

## **TRANS-BOUNDARY WATER DISPUTES IN AFRICA, EUROPE, AND SOUTH ASIA: A COMPARATIVE ANALYSIS**

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### **Abstract**

*This paper examines the nature of trans-boundary water disputes in Africa, Europe, and South Asia. It reveals how the hydro-hegemonic behaviours of Egypt, China, and India have shaped the discourse of disputes over the Nile, the Brahmaputra, and the Ganges, respectively. In addition, the analysis of the Danube, Teesta, and Tipaimukh disputes shows that water disputes tend to be protracted, and their resolution may require intervention by the international court, regional organization, or sub-state actors. The paper concludes with an emphasis on collaborative measures in resolving South Asian water disputes.*

### **Introduction**

International law provides for the equitable and reasonable utilization of trans-boundary waters.<sup>1</sup> Trans-boundary waters refer to the surface or ground water crossing or locating on the borders of two or more states. Despite the increasing depth and breadth of legal instruments addressing international rivers, trans-boundary water disputes have emerged as a major threat to global peace and security.<sup>2</sup> In most cases, the sources of such disputes are water scarcity in a state, caused by unilateral diversion projects by other states.<sup>3</sup> Water scarcity may cause desertification and change the

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<sup>1</sup> Two such norms-setting legal instruments are worth noting here. These include the 1996 Helsinki Rules on the Uses of the Waters of International Rivers, the 1997 UN Convention on the Non-Navigational Uses of International Watercourses. For a succinct analysis of the Helsinki Rules and the UN Convention, see, Muhammad Mizanur Rahaman, "Principles of Transboundary Water Resources Management and Ganges Treaties: An Analysis", *Water Resources Development*, vol. 25, no. 1, March 2009, pp. 159-173.

<sup>2</sup> Undala Z. Alam, "Questioning the Water Wars Rationale: A Case Study of the Indus Water Treaty", *The Geographical Journal*, vol. 168, no. 4, 2002, pp. 341-353.

<sup>3</sup> Jesse H. Hamner and Aaron T. Wolf, "Water: I. Patterns in International Water Resource Treaties: The Transboundary Freshwater Dispute Database", *Journal of International Environmental Law and Policy*, vol. 157, 1998, pp. 157-177.

agricultural pattern, fishing resources, and vegetation in a basin state. It may also redraw the natural boundary between states and thus affecting their maritime navigation. In this backdrop, this paper examines the extent to which concerns over water disputes are real and valid by investigating such disputes in a comparative regional perspective.

This paper proceeds in five stages. First, it presents a brief literature review. Next, it discusses the Nile and Danube river disputes in Africa and Europe, respectively. Third, it reviews four cases of water disputes – the Brahmaputra, the Ganges, the Tipaimukh, and the Teesta – all having serious implications for South Asia. Next, a comparison of the various water disputes is presented. Finally, it analyzes alternative policy options, and stresses the need for bilateral and multilateral cooperation in resolving South Asian water disputes.

### **Existing Literature on Trans-boundary Water Disputes**

There is a growing body of literature on the effect of water disputes on international peace and security. Peter Gleick's scholarly works have shown that climate-induced water scarcity can put enormous pressures on the international community, and that such scarcity can often lead to regional and international conflicts.<sup>4</sup> A study by Libor Jansky and Masahiro Murakami shows that river diversions often have adverse effects on the environment and such effect can be mitigated by joint scientific study by common river basin countries.<sup>5</sup> Others have looked into the policy options in resolving water disputes. For instance, Joel McGregor's study on Indo-Bangladesh water dispute explores the unilateral, bilateral, and multilateral options in resolving such disputes.<sup>6</sup>

Media reports often indicate that river disputes present enormous challenges in bilateral relations. Such disputes can be dominated by

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<sup>4</sup> Peter H. Gleick, "Effects of Climate Change on Shared Fresh Water Resources", in I.M. Mintzer (ed), *Confronting Climate Change: Risks, Implications and Responses*, Cambridge: Cambridge University Press, 1992; Peter H. Gleick, "Water and Conflict: Fresh Water Resources and International Security", *International Security*, vol. 18, no. 1, 1993, pp. 79-112; Peter H. Gleick, "The Human Right to Water", *Water Policy*, no. 5, 1999, pp. 487-503.

<sup>5</sup> Libor Jansky and Masahiro Murakami, *The Danube: Environmental Monitoring of an International River*, Tokyo: UN University Press, 2005.

<sup>6</sup> Joel McGregor, "The Internationalization of Disputes over Water: The Case of Bangladesh and India", Australasian Political Studies Association Conference, ANU, Canberra, 3-6 October 2000.

either an upstream country like China or a downstream country like Egypt.<sup>7</sup> Brahma Chellaney defines a state's domination over watercourses as hydro-hegemony. In Chellaney's analysis a hydro-hegemon is a state which controls a large trans-boundary river and has constructed big dams. Historically, the hydro-hegemons demonstrate the tendency to neglect the principle of equitable and reasonable utilization of trans-boundary waters.<sup>8</sup>

South Asia, home to roughly one-fourth of the world's 7 billion people, is plagued by a number of longstanding water disputes. Hence, there has been considerable attention to analyzing water disputes in South Asia. Mahfuz Ullah's edited volume on South Asian water dispute shows the delicate nature of inter-state conflict over common rivers.<sup>9</sup> The works of B.M. Abbas, Ainun Nishat, and Ashok Swain address the dominant water conflict in South Asia – the Ganges dispute.<sup>10</sup> A quick scanning of major newspapers in Bangladesh indicates that Teesta water sharing and Tipaimukh dam debates now dominate the Indo-Bangla relations.<sup>11</sup>

Most studies on water dispute focus on either a single case study or a regional case study. Quite often they ignore how lessons from a dispute's past history and other regional disputes can be synthesized so as to offer useful policy alternatives. This paper addresses this research gap in two stages: first, by presenting the Nile and Danube disputes, and later, by showing their relevance (or a lack thereof) in the South Asian context.

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<sup>7</sup> Brahma Chellaney, *Water: Asia's New Battleground*, Washington, D.C.: Georgetown University Press, 2011.

<sup>8</sup> Ibid, p. 185.

<sup>9</sup> Mahfuz Ullah, *Water Disputes in South Asia: Threats to Security*, Dhaka: Center for Sustainable Development, 2009.

<sup>10</sup> B.M. Abbas, *The Ganges Dispute*, Dhaka: UPL, 1987; Ainun Nishat, "Impact of Ganges Water Dispute on Bangladesh," in Asit K. Biswas and Tsuyoshi Hashimoto (eds), *Asian International Waters from Ganges-Brahmaputra to Mekong*, Delhi: Oxford University Press, 1996, pp. 60–80; Ashok Swain, "Conflicts Over Water: The Ganges Water Dispute", *Security Dialogue*, vol. 24, no. 4, 1993, pp. 429-439;

<sup>11</sup> Akbar Ali Khan, "The Proposed Tipaimukh Dam: The Search for 'Eternal and Perpetual' Interests of India and Bangladesh", in *Friendly Fires, Humpty Dumpty Disorders, and Other Essays: Reflections on Economy and Governance in Bangladesh*, Chapter 12, Dhaka: UPL, 2010, pp. 247-269; Gowher Rizvi, "Tipaimukh: A Plea for Rational and Scientific Discussion", *The Daily Star*, December 13, 2011; Praveen Swami, "Border Row with Bangladesh Resolved but Water Gap Remains", *The Hindu*, September 7, 2011.