to break the impasse. Given this situation, the Indian side proposed that while discussions on allocation of waters in terms of the Prime Ministers' Declaration of May 1974 continued, a test run of the Feeder Canal of the Farakka Barrage was necessary in view of the advent of the lean period of the dry season that year. The Bangladesh side agreed to the proposal. The two sides further agreed that India would carry out 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 for Bangladesh.

The discussions between the two governments to implement the directives of the two Heads of Government, would no doubt have continued further, in good faith, but for a cataclysmic event which intervened in Bangladesh a few months later. Sheikh Mujibur Rahman, his wife, three sons (the youngest of them hardly 10 years old) and two daughters-in-law, were assassinated in a bloody military coup carried out by a group of junior army officers. Only his two daughters, who fortuitously happened to be abroad at that time, escaped the massacre. The junta which executed the coup also happened to be stridently anti-India in its political stance. As a result, relations between the two countries plunged sharply into a tail-spin, and all meaningful communication on important issues, including the question of sharing of the Ganges Waters, effectively ceased.

4. The Negotiations 1976-1990

With such breakdown in effective dialogue and in the absence of any further agreements, India continued with-unilateral withdrawals throughout the next dry season in 1976, resulting in a drastic drop in the flows at Hardinge Bridge (the point within Bangladesh where flows were monitored). In the continuing political stalemate, President Ziaur Rahman of Bangladesh decided to take the issue to the United Nations in November 1976.

On 24 November, 1976 the Special Political Committee of the UNGA devised a compromise in a consensus statement wherein "both parties agreed that the situation called for an urgent solution and to this end the parties have decided to meet urgently in Dhaka at Ministerial level for negotiations with a view to arriving at a fair and expeditious settlement."

This was followed by several rounds of talks that led to the two sides signing an Agreement on 5 November 1977 for sharing the dry season flows of the Ganges available at Farakka for a period of five years (1978-82). The sharing was apportioned according to a schedule of 10-day flows, from January 1 to May 31. Under this arrangement, roughly 60% of the Ganges flows as available at Farakka were allocated for Bangladesh. The flows at Farakka were reckoned at 75% availability of waters as per observed data of flows from 1948-73.

Furthermore, a side letter to 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% (27,600 cusecs) of her stipulated share for the concerned 10-day period.

The 1977 Agreement also enjoined the JRC to arrive at an agreed recommendation for augmenting the dry season flows at Farakka within a period of three years from the date of signing of the

Agreement. The subsequent JRC meetings failed to live up to this injunction, since they merely hardened their previously enunciated respective positions on Storage Dams(Bangladesh) and Link Canal(India). This is the point of the Agreement where the two sides entered into a vicious cycle, for the finiteness or otherwise of the duration of the Agreement were inextricably tied up with the two parties agreeing to a mutually acceptable means of augmentation. In the meantime, the tenure of sharing of the 1977 Agreement expired on 31 May 1982.

In order to avoid another agreement vacuum period, the Foreign Ministers of the two countries signed a Memorandum of Understanding (MOU) in October 1982, basically extending the terms of the 1977 Agreement for a further period of 2 years (until 31 May 1984), or effectively for two more dry seasons. **An important departure was the dropping of the Minimum Guarantee Clause. Another important departure in the 1982 MOU was the adoption of what became known as the "burden sharing" clause for exceptionally low flows.** Under this clause, if the lowest flow at Farakka fell below 75% of the standard flow which governed the schedule, the difference between that and the standard flow was to be shared on 50:50 basis by the two sides. The 1982 MOU also enjoined upon the JRC to come up with a mutually acceptable augmentation solution.

The 1985 dry season was an agreement vacuum period, as no instrument now existed for apportioning the share of the waters. Under the circumstances, the two sides once more signed a MOU, this time renewing the terms of the MOU of 1982 (i.e. the 1977 Agreement without the Guarantee Clause but incorporating the burden sharing clause), for three more dry seasons of 1986, 1987 and 1988. This MOU also provided for the two sides to arrive at a mutually acceptable solution for augmentation, but this time the task was entrusted to a Joint Committee of Experts. Essentially, this turned out to be the same body of experts who had previously dealt

with this thorny question, but in a new incarnation. Their 24-month deliberations were as void of a solution as in the past.

