



Report

Transboundary water disputes

Author(s):

Sengupta, Shreyan

Publication Date:

2013

Permanent Link:

<https://doi.org/10.3929/ethz-a-009989936> →

Rights / License:

[In Copyright - Non-Commercial Use Permitted](#) →

This page was generated automatically upon download from the [ETH Zurich Research Collection](#). For more information please consult the [Terms of use](#).

TRANSBOUNDARY WATER DISPUTES

School of Law, KIIT University, Bhubaneswar

SUBMITTED BY:-

SHREYAN SENGUPTA
KIIT SCHOOL OF LAW
BBA LLB – 2011-2012
rigshreyan@gmail.com

SCOPE OF TRANSBOUNDARY DISPUTE RESOLUTION: **THROUGH PEACEFUL MEANS**

Abstract:

In the present time, disputes are the order of the day, as a result of which the settlement of such disputes are very important. In order to understand the validity and importance of this essay, I have given reference to some of the most trying issues relating to Transboundary Water Disputes. As I have progressed, certain treaties have been discussed and how they apply to the real-time problems. I have attempted to address the problems in a very technical and systematic manner with the help of statutes of principle organs. A large section of the essay deals with the various instruments which are available for the settlement of disputes and each of them have been duly explained and how they are important for them. In total, all the above stated points at times have been merged together to provide a comprehensive view as to how Transboundary Water Disputes are to be settled and how they have been settled.

Index of Words:

Transboundary

Dispute

Conflict

Principle Organ

Treaties

“Peace cannot be kept by force; it can only be achieved by understanding”

- Albert Einstein

Exponential rise in the population of the world has led to the geometrical increase in the demand for resources. Governments of various states are in a fix and are trying to cover their own shortcomings. But in this process, it is creating nothing but more controversies, disasters and loss of life. We can look at the most recent problem, the controversial *Three Gorges Dam* that China has built. It is quite understandable that China being the most populated¹ country in the world is in dire need of resources, mainly energy and water. But for that, they have ignored the biotic and abiotic factors which form a major part of the planet. The result, a colossal failure which even the Chinese officials have accepted and there are large-scale ill effects that the dam has created on society, near and far.

The essay starts with the problem of the *Three Gorges Dam*, not because that I am against industrialization, or I disapprove the actions of the Chinese Government. It is because this man-made project had been considered as a feat of advancements in science and economy. But I am saddened to see mankind’s efforts have failed him in front of the wrath of nature. So before we take up such colossal projects detailed strategies must be made, contingency plans should be drawn up, approval of other *basin-states*² and interests of other neighbouring States should be given heed to. Before proceeding further, let us chronologically look into how Transboundary water disputes have arisen in the past, how they have been solved or are still on the verge of being solved.

Mankind has always been vested with selfish needs and thus, has always entered into its fare share of disputes between each other. But in this essay, we look at how individual States have developed differences with their neighbour states regarding the very basic, but the most important natural resource .Water.

¹ Ma Jiantang Commissioner, National Bureau of Statistics of China, PRESS RELEASE ON MAJOR FIGURES OF THE 2010 NATIONAL POPULATION CENSUS (April 28, 2011)

http://www.stats.gov.cn/was40/gjtjj_en_detail.jsp?searchword=population&channelid=9528&record=11

² Helsinki Rules 1996 art. 2, Aug.1966

Firstly, let us take the Transboundary Water Dispute between India and Pakistan. In the year 1947 India and Pakistan underwent partition, which has its own historical perspective. We may call it a political divorce. In this case they demarcated separate territories but quite similar to the human situation, they still chose to enjoy certain benefits that they both have enjoyed in the recent past. As a result, differences arose which gave way to bitter feelings and enmity between the states. This has been aptly said by John Collier and Vaughan Lowe as a *Conflict*³ which is, as an unfocussed feeling of hostility between the two states, as a result of which the matter remains unresolved. After the partition of India and Pakistan in 1947, there were constant fears which allayed in the mind of the Pakistan Government, that India had the potential to create droughts in Pakistan, by altering or controlling the flow of river Indus. Thus, they entered into a treaty with India, known as the Indus Water Treaty, 1960. India and Pakistan had fought three wars between themselves through the years of 1965, 1971, 1999, and the political situation had worsened between the two nations, conflicts rose and there was outright hatred towards each other, but still the treaty was not violated. From this it is quite evident that treaties can be a very constructive method or an instrument of settlement of disputes among states, especially Transboundary Water Disputes between States.

