

Collective deliberation or just the state (in)action: how do we change the hydrodiplomacy landscape in South Asia?

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ABSTRACT

Hydrodiplomacy in South Asia is in a nascent stage, primarily focusing on data exchange and limited state-to-state interactions, leaving aside an array of organic approaches to understand the facets of water diplomacy and governance. This perspective piece is based on a series of webinars to identify ways to bridge these gaps in hydrodiplomacy in South Asia, highlighting the merit of multi-track diplomacy for embracing the plurality of interests and decision-making. The piece concludes that it is pertinent to build capacities for improving science-media communication, acknowledging and strategizing power asymmetry, and implementing international water law to guide water diplomacy.

Key words: Formal and informal diplomacy, Hydrodiplomacy, South Asia, Water conflicts and cooperation

HIGHLIGHTS

- Hydrodiplomacy in South Asia is in a nascent stage.
- Building capacities for improving science-media communication, acknowledging and strategizing power asymmetry, and the value of international water law to guide water diplomacy is essential for South Asian water diplomacy.

WATER DIPLOMACY IN SOUTH ASIA

Hydrodiplomacy (or water diplomacy) is an emerging concept and a practical approach built on the debates surrounding the issues of environmental security, conflict, cooperation, and the need for peace building that gained momentum at the end of the Cold War (Farnum, 2018). The process of hydrodiplomacy facilitates communication between sovereign states to establish relationships to (re)build trust that helps prevent further water conflicts. Theoretically, hydrodiplomacy is relevant to all levels of water management, given that negotiations over shared water occur at multiple levels (noted by Keskinen *et al.* (2021)), but, in practice, existing policy tools of hydrodiplomacy focus primarily on interstate interactions (van Genderen & Rood, 2011). However, states only make up a small percentage of the key stakeholders of the contemporary understanding of diplomacy because there are only a few hundred states. In contrast, there are thousands of organizations and millions of

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people who depend on water. This understanding is generally missing from the hydrodiplomacy discourse and, more specifically, in the South Asian region.

South Asia, being home to 40% of the world population, with pockets of chronic poverty, late industrialization, exponential population growth, and environmental degradation, poses significant threats to water resources. Six of the eight South Asian countries – Pakistan, India, Nepal, Bhutan, Bangladesh, and Afghanistan – are dependent on three major transboundary river systems – Indus, Ganges, and the Brahmaputra. These three river systems originate in the Himalayan mountain ranges of Tibet, making China an upper riparian.

The transboundary water situation in South Asia is marred by increasingly nationalistic, technocratic, and zealously securitized policies and underlying frameworks (The Asia Foundation, 2014). Freshwater availability exhibits significant variation among the countries putting increased pressure on the existing resources, thereby accelerating competing demands for the waters of the transboundary rivers (Nepal & Shrestha, 2015). India and Pakistan are muddled with the increasing issue of water scarcity, Bhutan and Nepal are struggling with the poor governance of water resources, and Bangladesh's dilemma is with managing the water flow as most of the surface water flows into the country from external sources (Khalid *et al.*, 2014; Shan *et al.*, 2020). Several plans by state governments for constructing hydropower infrastructure to ensure water and energy security further complicate the situation (Salman & Uprety, 2018). These developmental plans are often considered threats by downstream riparians as, in the majority of the cases, such plans and decisions are unilateral, with no joint planning, financing, or management (Vij *et al.*, 2020a), further leading to an air of speculation ripe with perceived and actual threats (Salman & Uprety, 2018).

For strengthening transboundary water relationships, a handful of institutional arrangements (treaties/agreements) have been signed by the riparians of South Asia (Barua, 2018). However, none of these agreements include all the riparian countries in any shared watercourse. For instance, the Indus Waters Treaty between India and Pakistan and the Gandak, Kosi, and Mahakali treaties between India and Nepal are all bilateral treaties where none of the riparians have entered into an agreement with China, even though it is a major riparian for all these transboundary rivers. Pakistan also does not have a treaty with Afghanistan, despite being home to a major tributary of the Indus. The few treaties/agreements concluded thus far face significant challenges with interpretation and implementation. For instance, the Mahakali Treaty was established after lengthy negotiations and yet it became paralyzed owing to narrow political interests (Gyawali & Dixit, 1999). Similarly, the Indus Commission, established under the 1960 Indus Treaty, and the Indo-Bangladesh Joint Rivers Commission, established in 1972, are considered the least innovative and cooperative institutions for transboundary waters (Kliot *et al.*, 2001; Barua, 2018).

