IJNRD.ORG ISSN : 2456-4184
INTERNATIONAL JOURNAL OF NOVEL RESEARCH AND DEVELOPMENT (IJNRD) | IJNRD.ORG
An International Open Access, Peer-reviewed, Refereed Journal

# THE ROLE OF INTERNATIONAL LAW IN THE INDIA-CHINA BRAHMAPUTRA RIVER DISPUTE

**Aswathy A K**
PhD Research Scholar
PG & Research department of Political science
NSS Hindu College, Changanassery, Kerala, India

## Abstract

The Brahmaputra River, one of India's most majestic waterways, originates in the icy heights of the Himalayas in Tibet. As it flows southwest through the Tibetan Plateau, it is known as the Yarlung Tsangpo River. Upon entering India, it assumes the name Siang in Arunachal Pradesh, before merging with the Debang and Lohit rivers to form the Brahmaputra. The river then traverses through the states of Assam and Bangladesh, eventually emptying into the Bay of Bengal. With its immense length of approximately 2,900 kilometers, the Brahmaputra supports a rich ecosystem, nourishing the fertile valleys and wetlands along its course.

The construction of dams by China on the Brahmaputra river has raised significant security concerns for India, including the potential for water scarcity, flooding, and disruption of India's water management systems. This paper examines the role of international law in addressing India's security concerns related to Chinese dam construction. It analyzes the relevant principles of international water law, including the principles of equitable utilization, reasonable use, and no harm. The paper also examines the mechanisms available under international law for resolving water disputes, including negotiation, mediation, arbitration, and judicial settlement. Furthermore, it discusses the implications of the UN Watercourses Convention and other relevant international instruments for the India-China water dispute. The paper concludes by highlighting the need for India and China to engage in cooperative and diplomatic efforts to address their shared water concerns and to ensure the sustainable management of the Brahmaputra river basin.

**Key words**: Brahmaputra, International Law, Water Security, UN, Transboundary Water

## Introduction

The Brahmaputra river, a vital artery of Asia, flows through India, China, and Bangladesh, supporting the livelihoods of millions. However, the river's tranquility is disrupted by the contentious issue of dam construction by China. This development has sparked intense debate and raised fundamental questions about the management of transboundary waters, environmental sustainability, and regional security.

The Brahmaputra River holds immense significance for India, supporting the lives of people across the northeastern states. Known as the Siang in Arunachal Pradesh, the river flows into Assam, where it assumes its most recognized name, the Brahmaputra. Further downstream, it is referred to as the Jamuna in Bangladesh before emptying into the Bay of Bengal. As a vital source of irrigation, drinking water, and hydroelectric power, the Brahmaputra plays a crucial role in India's agricultural and economic development. Additionally, the river's fertile valleys and wetlands provide a habitat for diverse flora and fauna, underscoring its ecological importance.

The river plays a vital role in India's national security, particularly in the northeastern region. As the river flows through the disputed border areas with China, its management and control are crucial for India's strategic interests[1]. The construction of dams and water infrastructure projects by China on the Brahmaputra's upper reaches has raised concerns in India about the potential impact on downstream water flows and the country's overall water security[2]. Furthermore, the Brahmaputra's basin is home to several sensitive military installations and strategic locations, making its security a top priority for India[3]. Effective management of the Brahmaputra's resources and addressing the concerns related to China's activities on the river are essential for maintaining India's national security and sovereignty.

The India-China water dispute is a multifaceted issue that involves political, economic, environmental, and social dimensions. While China has maintained that its dam construction activities on the Brahmaputra river are solely for hydroelectric power generation and flood control, India has expressed concerns about the potential impacts on its national security, water security, and environmental sustainability. The absence of a comprehensive water-sharing agreement between India and China has exacerbated the tensions surrounding the Brahmaputra river.

The construction of dams by China on the Brahmaputra river has significant implications for India's national security. The potential for water scarcity, flooding, and disruption of India's water management systems poses a threat to the country's food security, energy security, and economic development. Furthermore, the lack of transparency and cooperation from China has heightened India's concerns about the potential for water wars and the need for a more robust and sustainable framework for transboundary water management.

## China's dam construction on Brahmaputra and the concerns of India

China's state-engineered activities in the Brahmaputra river have been a subject of concern for India and other downstream countries. The Chinese government has been constructing a series of dams and water diversion projects on the Brahmaputra river, which has altered the river's natural flow and ecosystem. One of the major dams is the Zangmu Dam, located in the Tibet Autonomous Region. The dam has a capacity of 510 MW and is expected to generate 2.5 billion kWh of electricity per year. Another significant dam is the Jiexu Dam, also located in the Tibet Autonomous Region. The dam has a capacity of 360 MW and is expected to generate 1.8 billion kWh of electricity per year. Jiacha is a 320-MW dam located in the middle reaches of River Brahmaputra, downstream of Zangmu. The third is the 560-MW Jiexu dam.[4] The Chinese government has also announced plans to build a massive dam at the Great Bend of the Brahmaputra River and other so many dams, which will affect India's water security.

