

Transboundary Water Issues between Bangladesh and India: An Evaluation of Teesta Water Dispute under International Law

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Abstract

In today's crowded and water scarce world dispute regarding water sharing is ineluctable. Bangladesh and India, the two friendly neighboring countries of South Asia, are not an exception to it. Among the disputes between these two countries, the most important is the dispute concerning water sharing. They share 54 rivers between them and the main rivers are the Ganges, Brahmaputra, Meghna and Teesta. India as an upper riparian state always shows an unwillingness or reluctance to share the water of the rivers equitably and reasonably. Moreover, India follows the policy to control the natural flows of the international watercourse by constructing dams, installing power plants and by diverting the natural course of rivers without notifying the lower riparian country Bangladesh. As a result, there is a steady reduction of water flow in Bangladesh and during the lean season rivers become waterless. The aim of my paper is to assess these situations of water disputes under international law especially the water dispute concerning Teesta. The assessment will cover the principles of transboundary water resources management as envisaged in the customary international law; Helsinki Rules 1966; UN water Course Convention 1997 and judicial decisions in cases regarding international watercourses. In addition, the Ganges Water Treaty has also been taken into account. While concluding I have put my words for co-operation rather than confrontation to solve the Teesta water dispute.

Keywords: Bangladesh, India, Transboundary, Water Dispute, Teesta, International Law

Introduction

The life and livelihood of the crores of people of riverine Bangladesh circle around water. There are about 700 rivers inside Bangladesh.ⁱ Most of these rivers have entered into Bangladesh after flowing through India as Bangladesh is surrounded by India in almost every side. There are 54 transboundary rivers between India and Bangladesh.ⁱⁱ So, the dispute regarding water sharing is not surprising. In the past there was dispute regarding the water sharing of Ganges, which has been settled to some extent by the Ganges Water Treaty of 1996. Since the settlement of the Ganges issue, the Teesta River has become a source of discord. Water of Teesta provides key support to crop production in the extreme northwest region of Bangladesh and it is also an important source of water in some part of the State of Sikkim and West Bengal of India. It is true that during the past centuries, due to the low density of population and initiatory nature of economic activities, the water of the Teesta was more than enough to meet the necessities. However, at recent times, the need of water to further economic activities has increased largely due to a massive growth of population which resulted in the shortage of water. Moreover, due to

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the non-existence of any treaty regarding the sharing of the water of Teesta, India is reluctant to share water. Besides, they are considering only their own needs ignoring the rights of lower riparian country Bangladesh. In addition to it, they are building dams on Teesta and also diverting waters without taking into consideration the fact that it may harm the interest of lower riparian country. Up till now India has diverted 43 out of 54 rivers.ⁱⁱⁱ These activities of India are violations of transboundary water management principles of international law.

Overview of Teesta water sharing dispute between India and Bangladesh

Teesta, a Trans-Himalayan river originating from chomalu lake, flows through Sikkim and West Bengal of India and joins the Brahmaputra River in Bangladesh (Bisht, 2008: 18). The length of the Teesta River is approximately 404 kilometers.^{iv} The total catchment area of the Teesta River basin is approximately 12,159 km. About 2,004 km of the basin (or about 17 per cent of the total catchment area) lies in Bangladesh with the remaining being in India.^v The Teesta is the fourth largest transboundary river in Bangladesh, flowing through the five northern districts of Gaibandha, Kurigram, Lalmonirhat, Nilphamari, and Rangpur (Rangpur Division), comprising 9,667 square kilometers, 35 upazilas, and 5,427 villages.^{vi} The number of population living in the upstream region is approximately 8 million and downstream is about 21 million and it is increasing sharply.^{vii}

Negotiations over the Teesta can be traced back to the 1950s when authorities in the erstwhile East Pakistan and India began discussions on proposed projects on the river.^{viii} After the independence of Bangladesh in 1971, the Indo-Bangladesh Joint River Commission (JRC) was set up in 1973 to anchor talks on sharing water of 54 transboundary rivers. So far, the two countries have signed only one treaty and that is regarding the water sharing of the Ganges in 1996. According to article 9^{ix} of the Ganges Water Treaty both countries agreed to conclude water sharing treaties with regard to other common rivers. After the Ganges water treaty, the Teesta River has become a source of discord.

