

## Kashmir's Rivers Are Not India's Property



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Recent instability in the flow of the Chenab River has brought South Asia face to face with a question its diplomacy has long tried to sidestep: can a state exercise permanent and unilateral control over rivers that originate in a disputed territory, without the consent of its people and without accountability to downstream populations?

Pakistan's decision to formally raise concerns with India over abrupt fluctuations in the Chenab's flow has been treated in some quarters as a technical dispute — an engineering problem to be resolved by data exchanges and expert meetings. That framing is convenient.

What is unfolding is not merely a disagreement over river regulation. It is the cumulative outcome of a deeply unequal hydrological arrangement imposed on a disputed land — Jammu and Kashmir — whose political status remains unresolved under international law.

### What the Indus Waters Treaty Was — and Was Not

The 1960 Indus Waters Treaty (IWT) is often described as one of the world's most successful water-sharing agreements. It survived wars, crises, and political breakdowns because it was deliberately narrow in scope. It allocated rivers without resolving sovereignty.

Under the treaty, India retained unrestricted use of the eastern rivers — Ravi, Beas, and Sutlej — all flowing through Indian Punjab. The western rivers — Indus, Jhelum, and Chenab — were to flow to

Pakistan, subject only to strictly limited, non-consumptive Indian uses such as run-of-the-river hydropower.

This structure rested on an uncomfortable but unavoidable reality: the western rivers originate in Jammu and Kashmir, a territory that was not a settled sovereign possession of India in 1960 and remains internationally recognised as disputed today. The treaty worked precisely because it avoided converting control into ownership.

What it did not do was grant India permanent, unilateral authority to regulate, time, and manipulate flows originating in a disputed territory while retaining full control over its own rivers elsewhere.

#### From Limited Use to De Facto Control

Over the decades, India has constructed and operated a cascade of hydropower projects on Kashmir's rivers. While many of these projects are defended as treaty-compliant on paper, their cumulative effect has been to consolidate upstream control.

This has produced three realities that cannot be ignored:

\* India now exercises real-time regulatory control over critical river flows.

\* Downstream agriculture and energy security in Pakistan are increasingly vulnerable to

upstream decisions.

\* Kashmiris — the people on whose land these rivers originate — have no meaningful role in governance, consent, or benefit-sharing.

Under international norms governing natural resources in disputed or non-self-governing territories, permanent exploitation without the consent of the people concerned raises serious legal and ethical concerns. Water management in such contexts cannot be treated as a neutral technical exercise; it is inseparable from political rights and accountability.

This is not a new warning. Even during Prime Minister Manmohan Singh's tenure, concerns were raised within India that excessive upstream control in Kashmir would prove destabilising. Those concerns were not heeded.

The Chenab Crisis Is Not an Anomaly

The current Chenab crisis illustrates the problem starkly.

Sudden and poorly explained fluctuations in river flow — whether reductions or surges — have tangible consequences:

\* Wheat cultivation faces uncertainty.

\* Irrigation systems struggle with unpredictability.

\* Canals alternately run dry or flood.

\* Farmers absorb the risk of decisions made upstream, without transparency.

In a contested basin, every controlled release is a political act. To describe such events as mere “technical glitches” is to strip them of context. Water, when regulated under conditions of dispute and power imbalance, is never apolitical.

Kashmir, Consent, and the Missing Stakeholder

A striking feature of Indus waters discourse is the consistent absence of Kashmiris themselves.

India retains all waters of its own Punjab rivers. It then extracts hydropower, strategic leverage, and regulatory control from rivers flowing through Kashmir – a territory where political rights are denied, democratic consent is absent, and compensation mechanisms do not exist.

This creates an untenable equation.

No credible system of international water governance allows a state to simultaneously:

\* retain exclusive control over its own rivers,

\* consolidate control over rivers in a disputed territory, and

\* treat downstream flows as discretionary releases.

That is not cooperative water management. It is the consolidation of control without consent.

Strategic Calm, Hydrological Asymmetry

The water issue also unfolds against a broader diplomatic backdrop.

A ceasefire between India and Pakistan was reached after clear public signals—acknowledged by senior U.S. officials—that dialogue would follow. The ceasefire held. The dialogue did not.

India gained strategic calm.

Kashmiris gained no political relief.

Pakistan gained no water security assurances.

Meanwhile, upstream control over Kashmir's rivers deepened—insulated from political resolution and shielded by a technical reading of treaty provisions divorced from ground realities.

What Must Be Acknowledged

There are basic truths that polite diplomacy avoids but stability demands:

\* India cannot exercise permanent control over rivers originating in a disputed territory without consent.

\* Treaty compliance cannot be reduced to engineering specifications alone.

\* Water cannot be weaponised – implicitly or explicitly – without eroding regional peace.

Kashmir's rivers do not belong to India as sovereign property. Their flow to Pakistan is not an act of generosity; it is a right recognised by treaty and necessity.

If India insists on continued use of these rivers, then compensation, shared governance, transparency, and hydrological equity are not optional – they are prerequisites.

Water Will Not Wait for Politics

The rivers will continue to flow. But until Kashmir is addressed politically, legally, and hydrologically, every fluctuation in the Chenab will carry strategic meaning.

South Asia cannot afford a future where water disputes become proxies for unresolved conflicts.

Law, not coercion, must govern shared rivers.

Kashmir's waters are not leverage.

They are not spoils of control.

And they are not India's property.