The construction of dams and water diversion projects by China on the Brahmaputra river has significant implications for India's water security and national security. The alteration of the river's natural flow and

[1] David Brewster, 'How the Brahmaputra River could shape India–China security competition' (The Strategist, 7 December 2020) (https://www.aspistrategist.org.au/how-the-brahmaputra-river-could-shape-india-china-security-competition/) accessed 30 December 2024.
[2] ibid.
[3] Nilanthi Samaranayake, 'The water wars myth: India, China, and the Brahmaputra' (https://www.usip.org/publications/2022/12/water-wars-myth-india-china-and-brahmaputra) accessed 30 December 2024.
[4] Institute of South Asian Studies, National University of Singapore, 'China's Hydropower Projects on River Brahmaputra' (https://www.isas.nus.edu.sg) accessed 31 December 2024.

ecosystem can lead to reduced water flows, increased sedimentation, and decreased water quality in downstream countries. Furthermore, the lack of transparency and cooperation from China has heightened India's concerns about the potential for water wars and the need for a more robust and sustainable framework for transboundary water management.

China's state-engineered activities in the Brahmaputra river are also driven by its strategic interests in the region. The construction of dams and water diversion projects provides China with a strategic advantage in terms of water resources management, hydroelectric power generation, and flood control. Furthermore, the control of the Brahmaputra river's water resources provides China with significant leverage in its relations with downstream countries, including India. The dams have raised concerns in India about the potential impact on the Brahmaputra River's water flows, as well as the potential for China to use the dams as a tool for geopolitical leverage.

India's national security concerns related to Chinese dam construction on the Brahmaputra river are multifaceted. The alteration of the river's natural flow and ecosystem can lead to reduced water flows, increased sedimentation, and decreased water quality in downstream regions, which can have significant impacts on India's food security, energy security, and economic development. Furthermore, the lack of transparency and cooperation from China has heightened India's concerns about the potential for water wars and the need for a more robust and sustainable framework for transboundary water management.

The construction of dams by China on the Brahmaputra river also raises concerns about India's territorial integrity and sovereignty. The Brahmaputra river forms a significant part of India's border with China, and any alteration to the river's course or flow can have significant implications for India's border security. Furthermore, the presence of Chinese troops and infrastructure in the region has heightened India's concerns about the potential for military conflict over water resources.

India's national security concerns related to Chinese dam construction on the Brahmaputra river are also driven by the country's growing energy needs and economic aspirations. The Brahmaputra river has significant potential for hydroelectric power generation, and India's ability to harness this potential is critical to its energy security and economic development. However, China's construction of dams on the Brahmaputra river can limit India's access to this resource, which can have significant implications for the country's energy security and economic development.

India has been closely monitoring China's dam construction activities on the Brahmaputra River. The Indian government has expressed concerns over the potential impact of these dams on the river's water flow, sedimentation, and ecosystems. India's Ministry of External Affairs has taken up the issue with China, emphasizing the need for transparency and cooperation in managing transboundary rivers.

To address the challenges posed by China's dam construction, India has been strengthening its own water management infrastructure in the Brahmaputra basin. This includes the construction of new dams, canals, and water storage facilities to enhance the country's water security. India has also been engaging with other riparian countries, including Bangladesh and Bhutan, to promote regional cooperation on water resources management. By fostering greater collaboration and information-sharing, India aims to mitigate the risks associated with China's dam-building activities.

India's approach to addressing China's dam construction on the Brahmaputra River also involves diplomatic efforts to promote bilateral cooperation on transboundary water management. India has been advocating for the establishment of a joint mechanism with China to share hydrological data, discuss water management practices, and address concerns related to dam safety and environmental impact. By pursuing a combination of domestic, regional, and bilateral initiatives, India seeks to protect its interests and promote sustainable water management practices in the Brahmaputra River basin.

China's reluctance to share hydrological data and cooperate on water management practices has contributed significantly to the India-China water dispute. Despite India's repeated requests, China has refused to provide timely and accurate information on water flows, dam construction, and reservoir operations on the Brahmaputra River. This lack of transparency has fueled concerns in India about the potential impact of China's dam-building activities on the river's ecology, water quality, and downstream flows, ultimately leading to a deepening water dispute between the two nations.

## The Role of International Law in the India-China water dispute

International law plays a crucial role in regulating the use of transboundary rivers. The management of these rivers requires cooperation and coordination among the states that share them. The UN Watercourses Convention, adopted in 1997[5], provides a framework for the management of transboundary waters. This Convention emphasizes the importance of equitable utilization, reasonable use, and no harm to other states sharing the same watercourse.

The principle of equitable utilization is a key concept in international water law. It requires states to use transboundary waters in a way that is fair and reasonable, taking into account the needs and interests of other states sharing the same watercourse. This principle is essential for ensuring that the use of transboundary waters is sustainable and does not harm other states.