But of late, the construction of the *Nimmo-Bazgo Project* power project on the river Indus has drawn some controversy towards the Indus Water Treaty, 1960. If we look at *Article II* of the Indus Water Treaty, 1960 it deals with provisions regarding the Eastern Rivers, i.e. the Sutlej, The Beas, The Ravi which is taken together, is subject to certain restrictions on the part of Pakistan. It is stated that except for *Domestic*⁴ and *Non-Consumptive Use*⁵, Pakistan is obligated to let the river flow and shall not interfere with the waters, while flowing through Pakistan. In simple words Pakistan is not to create any sort of interference with the flow of the river Indus as it flows through the territory of Pakistan.

³ JOHN COLLIER & VAUGHAN LOWE , THE SETTLEMENT OF DISPUTES IN INTERNATIONAL LAW INSTITUTIONS AND PROCEDURES 1(2009)

⁴ Indus Water Treaty art. I,(10) September 19, 1960

⁵Indus Water Treaty art. I, (11) September 19, 1960

Quite similar provisions have been made for India under *Article III (2)* of the Indus Water Treaty. This article states that India should let the water flow and there will not be any interference with the Western Rivers, namely The Indus, The Jhelum, The Chenab Rivers. But in accordance with *Annexure D of the Indus Water Treaty, 1960 —Generation of hydro-electric, Article III (2) (d), Part -3 New Run-of-River Plants*, India has the right to construct such hydroelectric power projects even after the commencement of the treaty, subject to certain restrictions. One of them being that India has to communicate to Pakistan six months in advance of the beginning of the construction regarding the designs of the Plant. *Part 10* of the same states that Pakistan needs to send an objection to the construction if any to India within a period of three months, regarding the non conformity of the design of the Plant. Pakistan has alleged that the construction of this plant is not in parity with the Indus Water Treaty, 1960 that such an artificial barrier will affect the flow of the water in the river of Indus. And hence has shown a willingness to visit the site of this plant⁶. For this reason there have been peace talks between the two states and as no mutual agreement could be reached, the Pakistan government has taken a decision to take the matter to the International Court of Justice.

Other than this controversy that has been lingering between India and Pakistan in relation to the Indus Water Treaty, even the State of Jammu and Kashmir is not content with this treaty. Due to this Treaty, Jammu and Kashmir is not being able to use the water which is originating from its own land, as a result neither can it claim their entire riparian rights, nor can they construct any Hydroelectric Plant which is affecting the economic condition of the state. Under this treaty Jammu and Kashmir can use only limited rights from the rivers Indus, Chenab, and Jhelum for power generation and irrigation. Neither can the State build its own reservoirs, nor build dams on this river to store water; nor can it construct any barrage for irrigation without prior approval from Pakistan. Thus most of its riparian rights are violated. Other than these two controversies in relation to the Indus Water Treaty, 1960, this treaty has been long standing and has withstood the test of time. So we can see how Transboundary Water Disputes can be resolved by cooperation and mutual understanding.