Following the expiry of the 1985 MOU on 31 May 1988 a long period of agreement vacuum followed. Reflecting the slump in political relations, meaningful dialogue on the subject ceased altogether for the next five years until the end of 1990, when the government of President Ershad (in power since 1982) was forced to step down, following a mass movement led by an alliance of all the opposition parties. A neutral caretaker government took over with a mandate to conduct free and fair elections. In the meantime, the water situation in Bangladesh worsened with continuing unilateral withdrawals by India in the absence of any sharing instrument.

5. The Negotiations 1991-95

In March 1991, the Bangladesh Nationalist Party led by Begum Khaleda Zia, widow of the late President Ziaur Rahman (who was assassinated on 30 May, 1981) won the elections, and formed the government. The new government of Prime Minister Khaleda Zia initiated discussions on the subject once again with India. The matter was discussed at summit level in May 1992, 1993 and 1995. Prime Minister Khaleda Zia, like her late husband had during his time in power, also decided to raise the issue at the UNGA in October 1993, but to no avail. Two rounds of JCE meetings were also frustrating to the extent that Bangladesh suspended all contacts at the JRC level.

For various reasons, particularly since the situation had become vastly complicated with the passage of time, the negotiations failed to achieve any momentum, unfortunately to Bangladesh's detriment. This situation dragged on further, until 1995, with increasingly adverse consequences for Bangladesh in the Ganges basin area.

During the SAARC Summit at New Delhi in May 1995, the then Prime Ministers of Bangladesh and India, during their bilateral meeting, directed their respective Foreign Secretaries to immediately

commence talks and try to break the logjam in the resolution of this long festering problem. The two Foreign Secretaries held one round of talks immediately and agreed to follow up further on these talks at Dhaka.

Foreign Secretary of India, Mr. Salman Haidar, visited Bangladesh during June 23-25, 1995. Following were agreed upon in principle at the Foreign Secretary level meeting:

A. to arrive at a permanent sharing arrangement on the basis of existing dry season flow in the Ganges without linking it to the augmentation question. This marked a very important departure from the previous Indian position;

B. to revive the Joint River Commission expeditiously to work out the modalities for water sharing. JRC among other things should exchange information on projects like the Tipaimukh, Ganges barrage, Kanpur project etc, on both sides;

C. to jointly monitor the flow of Ganges at selected points;

D. to arrive at a sharing arrangement of other common rivers on long term predictable basis.

However, no further progress was made thereafter in the wake of the political uncertainties in both countries and a period of stalemate ensued with practically no high level contacts between the two countries. In May 1996 the United Front-led coalition government came to power in India with Mr. H.D. Deve Gowda as Prime Minister and Mr. Inder Kumar Gujral as External Affairs Minister. In Bangladesh a month later the Awami League was voted back to power again after 21 years. Sheikh Hasina, as Leader of the Party her late father had led until his assassination in 1975, assumed office as Prime Minister. These two developments, happening almost at the same time, marked a turning point for both the countries.

6. The Final Stage of Negotiations July 1996 - December 1996

Serious discussions for arriving at a solution to the problem began only after the change of Governments in both Bangladesh and India, taking place more or less around the same time. Both the sides realized the urgency of the matter and also conveyed to each other their political commitment to address and resolve the issue. Both new governments also shared the perception that there was a need to come to an agreement within the year before the onset of the next dry season.

The Bangladesh Foreign Secretary visited India during 6-10 August 1996 to prepare the ground work in earnest. Indian Prime Minister Deve Gowda while receiving the Foreign Secretary said that his government was very keen to see that the issue was resolved within the shortest possible time and added that if the problem was solved the two countries could move in other areas quickly.