International law also provides procedures for the settlement of disputes related to transboundary waters. States are encouraged to resolve disputes through diplomatic means, such as negotiation, mediation, and arbitration. The UN Watercourses Convention provides a framework for the settlement of disputes, including the establishment of joint commissions or other mechanisms for cooperation and coordination among states sharing transboundary waters.

In addition to the UN Watercourses Convention, there are several other international agreements and instruments that regulate transboundary rivers. These agreements provide guidelines for the management of transboundary waters, including the protection of the environment and ecosystems. For example, the Convention on the Protection and Use of Transboundary Watercourses and International Lakes requires states to take measures to prevent, control, and reduce pollution of transboundary waters. Several other international agreements regulate transboundary rivers, including the Convention on the Law of the Non-Navigational Uses of International Watercourses, the Convention on Wetlands of International Importance, the Convention on Biological Diversity, and the Protocol on Water and Health to the 1992 Convention for the Protection and Use of Transboundary Watercourses and International Lakes.

The effective management of transboundary rivers requires cooperation and coordination among states. International law provides a framework for this cooperation, including the principles of equitable utilization, reasonable use, and no harm. By working together, states can ensure that the use of transboundary waters is sustainable and does not harm other states.

The Brahmaputra River is a vital source of water, hydroelectric power, and livelihood for millions of people in India, China, and Bangladesh. However, China's construction of dams and water diversion projects on the Brahmaputra River has raised significant concerns about India's national security. International law, particularly the UN Watercourses Convention, provides a framework for addressing these concerns.

The UN Watercourses Convention emphasizes the principles of equitable utilization, reasonable use, and no harm to other states sharing the same watercourse. China's construction of dams and water diversion projects on the Brahmaputra River may be considered a violation of these principles, as it alters the natural flow of the river and affects the water quality and quantity available to downstream countries like India.

[5] World Wide Fund for Nature 'Everything you need to know about the UN Watercourses (https://wwfeu.awsassets.panda.org ›) accessed 30 December 2024.

India has expressed concerns about the potential impacts of China's activities on the Brahmaputra River, including the risk of water scarcity, flooding, and disruption of India's water management systems. International law recognizes the right of states to protect their national security interests, including their water security. India may argue that China's activities on the Brahmaputra River pose a threat to its national security and seek remedies under international law.

The UN Watercourses Convention provides a framework for the settlement of disputes related to transboundary waters. India and China may engage in diplomatic efforts, such as negotiation, mediation, and arbitration, to resolve their differences over the Brahmaputra River. International law also recognizes the importance of cooperation and coordination among states sharing transboundary waters, and India and China may establish joint commissions or other mechanisms to manage the Brahmaputra River.

China's activities on the Brahmaputra River also raise concerns about the protection of the environment and ecosystems. International law recognizes the importance of protecting the environment and ecosystems of transboundary waters, and China may be required to take measures to prevent, control, and reduce pollution of the Brahmaputra River.

## Conclusion

In conclusion, international law provides a framework for addressing India's concerns related to Chinese activities on the Brahmaputra River. The UN Watercourses Convention emphasizes the principles of equitable utilization, reasonable use, and no harm to other states sharing the same watercourse. India may seek remedies under international law to protect its national security interests, including its water security. The role of international law in addressing India's national security concerns related to Chinese dam construction on the Brahmaputra river is complex and multifaceted. International water law, as enshrined in the UN Watercourses Convention and other relevant international instruments, provides a framework for the management of transboundary waters. However, the effectiveness of these instruments in addressing India's national security concerns depends on various factors, including the willingness of China to engage in cooperative and diplomatic efforts to address shared water concerns.

## References

David Brewster, 'How the Brahmaputra River could shape India–China security competition' (The Strategist, 7 December 2020) (https://www.aspistrategist.org.au/how-the-brahmaputra-river-could-shape-india-china-security-competition/) accessed 3rd April 2025.

Institute of South Asian Studies, National University of Singapore, 'China's Hydropower Projects on River Brahmaputra' (https://www.isas.nus.edu.sg) accessed 3rd April 2025.

McCaffrey, S. C. (2007). The Law of International Watercourses (2nd ed.). Oxford University Press.

Nilanthi Samaranayake, 'The water wars myth: India, China, and the Brahmaputra' (https://www.usip.org/publications/2022/12/water-wars-myth-india-china-and-brahmaputra) accessed 13th May 2025.

Rieu-Clarke, A., Moynihan, R., & Magsig, B. O. (2012). UN Watercourses Convention User's Guide. IHP-HELP Centre for Water Law, Policy and Science, University of Dundee.

Salman, S. M. A., & Uprety, K. (2002). Conflict and Cooperation on South Asia's International Rivers: A Legal Perspective. World Bank Publications.

World Wide Fund for Nature 'Everything you need to know about the UN Watercourses (https://wwfeu.awsassets.panda.org ›) accessed 15th May 2025.