⁶ Gargi Parsai *Pakistan wants to visit hydel project sites in J&K*, (May 30, 2010),

<http://www.thehindu.com/news/national/article441806.ece>

As we move on to the Eastern front of the Indian Subcontinent we encounter the 2246 meter long Farakka Barrage , a manmade obstruction that is created on the river Ganges in order to maintain Calcutta Port by flushing out the silt thus allowing easy navigability of the river and to provide saline free water to the city of Calcutta . In 1951 India decided to construct a barrage across the Ganaga at Farakka, without consultation of the then Bangladesh Government. This was a unilateral decision in violation of the international laws relating to the construction of any man made obstruction on any international river. The barrage was completed on 1974 and initially India was allowed to divert the water for a period of 41 days between 21st April to 31st May 1975. But later India violated an understanding with Bangladesh, that the *feeder canal* would not be operated till the final agreement regarding the Farakka Barrage between the two states had been resolved. India diverted the water in the dry months thus causing drought, thus gravely affecting the environment, Agriculture, fisheries in the southwest and western areas of Bangladesh. As a result of this human intervention, the natural course of the river was gravely affected. As *India Today* had reported *Ganges water has also polluted with the toxic chemicals and heavy metals from industrial effluents discharged into the river within the India. Withdrawal of the Ganges water upstream of Farakka varies from 40,000 cusec to 45,000 cusec during the month of March & April apart from diversion at Farakka to the feeder canal which means India has been withdrawing about 60,000 to 80,000 cusec of water from the Ganges leaving a very negligible amount of flow for Bangladesh in recent years.*⁷

In 1977 and 1996 the two countries signed two treaties, respectively to solve the Farakka Barrage Problem. Upon the direction of the United Nations General Assembly, a treaty was signed that the barrage would work for another five years from 5th November 1977, during the months of first of January to the 31st of May every year which was derived from the 75% availability, calculated from the flow of water between the years 1948 to 1973. It was also stated that India shall release waters by 10 day periods in a fixed quantity, during the release of water it should not be below the *80 percent guarantee clause*⁸. The treaty also makes a clause for the mechanism of settlement of disputes. In case of a dispute, the matter will not be referred to the Joint

⁷ India Today, 1-15, January ,1997

⁸ Muhammad Mizanur Rahaman, *Bangladesh – from a country of flood to a country of water scarcity – sustainable perspectives for solution* (December 2005).

Committee, but to a panel of equal number of Bangladeshi and Indian Experts which shall be nominated by the two respective governments. Then the matter will be resolved by mutual discussion as it may be agreed upon. This treaty also discussed about the augmentation of the flow of water during the dry season, but unfortunately this matter could not be decided upon. On 12th December, 1996 the two governments again met to discuss the water sharing procedure in the dry season (1st January to 31st May). Unlike the previous treaty this treaty was valid for a period of 30 years. Article II, Annexure I of the 1996 Ganges treaty provides a formula for water sharing during the dry season and Annexure II provides for an indicative schedule for the sharing arrangement which is based on the 40 years (1949-1988), 10 day period average availability of the water in the region of Farakka.

Even though this treaty of 1996 tries to solve the problem, but the treaty does not provide for any long term solution to the flow of water during the dry spell. For the same reason there have been arguments that the actual problem has not yet been addressed, and debates regarding the same continue that the treaty has not helped the citizens of Bangladesh. Even though we see that the problem persists, the barrage still continues to work, still peace coexists between the states. This is of utmost importance as *Article 1 of the Charter of United Nations*⁹ states that effective measures must be taken for the prevention and removal of threats to peace and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law. So it is understood that whether there be any Transboundary Water Disputes or any form of International Disputes, maintenance of peace is of prime concern and we can see both the countries have done the same , quite effectively.