There is no institutional mechanism for data management or conflict resolution (Bandyopadhyay, 2002; Barua, 2018). Even in the case of the select few data-sharing agreements, the data on transboundary rivers are collected and zealously held by country-specific departments. For instance, following the Doklam stand-off in 2017, China refrained from sharing hydrological data on Brahmaputra water flow with India for a year, even though the two countries have a Memorandum of Understanding under which China is to provide this data to India from May 15 to October 15 each year.

Hydrodiplomacy in South Asia is still highly formal and state-driven, leaving deliberations in a stalemate and pervasive mistrust between states (Barua & Vij, 2018; Mirumachi, 2020). Water diplomacy is biased towards natural scientists that systematically limit the entry and involvement of several other stakeholders in the decision-making process (Mirumachi, 2020), resulting in an overly technical approach that cannot overcome inertia bolstered by complex socio-economic and political contexts (Islam & Susskind, 2012). The established hierarchy of bureaucrats and natural scientists overlooks the contributions of the social scientists in demonstrating the significance of the soft side in terms of institutions, institutional actors, culture and identity debates, foreign policy,

and security debates (Pohl & Swain, 2017; Mirumachi, 2020). In the prevailing neo-liberal atmosphere of South Asia, the decisions of states increasingly appear to be led by technocratic and elitist concerns of hydropower, sovereignty, and economic development, while being ignorant of other equities, such as access to safe water for the poor, the integrity of the waterside communities and cultures, and the environmental health of the water bodies (Kraska, 2009).

Multiple stakeholders have made attempts to influence the outcomes of track I diplomacy. In the recent past, a few track II and track III cooperation initiatives have taken place, led by non-state actors involving bilateral and multilateral discussions (Barua, 2018). Basin countries are also suggested to form alliances to focus on common objectives, like hydropower generation and issues like flood control, which could later develop into basin-wide multilateral cooperation (Viswanath, 2018; Saklani *et al.*, 2020). While Uprety & Salman (2011) discussed the significance of adaptive governance in South Asian countries to influence hydrodiplomacy, Swain & Karim (2022) emphasized the need for a sub-basin-based approach.

International donor agencies like World Bank, the UN, etc., have also endeavoured to establish varied benefit-sharing arrangements involving communities and other stakeholders in the transboundary waters of South Asia (Hanasz, 2017). However, such approaches have witnessed low to marginal success, because they are often driven by short-term funding cycles and due to an overall lack of interest of the state-heads to sustain such joint mechanisms (Uprety & Salman, 2011; Hanasz, 2017).

While perceiving transboundary associations as a zero-sum game remains the dominant outlook of the South Asian countries, it needs to be recognized that the discourse around hydrodiplomacy is itself weak in the South Asian context and its scope is still ill-defined. Accordingly, this perspective piece draws insights from a webinar series¹ on hydrodiplomacy intending to re-define and broaden its scope in order to strengthen and escalate the dialogue around hydrodiplomacy in South Asia. As depicted in Figure 1, it focuses on multi-track diplomacy to recognize the plurality associated with transboundary waters, acknowledging and strategizing the power asymmetry among the riparian countries, the significance of the principles of international water law (and relevance in South Asia) for guiding hydrodiplomacy, and the need for effective science-media communication for shaping narratives, for them to find space in any discussion that is held around transboundary waters.

MULTI-TRACK DIPLOMACY TO INVOLVE NON-STATE ACTORS

Multi-track diplomacy involves a multitude of state and non-state stakeholders, as it recognizes that the power of influencing decisions in the transboundary waters does not necessarily have to be concentrated with the state-heads alone but is shared across multiple actors at different levels. Multi-track diplomacy incorporates all aspects of mediation, starting from top-level meetings of state-heads (track 1 diplomacy), meetings of state officials facilitated by non-state actors (track 1.5 diplomacy), to informal discussions between mid-level members of adversary groups or nations (track 2 diplomacy), to the involvement of ground-level individual citizens, communities, and private groups (track 3 diplomacy) (Barua, 2018).