The Foreign Secretary during this visit, also held a meeting, at the suggestion of the Indian External Affairs Minister, with West Bengal Chief Minister, Mr. Jyoti Basu at Calcutta. He requested the Chief Minister for help and support in finding a permanent solution to the problem of sharing of the Ganges waters. Mr. Joyti Basu assured that he would do everything possible on his part to bring the matter to an amicable resolution. Involving the Chief Minister of West Bengal was a critical departure from previous negotiating practice.

During the Indian External Affairs Minister's visit to Bangladesh (6-9 September 1996), the two sides had detailed discussions on sharing of the Ganges waters. The two sides agreed that a Joint Committee would be convened this time by the Foreign Ministries of the two countries, which would bring together experts from both the countries, to work towards finalization of an agreement on water sharing at the earliest. (As Additional Foreign Secretary for South Asia, I was assigned leadership of this Committee

from the Bangladesh side with my counterpart from India leading the Indian side). The Joint Committee was to meet immediately, and as often as required and would report to their respective authorities, keeping in mind the timeframe envisaged by the two sides for arriving at such an agreement. The Joint Committee held four such meetings.

The formation of the Joint Committee under the Foreign Offices of the two countries was another major departure from the past where such committees were under the jurisdiction of the Water Resources Ministry. By bringing the technical experts under the supervision of the Foreign Ministries, 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.

This was followed soon after by the visit of the Bangladesh Minister for Water Resources to India, from October 28 to November 1, 1996 to hold talks with his Indian counterpart on the sharing of the Ganges waters, by ensuring that the line Ministries of both the countries were talking the same language as the Foreign Ministers and the Joint Committee of experts.

During the visit of the Foreign Minister of Bangladesh to India from 9-13 November 1996, further discussions were held on the issue of sharing of the Ganges waters. Both sides reiterated their intention of arriving at an Agreement on a fair and equitable sharing of the Ganges waters before the onset of the next dry season. The Foreign Minister, apart from his discussions with his counterpart Mr. Gujral, also had very useful and fruitful meetings with the Indian Prime Minister and prominent leaders of all the political parties, whether in alliance with the coalition government or in the opposition. The Bangladesh Foreign Minister also made a quiet visit to Calcutta to bring Mr. Joyti Basu on board as a supportive factor in the process.

The joint efforts of the Governments of Bangladesh and India to arrive at an amicable resolution of the vexing issue of sharing of the Ganges waters received a big boost during the visit of the Chief Minister of West Bengal, Mr. Joyti Basu, to Bangladesh from 27 November to 2 December 1996. During the visit he had critically important discussions with both the Bangladesh Prime Minister and the Foreign Minister, while the West Bengal Finance Minister and senior West Bengal and Central Government officials held intensive discussions with the concerned officials of Bangladesh (the Joint Committee team led by the Foreign Secretary and subsequently, the Secretary to the Prime Minister of Bangladesh). These penultimate round of discussions were of vital importance as they narrowed the differences to bridgeable proportions.

While negotiations were going on at the level of the political leadership, the Joint Committee met several times to look into the technicalities involved and worked toward arriving at an agreed draft agreement to be placed before the two Governments. The Committee had one last marathon session, from 5-10 December at New Delhi, with the Secretary to the Prime Minister of Bangladesh leading the Bangladesh side and the Indian Foreign Secretary the Indian side. 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 (30 years) were agreed upon. All that remained now was for the two Prime Ministers to sign the Treaty.