As we move towards the north-east, we encounter the river Brahmaputra and if we tread further north then we come across the river Yangtze in China. River Yangtze is not only the third largest river in the planet, but has its own historical, cultural and environmental significances. On this river we see the three majestic gorges, and as the tale goes, Goddess Yao Ji carved the channel in such a way as to divert the river around the dozen dragons she had slain in order to protect the

⁹ Charter of United Nations And Statute of The International Court of Justice art . 1, 1945

peasants who had settled in the rich fertile plains of River Yangtze .There are archeological sites in the area such as the hanging coffins which have been submerged under the water flowing from the *Three Gorges Dam*. Other than the historical and cultural attributes of the area , the river ecology is being hampered due to the construction of the *Three Gorges Dam* .The *Baiji Dolphin*¹⁰ which is considered as one of the endangered species of dolphin are nearing to extinction. As the dynamics of the water are being changed, the composition and temperature will be altered, making it very difficult for the aquatic flora and fauna to survive. The dam itself acts as a physical barrier which hampers the migration and the spawning habits of the fish in the river. The decline of the famous Chinese sturgeon, River sturgeon, and Chinese paddlefish itself is a proof as to how the dam is affecting the aquatic life. There have even been complaints that algal bloom and eutrophication is becoming widely prevalent in the area. Deforestation is another bane to this project , as the river silt is not being deposited in the upper areas of the river, the plant life is shriveling up as a result of which the top soil is being washed away , making it difficult for the cultivation of crops . Even if the Chinese Government ignores all this data as circumstantial data, then what could they say about the fact that the TGD is located in a seismic prone area and the dam is prone to earthquakes.

Chinese Government officials on the other hand knowing the risks involved in the project are in firm believe that this Dam will help them propel their economy through the years to come. China being the most populated country in the world needs energy for its industries. For this they have to rely on coal to produce electricity. But if China is successful in constructing this dam, then they can reduce the burning of coal, thereby reducing the release of greenhouse gases thus lessening the global warming to an extent. It has also been found out that the emissions from industries and especially from power plants has huge health impact on the population of the country. Respiratory diseases are a major problem in the industrialized towns and cities of China .So by constructing this dam, china will reduce in the import of coal used for generation of energy thus having positive effects on the country's exchequer. Reducing the emissions of greenhouse gases into the atmosphere and helping in controlling the every raging problem of Global warming, also solving the problem of scarcity of electricity in the various provinces of

¹⁰ Kathleen Sullivan *Baiji dolphin previously Thought Extinct Spotted in The Yangtze River* ,(Aug 31, 2007),

<http://www.worldwildlife.org/who/media/press/2007/WWFPresitem989.html>

China. Being a member of the Chinese Government, this would be looked as a very viable alternative, but at what cost.

The *Helsinki Rules, 1966* state that water pollution is *any detrimental change resulting from human conduct in the natural composition, content, or quality of the waters of an international drainage basin*¹¹. From this it is clearly evident from the actions of the Chinese Government that the natural composition of the river water has been altered as a result of which the river ecology is being affected. The quality of the water can also be put to question, which is being affected due to the construction of the *Three Gorges Dam*, hence is in contravention to the *Helsinki Rules of 1966*. If the Chinese Government puts forward a defense, that the construction of the Dam is affecting only the other riparian provinces of their State. Then in that case, it has been seen that the Indian Government has continuously requested the Chinese officials that construction of this dam would affect the flow of water in through the river of Brahmaputra, thereby affecting the rights of other States. According to the *Article X(2)* of the Helsinki Rules 1966 the rule stated in the *Article X(1)* applies to areas *Within a territory of the state* , and even areas , *Outside the territory of the state* , *if it is caused by the State's conduct* . In case the above mentioned rule has been violated, it is clearly specified in *Article XI (1)* and *Article XI (2)* of the Helsinki Rules 1966 that the State responsible for the misconduct shall be required to cease the wrongful conduct and also compensate the injured States. Incase such actions fail to materialize then it should promptly enter negotiations with the injured State in a view of reaching the settlement.

From the above situations we can understand when Transboundary Water Disputes arise then settlement of such disputes in a peaceful manner, suppressing any forms of aggressions among the states is of prime concern. Up till now I have cited relevant, but very specific issues pertaining to a certain section of the world and how they have been sorted by the method of making treaties among the States.