The benefit of multi-track diplomacy is that it enables an in-depth understanding of the varied ways a transboundary water body is perceived by its stakeholders, i.e., ‘physical water’, the water that can be seen and felt, ‘mental water’, which involves consideration of its efficiency or price, ‘emotional water’, which is tied to power, sovereignty, and equity, and ‘spiritual water’ to which traditions and faith are tapped into (Porta & Wolf, 2021). The problem with hydrodiplomacy is that it inadvertently focuses on physical and mental waters

¹ A series of webinars on hydrodiplomacy was organized from 18 September 2020 to 12 November 2020 by the Indian Institute of Technology Guwahati, India.

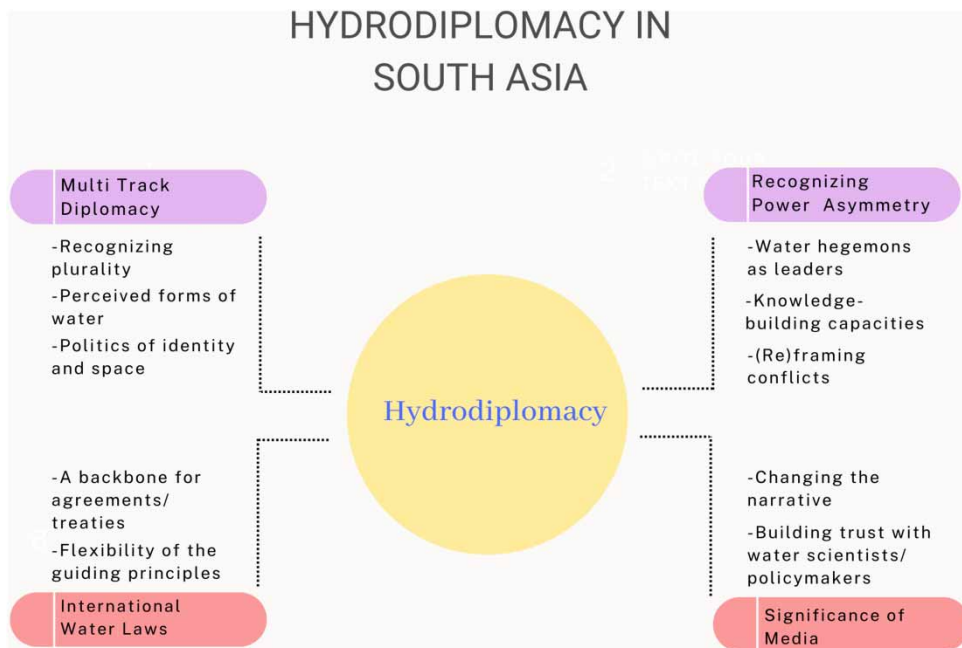


Fig. 1 | Characteristics of hydrodiplomacy in South Asia.

(given its measurability), whereas conflicts primarily arise due to emotional and spiritual waters, which are complex subjects to be negotiated but critical for resolving disputes (Wolf & Shubber, 2020). In the recent past, it has been observed that with every proposed dam in the different parts of the Himalayas, a range of controversy erupts that is not only confined to water availability or price but also raises spiritual and emotional questions to the extent of rousing South Asia's tumultuous colonial history (Hill, 2013). For instance, when the federal ministry of India planned to develop mega hydro-electric projects inside the Lepcha Dzongu Reserve in North Sikkim, the local Lepcha community protested for decades on the grounds of historically inhabiting the land for generations and that as nature worshippers the land is sacred to them (Little, 2010). Similarly, the indigenous Hmar tribe of Manipur, India, has been protesting against the construction of the Tipaimukh dam on the Barak river as the river is not merely a site of livelihood for the Hmar tribes but is integral to their cultural history and is of spiritual and religious significance (Arora & Kipgen, 2012). However, the prevailing state-to-state interactions of hydrodiplomacy are inadequate to deal with such issues, often leaving the discussions at a stalemate (Barua, 2018).