7. The Treaty

The Prime Ministers of Bangladesh and India signed the historic Treaty on the sharing of the Ganges Waters in New Delhi on 12 December 1996, during the Prime Minister Sheikh Hasina's 3-day state visit to India during December 10-12, 1996. Major features of the Treaty are:

- * The Treaty is valid for 30 years from the day of its signing. It is subject to review by the two governments at five-year intervals, or as required by either party.
- * It would be open to either party to seek the first review after two years to assess the impact and working of the sharing arrangement as contained in the Treaty.
- * The quantum of water agreed to be released by India to Bangladesh will be at Farakka.
- * The sharing will be by ten-day periods from January 1-May 31 every year.
- * The sharing of the waters will be on 50-50 basis if the availability at Farakka is 70,000 cusecs or less.
- * Bangladesh will get 35,000 cusecs and India the balance of flow if the availability at Farakka is between 70,000 and 75,000 cusecs.
- * In case of availability of 75,000 cusecs or more, India will receive 40,000 cusecs and Bangladesh the rest.
- * During the most critical month of April, Bangladesh will get a guaranteed flow of 35,000 cusecs in the first and last ten days of April and 27,633 cusecs during the period 11-20 April.
- * If the flow at Farakka falls below 50,000 cusecs in any 10-day period, the two Governments will enter into immediate consultations to make adjustments on an emergency basis.
- The Treaty also incorporated an indicative schedule, which was based on the average of 40 years flow data (1949-1988) at Farakka. Unlike in the 1977 Agreement in which the sharing was determined by the Schedule to that Agreement and governed it, the Schedule of the 1996 Treaty was merely an indicative schedule which was to be applied to the sharing formula in Schedule I. In the 1996 Treaty, the sharing formula actually

governs the Treaty. This was a fundamental departure from the previous agreements. However, as an indication of good faith, the Indian side undertook to make every effort to protect the flows at Farakka as in the 40 years average availability as mentioned in the indicative schedule. (India is negotiating with Bhutan for diverting some water from the Sankosh river to Farakka to ensure this).

- * The Treaty has a fail-safe provision against treaty-vacuum, unlike previous agreements. While the two sides are bound to meet every five years to review the Treaty and make adjustments if so required in the event no mutual agreement emerges, India is obliged to release downstream of the Farakka Barrage water at a rate not less than 90% of Bangladesh's share as enjoined in the Treaty, until such time as mutually agreed flows are decided upon.
- * A Joint Committee, comprising equal number of representatives of the two Governments, shall set up suitable teams at Farakka and the Hardinge Bridge to observe and record the daily flows below the Farakka Barrage, in the feeder canal and at the navigation lock, as well as at the Hardinge Bridge. (Monitoring at the navigation lock was not there previously). The Joint Committee shall submit to the two Governments all data collected by it and shall also submit annual reports. The Joint Committee held its first meeting at Dhaka in late December 1996.

8. The Outstanding Features of the Treaty Favourable to Bangladesh

A. Long Duration :

- * For the first time, Bangladesh has obtained a long term Treaty on Ganges water sharing. This Treaty is valid for thirty years and is renewable on the basis of mutual consent thereafter.

- * Previous Agreement of 1977 was for 5 years only.
- * 1982 MOU was for 2 years only.
- * 1985 MOU was for 3 years only.
- * Long-term duration will help us in our water resources planning. Donor countries and agencies will now be more receptive to requests for assistance in water harnessing and management projects in Bangladesh.

B. De-linked from Augmentation:

- * This sharing Treaty is not contingent upon augmentation, as in previous agreements.
- * Two parties efforts to find long-term solution to the problem of augmentation will not affect in any way the sharing arrangement.
- * However, the preamble to the Treaty has a general clause mentioning the importance of augmentation in the context of long-term mutual benefit of both the countries.

C. Fail-safe Arrangement to Prevent Treaty Vacuum:

- * Bangladesh will not be deprived of a fair share of the waters even if two sides fail to arrive at an agreement at the end of review period.
- * Such share of the water will be not below 90% of the agreed share of waters under the Treaty.
- * After expiry of last agreement, there was no such mechanism or instrument for sharing. As a result, Bangladesh received as low as 9218 cusecs of water in 1993.