Indus Water Treaty, India Bangladesh Treaties are solutions to Transboundary water disputes that have been resolved or have nearly been resolved. Treaties are only one to the various ways that such *public international disputes* can be settled with. Before we further delve into the various other options to dispute resolution we must first understand what a *dispute* really is, and

¹¹ Helsinki Rules art. IX, Aug , 1966

how is it different from a conflict. To a layman these two terms are often used interchangeably, but there does exist a difference between the two. *Dispute* according to John Collier and Vaughan Lowe is a specific disagreement relating to a question of rights or interests in which the parties proceed by way of claims, counter-claims, and denials and so on¹². On the other hand, *conflicts are often unfocussed*, they are the result of a dispute, but a conflict is the feeling of hostility between two entities as a result of which conflicts are invariably unsolved.

As *disputes* can only be resolved between the two parties let us look into the various methods the two may choose in order to resolve the conflict peacefully. According to the Article 33 of the UN Charter, 1945 it is said that *The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.*¹³. According to the Article 1(4) of the UN Charter *All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.* Among 204 nations, 193 are members of the United Nations hence they need to follow the United Nations Charter and comply with the articles stated above. When disputes arise, the parties cannot directly approach the high International Court of Justice, but has to address their own problem among themselves through negotiation, arbitration, mediation, conciliation as the above statues have lain before us.

These are alternative methods to dispute resolution, alternative only to the usual way of sorting matters in a recognized court of law .But the procedure of international dispute resolution does not take the shape of a pyramid with the International Court of Justice at the pinnacle of it. These methods, negotiation, enquiry, fact finding, mediation are nothing but various means of resolving disputes. Although, exceptions never prove the rule, but cases such as the *Hostages case*¹⁴ ,

¹² JOHN COLLIER & VAUGHAN LOWE , THE SETTLEMENT OF DISPUTES IN INTERNATIONAL LAW INSTITUTIONS AND PROCEDURES 1(2009)

¹³ Charter of United Nations And Statute of The International Court of Justice art.33 , 1945

¹⁴ ICJ Rep. 1980, 3.

*Bosnian Genocide case*¹⁵ are a few cases which have been directly referred to the International Court by the State as no negotiations or dispute resolutions seemed feasible . Similar cases could be seen in Water Dispute Cases, one being the *Gulf of Maine case*¹⁶ which was a dispute between Canada and the USA. The main test for how a dispute will be resolved is dependent on two factors, firstly is a specific disagreement exists, i.e. it is a dispute and not a conflict and secondly, if it is a dispute then could it be resolved by application of law.

Let us look at the various instruments of dispute resolution in a bit more detail. To begin with, we can first look as to what is a negotiation and how it is important in this procedure of dispute resolution. *Negotiation* according to Black's Law Dictionary is *a consensual bargaining process in which the parties attempt to reach an agreement on a disputed or potentially disrupted matter. Negotiations involve complete autonomy for the parties involved, without the intervention of third parties. Dealings conducted between two or more parties for the purpose of reaching an understanding*¹⁷, these maybe bilateral or multilateral depending on the situation. At times, in certain cases negotiation is known as consultations. Such consultations are referred at the time of making a treaty and such similar negotiations form as an obligation of prior consultation. Usually all such negotiations that taken place are autonomous in nature .At times ,States have formalized such negotiations , establishing permanent commissions which will deal with problems that might arise from time to time. Taking the example of Canada-US permanent commission, it was setup to deal with problems concerning pollution and use of water in boundary waters. The commission looked into matters; and in case the commissions are equally divided over an issue then an umpire is appointed by both the parties together and it is the umpire's decision which is held as the final verdict.