Therefore, the involvement of non-state stakeholders will bring to the fore the issue of plurality in hydrodiplomacy that emphasizes the politics of identity and space within and among diverse communities of a basin as opposed to hydro-geomorphology derived diplomacy discourse between state-heads.

RECOGNIZING POWER ASYMMETRY IN HYDRODIPLOMACY

States exercise territorial sovereignty, and transboundary cooperation necessitates a degree of sacrifice from the respective states, leading to tension among the riparian countries to attain a fair bargain on their autonomy (Warner *et al.*, 2017). Due to power asymmetry, there is an imbalance of power among the riparian countries, playing a critical role in determining who wins the sovereignty bargain. However, the recent hydrodiplomacy

literature and initiatives are relatively power-shy (Vij *et al.*, 2020b). Power asymmetry is only considered a negative factor that creates problems when it does appear. Yet, it must be understood that no transboundary decision (non-decision) is ever taken without implicitly or explicitly employing power. Zeitoun & Allan (2008) argued that, in the absence of imposition of the rule of law on the international scale, water hegemony has the resources and power to develop knowledge-building capacities. They can lead the riparian states by developing the base information, design ideas, determining investment, and equitable sharing of the gains with due consultation with the other riparians. Hence, power asymmetry needs to be acknowledged to understand how power shapes the interplay among the actors for (re)framing conflicts and achieving cooperation.

If power asymmetry among the riparian countries of a transboundary waterbody is a norm, its negative impact does not have to be. The rest of the riparian states would have to be a party to this arrangement to achieve mutual/shared benefits. Hence, it paves the way for seeing hegemon riparian states not as coercers or bullies but as leaders accountable for order and equity. For instance, the asymmetric power relationship between India and Bhutan is considered symbiotic and positive, as the interaction between the two countries brought significant economic benefits (Biswas, 2011). The discourse around hydrodiplomacy needs to be strengthened by focusing on the positive role of power in diluting conflicts, pushing states from inaction, and to reinforce its relevance on the negotiation table.

INTERNATIONAL WATER LAWS GUIDING HYDRODIPLOMACY

In the community of international water law, there is no central enforcement authority, and even the International Court of Justice (ICJ) can only look into a case if the states involved agree to bring their conflict to the Court. Diplomacy and the peaceful settlement of disputes through various processes such as negotiation, mediation, arbitration, and others are recommended by article 33 of the Charter of the United Nations for the peaceful settlement of disputes. When applied to water issues, these processes – which we can refer to as tools of hydrodiplomacy – are essential for actors of international law to pursue the implementation of its provisions in a sovereign manner.

Key general principles of law guide the interaction of states in the use and management of international watercourses. However, it is observed that states often struggle with the interpretation of the principles. For instance, the interpretation of the principle ‘equitable and reasonable utilization’ is context-specific, and no single recipe can apply across the globe. Similarly, the principle ‘non-significant harm use of international watercourses’ creates an obligation upon a riparian country of due diligence not to cause significant harm to other riparians while using the shared resources. However, the interpretation of what can constitute ‘significant’ harm can also be subjective, depending on factors such as geography, demography, economy, and basin history (Leb & Salamé, 2020).

The international water laws are purposely designed with a degree of flexibility, so that parties involved can have different interpretations and perceptions of what is equitable, reasonable, or not significantly harmful (among other issues), depending on the context. It serves as a backbone while drafting a basin-level agreement/treaty or negotiating for water-sharing. Such context-specific matters in the application of international water law can be covered by relevant bilateral or multilateral treaties that adapt general rules found in global legal texts (e.g. 1997 Convention) to the needs of a basin, its riparian states, and the populations whose lives depend on it.

However, the South Asian states have not ratified it; hence, officially, it does not apply. Interestingly, the customary laws of international water law can still be applied in the absence of a treaty, even though the countries involved are not bound through the application of a legal text. It, therefore, provides an opportunity for the South Asian states to acknowledge the guiding principles of international water law, fit them into the state-specific context, and implement the principles to improve hydrodiplomacy in the region. The flexibility offered by the guiding

principles of the international water laws can be a boon to the South Asian states at different stages of development, having different footings in the international arena concerning their goals and priorities.