D. Better Deal than Previous Agreements:

- * Between March 1 to May 10 (leanest period of the dry season for Bangladesh):

-Under the 1996 Treaty Bangladesh would have received 224, 740 cusecs of water (provided total quantity of water at Farakka was available as envisaged in the indicative schedule to the Treaty). Unfortunately, because of unprecedented drought and abnormally low precipitation, the actual quantum of water released to Bangladesh at Farakka during this period in 1997 was 207,582 cusecs), but still more than for the corresponding period at any time under the 1977 Agreement or subsequent MOUs;

- Under 1977 agreement Bangladesh received only 193,220 cusecs of water

- * During Third 10-day period of April which is the leanest period, Bangladesh would receive a guaranteed flow of 35,000 cusecs as against the guaranteed figure of 27,600 cusecs only under the 1977 agreement.
- * There will be periodic review at five years intervals which would ensure Bangladesh's interests in the share of its waters based on principles of equity, fairness and no harm to either party.
- * Both governments have agreed to conclude water sharing treaties/agreements with regard of other common rivers on basis of equity, fairness and no harm to either party. Negotiations in this respect have already commenced, beginning with the Teesta.

9. Importance of the Treaty

The signing of the Treaty on the sharing of the Ganges waters in Delhi on the eve of the Silver Jubilee anniversary of Bangladesh Liberation Day, resolved the most vexing issue between Bangladesh and India, which had been at the core of our problems and held up forward movement in all other areas. The Treaty does, indeed, mark a watershed in our bilateral relations. It has paved the way for fruitful and mutually beneficial cooperation in other areas of common

concern. The Treaty with a thirty-year validity, marks a sea-change from the short duration MOUs whose renewals remained so precariously contingent upon political mood-swings.

Conclusion of the Treaty was only possible because of the remarkable foresight and vision of the leaders of the two countries, their determination to overcome all obstacles and their political will and commitment to a resolution of the problem.

The 1996 Ganges Treaty has enabled the Government of Bangladesh to take up vitally important national projects like construction of the Ganges Barrage for the benefit of the country and its people. Negotiations are currently underway with the Asian Development Bank, a number of donor countries and also with India, who have all pledged assistance for the project.

It is a landmark event in Bangladesh-India relations. It symbolizes that given political commitment and goodwill, our two countries can resolve even the most intractable of problems between them. The Treaty also sent a salutary signal to other South Asian countries that despite asymmetry between India and its smaller neighbours, given the political will, determination, a positive attitude and goodwill, other neighbours of India could also strive to resolve differences with their large neighbour amicably.

The Treaty has enabled Bangladesh and India to put this long vexing problem behind them once and for all, and to move forward steadily on other fronts. Significant progress has already reportedly been made by both the sides on :

- * The sharing of the waters of the Teesta River on which the continued viability of the Teesta Barrage in Bangladesh is dependent;
- * Discussions initiated on sharing of a number of other important common rivers;

- * The formation of the South Asian Growth Quadrangle (SAGQ), a sub-regional grouping under the SAARC comprising Bangladesh, Bhutan, India and Nepal, was enabled in May 1997 during the SAARC Summit at Male. The SAGQ will look into prospects of sub-regional cooperation between the four countries in trade, infrastructure development, joint development and exploitation of natural resources common to the countries, and joint projects involving the ecology and environment. India was reportedly discussing with Bhutan for providing water from one of its rivers (the Sankosh) to augment the flows of the Ganges at Farakka, so that India can safeguard the total quantum of waters there to faithfully implement the provisions of the Treaty.
- * India and Bangladesh have made remarkable progress in resolution of the long-festering Chittagong Hill Tracts problems, and an agreement between the Bangladesh Government and the Tribal Leaders in exile in India has already been signed. In the meantime, repatriation of the tribal refugees from the Indian State of Tripura has been completed and their rehabilitation is fast progressing.
- * The two countries are also making good progress in completing demarcation of the remaining 49 kilometres of their common border, which has for so long delayed final ratification of their Border Demarcation Agreement arrived at under the terms of the Mujib-Indira Accord of 1974.

All these are no mean achievements within such a short span of time only following the signing of the Treaty. Once these issues are resolved, the two countries can move forward to seriously tackling and resolving the thorniest of the remaining issues, namely, the demarcation of the maritime boundary.