Inquiry and fact finding is an alternative dispute settlement procedure which does not involve any application of rule of laws. Rather an impartial inquiry by a third party can help finding out the true factual situation. Inquiry or fact-finding is a combination of the bests of both, negotiation and mediation. General it is seen that countries often have this method as a provision of dispute

¹⁵ ICJ Rep. 1993 ,3, at 325

¹⁶ ICJ Rep. 1984 , 256

¹⁷ Black's Law Dictionary , 1136-1137,(Bryan A. Garner at al.ed.,9th ed. 2004)

resolution as part of their treaty. The Resolution and Declaration on Fact-Finding by the United Nations has propagated the use of fact finding and inquiry to solve issues of other States, with or without the permission of that concerning State. It can be authorized by the Security Council as it had been done during the end of the Gulf War to check on Iraqi weapons programme. For obvious reasons, this is done with permission of the concerning state, otherwise it becomes very difficult if the State refuses to cooperate.

At certain times, the *conflict* between the states is so grave that direct dispute settlement methods may not be an effective approach to the settlement of dispute. So employing negotiations, fact inquiry is out of question, as a result of which intervention by a third party is vital in this situation. Hence come the role of a mediator .A mediator is a person who engages in reconciling the claims of the opposing parties, but it also helps in solving the issue in a very constructive manner. Before we can proceed any further, I would like to clearly draw a distinction between mediation and good offices. Mediation is the participation of a third State or a person, who has no individual interest in the matter. The mediator will thus attempt to reconcile the claims of the contending parties so as to advance a proposal to solve the issue. On the other hand good offices also have third parties playing a part, but the third part does not engage in active participation in the discussion of the dispute. Generally, both of these terms are used synonymously, in order to draw some clarity to the issue I have differentiated them so as to prevent any ambiguity. As we have previously encountered, that India and Pakistan have had their share of conflicts, one being the Indus Water Dispute another being the dispute regarding the Rann of Kutch in 1955 which was mediated by the United Kingdom. Even though mediators may make proposals to solve an issue, it is at the option of the disputing parties whether to accept the proposal or not, thus it leaves this method of dispute resolution with a loophole.

In order to overcome the defects each of the above methods of dispute resolution, a very effective and efficient manner of dispute resolution gained prominence known as arbitration. It is the procedure of determination of differences between the States or even non-state entities through a legal procedure which is convened by one or more arbitrators and an umpire. Matters relating to arbitration may relate to a particular issue, such as water dispute, boundary dispute or it may involve the claims of many individuals of two or more different States. But in order to understand the concept of arbitration to a greater extent it is important to know its development

over the years. From ancient times when the Greek civilization was at its pinnacle, primitive forms of arbitration were used. All through the middle ages to the end of the 19th Century, arbitration had its first prominence, especially after the enactment of the *Jay Treaty*. It should also be noted that during the nineteenth century *ad hoc* commissions for arbitration was setup to settle disputes of pecuniary claims of aliens who could not obtain the justice from the court of law. In 1899, at The Hague Peace Conference convened by the Tsar of Russia, made attempts to reduce the risks or armed conflict in Europe by involving the concepts of arbitration and mediation. These are all examples how this method of dispute resolution has withstood the test of time and has been acknowledged as a very prudent and efficient way of resolving legal disputes.

Among the various dispute settlement methods, arbitration being one of them is a class apart from the other methods of dispute resolution. It has been seen, that arbitration is a shift to a very principled based system of dispute resolution, where rule of law is followed but is also replacing the traditional method of litigation in the court of law. Not only does it speeds up the process administration of justice, but also proves to be very private methods of settling disputes. But as every concept has its advantages, it is also true that it will have some drawbacks. In the case of arbitration, the entire procedure is very expensive as individuals approach arbitrators and pay them at the individual capacity. Unlike the usual court proceedings, the hearings of the arbitration are private, thus rarely allowing the concept of precedent to flow in. Even though, arbitration has gained prominence to a large extent as a result of which many treaties have an arbitration clause and even many contracts that take place between individuals have this arbitration clause in case any dispute arises. Even the Indian Contract Act, 1872 provides for the use of arbitration as in section 28 of the act, it is stated that agreement to a contract is held void if it is in restraint of legal proceedings, but with the exception of arbitration. So we can understand how important this method of dispute resolution has become in the international public law as well as private laws of various countries.