SIGNIFICANCE OF MEDIA IN HYDRODIPLOMACY

The media plays a vital role in shaping and redefining the narratives of conflict and cooperation around transboundary watercourses. It is essential for generating knowledge, especially in a way that can be easily communicated to the masses. However, their role in formal and informal hydrodiplomacy initiatives has been minimal (Scheufele, 1999; Wei *et al.*, 2021) and has often been accused of discussing hydrodiplomacy without supporting scholarships (Yasuda *et al.*, 2018). There is also a lack of communication of knowledge and information from water scientists, donor agencies, or policymakers due to a lack of trust in the media.

To engage the media effectively, it is important to build the media's capacity to develop trust with scientists, policymakers, and donor organizations, which would result in higher integration of scientifically authentic narratives, and to bring the voices of the water communities to the fore. Journalists and scientists should create an alliance to build a community of practice. It could be accomplished by acknowledging how different nations perceive the water bodies and then looking for connections. The media's role is not to be diplomats but to bring significant news to the masses that can manifest hydrodiplomacy. For instance, to strengthen science-media communication, IIT Guwahati, in collaboration with cross-country partners, started an initiative in the Brahmaputra river basin (2020–2022), which brought media personalities and scientists under one roof for a series of discussions. Multimedia grants were provided to a select few journalists to highlight the varied narratives surrounding transboundary waters. While it was an endeavour to build the media's capacity through heightened engagement with the scientific community, the scientists were also trained to communicate knowledge in an easily accessible and understandable manner. Although it was a small attempt, it was an initiative of the first of its kind that paves the way for overcoming gaps and increasing science-media communication.

WHERE DO WE GO FROM HERE?

Building on the current situation of hydrodiplomacy in the context of South Asia, this perspective piece discusses the importance of hydrodiplomacy as a means to address the complex challenges of the region. To strengthen and escalate the dialogue around hydrodiplomacy, it emphasizes that one needs to move beyond the traditional aspect of hydrodiplomacy, considering only the technical issues, and into the other significant aspects of hydrodiplomacy, regarding socio-economic, cultural, emotional, and ecological issues.

This perspective piece stresses the importance of multi-track diplomacy, as it enables decision-makers to understand the underlying values with which communities perceive their relationship with water and their construct of conflict or cooperation. It is also emphasized that we need to acknowledge the power asymmetry between transboundary states as a fact while appreciating the potential of the water hegemony to lead by example. Additionally, the article highlights the significance of international water law even in the case of South Asian states that have not ratified the laws. It is opined that the South Asian states should use the flexibility provided by the guiding principles to devise their diplomacy, so that hydrodiplomacy finds its backbone in international water law, which is currently missing. Furthermore, the significance of the role of media is underlined as it acts as a bridge between the policymakers and the masses; hence, informed media is one of the critical assets for influencing hydrodiplomacy.

There are no silver bullet solutions for transboundary arrangements; however, specific endeavours have been observed to bring optimal outcomes. For instance, the Mekong River Commission (MRC) water diplomacy framework has been a critical factor in preventing disputes and managing tensions while supporting optimal and sustainable development in an otherwise vulnerable region with conflicting interests (Kittikhoun & Staubli,

2018). Considering the water security issues of the riverine communities of the Mahakali River between India and Nepal, the Transboundary Rivers of South Asia (TROSA) project of OXFAM was instrumental in building a community consciousness in the Mahakali hydrodiplomacy discourse (Bisht, 2019). Although not without contention, these experiences of contextually relevant developing countries and South Asia, in particular, provide an opportunity to build upon existing knowledge for strengthening and escalating the hydrodiplomacy dialogue in South Asia.

Hydrodiplomacy processes in South Asia need to place emphasis on interdependencies among riparian countries and drive them beyond sharing only the resource towards more considerable benefits derived from trade and commerce, joint projects, joint infrastructure, tourism, refugee, and security issues. Hydrodiplomacy allows for rational thinking whereby parties accept to forego immediate benefits for longer-term benefits encompassing various aspects that may or may not be directly linked to water.

DATA AVAILABILITY STATEMENT

All relevant data are included in the paper or its Supplementary Information.

CONFLICT OF INTEREST

The authors declare there is no conflict.

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