All of the above mentioned procedures are individual methods as to how the dispute may be resolved. It may proceed in a manner of negotiation, inquiry, conciliation, or the parties believing that the matter cannot be mutually resolved, calls upon third parties and pursue the policy of arbitration. Even at times when the parties are in so much conflict, that even arbitration is not possible. Hence a stricter and more rigid organ is required for maintaining peace and giving

decisions, regarding the disputes which arise between States. As a result of the outbreak of the war in 1939, the United States of America and United Kingdom thought of reestablishing a permanent body that would help in delivering justice. Based on the statutes of the Permanent Court of Justice a body known as the *International Court of Justice (ICJ)* was created but quite contrary to the Permanent Court of Justice as the statutes would be construed under the Charter of the United Nations. The ICJ deals only the matters of legal disputes, and has no power in political issues.

Quite similar to arbitration, the proceedings are based on the rule of law, but stricter guidelines are to be followed. The bench comprises of 15 judges who are elected for a period of nine years from different States from all over the world. The individuals who are elected must have an absolute majority from both the General Assembly as well as the Security Council. They are individuals of high moral values and possessing the necessary qualifications to hold such positions. It would not be wise to delve into the intricacies of the working of the ICJ as it would not let us maintain the course of Transboundary Water Disputes.

As a matter of fact, I have discussed all the above methods individually so as to provide a clear picture as to what are the probable and logical ways to settle a Transboundary Water Dispute. Thus it can be seen that a vast number of options are available for the redressal of grievances. But before I conclude this essay, I would like to discuss some of the important international laws which have a very close correlation to the subject that I am dealing with. The Helsinki Rules, 1966, is a set of rules covering a wide range of problems, identifying a set of parameters, and providing solutions. Firstly it clearly demarcates as to what an *international drainage basin*¹⁸, and then it goes on stating the statutes which every basin state has to follow. It highlights the importance of *equitable and reasonable use of water*. A wider yet, more specific definition of *water pollution*¹⁹ has been provided, and any state causing water pollution will indemnify the other basin states by either engaging negotiations or providing compensation. Certain articles have been provided that other basin states need to be made aware of, in case the other country is in the process of constructing any barrier on the river. As we know, law is dynamic in nature and with changing needs, the law undergoes transformation. In this case we see that the statutes of

¹⁸ Helsinki Rules art. II, 1966

¹⁹ Helsinki Rules art .IX 1996

the Helsinki Rules are modified in the *Berlin Conference 2004*. New concepts have been brought in; the ambit of the term *environment* has been extended. These are nothing but minor changes to the main Helsinki Rules, keeping in mind the core concept of *reasonable and equitable* use of water from the international drainage basin.

In totality, we can understand that society is undergoing drastic changes as a result of which large numbers of disputes have arisen. Some, which have been talked about in the past, and a few which are still being fiercely debated upon. It is quite certain, that there are ways and procedures which can be followed in order to settle the disputes. But solving the disputes is not the prime goal, rather the method as to how these trying issues can be dealt with is the main concern here. Disputes can be solved even by force, which is not at all desired. So according to me the golden rule for dispute settlement is article I of the Charter of the United Nations which states that disputes should be settled by peaceful means, by suppressing any forms of aggression. *To err is human*, so it is important to forgive and solve the disputes which arise due to the mistakes and move ahead to a brighter and peaceful future.

Through my essay I have tried to shown some main issues and concepts of dispute resolution and how they work in real life situations. I would like to state that these concepts could be quite similarly employed to International Transboundary Water Disputes, as they are similar to any other international dispute, only with minor differences. I hope have been able to convey my thoughts in a clear and systematic manner and deal with the theme of Transboundary Water Disputes. My resolution on Transboundary Water Dispute being that, whatsoever maybe the dispute or conflict, it should be our prime concern to solve the issue as quick as possible, through peaceful methods and not by resorting to aggression of any sort.