In 1983, an ad-hoc water sharing agreement was reached between India and Bangladesh, whereby they were allocated 39% and 36% of the water flow respectively i.e. 75% of total water^x and the rest 25% was proposed to be allocated after a further study.^{xi} In 2010, during the 37th meeting of the Joint Rivers Commission at the ministerial level, the two countries decided to sign an agreement on Teesta water sharing by 2011 and for that purpose, a draft agreement was exchanged between the parties.^{xii} The draft stipulates that India and Bangladesh would each get 40 per cent of the actual flow available at Gazaldoba Barrage in West Bengal while 20 per cent would be reserved as environmental flow.^{xiii} Later on in 2011 the then Prime Minister of India Manmohan Singh went to visit Bangladesh and one of the important objective of his visit was signing the agreement on Teesta waters but the then chief minister of West Bengal opposed and consequently the negotiations on the draft Teesta agreement failed to fructify and the treaty has remained unsigned by the parties ever since.

Transboundary water management principles and Evaluation of India's approach

Under the principles of international law, rivers are broadly divided into two categories: national and international rivers (Tabassum, 2003). International River is regarded as transboundary water or international watercourses as it constitutes more than one country. While defining transboundary water, article 1(1) of the UN Convention on the Protection and Use of Transboundary Watercourses and International Lakes, 1992 states that,

““Transboundary waters” means any surface or ground waters which mark, cross or are located on boundaries between two or more States; wherever transboundary waters flow directly into the sea, these transboundary waters end at a straight line across their respective mouths between points on the low-water line of their banks”

Again article 2 of the Convention on the Law of the Non-Navigational Uses of International Watercourses, 1997 states that,

“International watercourse’ means a watercourse, parts of which are situated in different States”

So it can be said that International River or Transboundary water is the watercourse which has its existence in more than one state.

There are different principles of the management of this transboundary water such as Limited Territorial Sovereignty, Equitable and Reasonable Utilization, Obligation Not to Cause Significant Harm, Community of Interest, Principles of Notification and Consultation, Maintenance of Environmental Flow of river etc. These principles have been evolved and recognized by international treaties, international conventions and judicial decisions of different international tribunals and courts. Moreover, different commentators have also argued that some of the principles reflect customary international law (Versterg, 2006-2007). This part will discuss these principles of Transboundary water management along with evaluation of India's approach to Bangladesh under these principles.

Limited Territorial Sovereignty

Limited territorial sovereignty represents the fundamental substantive underpinning of international water law and, in fact, it is widely viewed as customary international law (Thorson, 2009). Built on compromise and middle ground, it attempts to meld the rights-based theories of absolute territorial sovereignty and absolute territorial integrity into a holistic, integrated framework through an expression of rights coupled with an acknowledgement of duties (Thorson, 2009). If we look at the theory of absolute territorial sovereignty then we would see that it is a theory only recognizing the rights of the upper riparian who has an absolute jurisdiction over its water courses without taking into consideration the rights of lower riparian. This theory is also known as Harmon Doctrine. The origin of this rather anarchic view is thought to lie in an opinion of the United States Attorney-General, Judson Harmon, delivered almost a hundred years ago (Maluwa, 1992). The opinion had been necessitated by a dispute between Mexico and the United States relating to an alleged interference by the United States with the flow of the Rio Grande on the latter's side in violation of international law (Thorson, 2009). Whatever the precise nature of

the Harmon Doctrine, it has been described as dead (Michael, 1974). Former Secretary of State Dean Acheson, testifying before a congressional committee said of the doctrine that it was “hardly the kind of legal doctrine that can be seriously urged in these times” (Michael, 1974). On the other hand, the theory of absolute territorial integrity enrobes the lower riparian country with advantage over the upper riparian. According to this doctrine a lower riparian nation is entitled to the full flow of water without change in its composition, quality, or quantity (Upadhye, 2000). So it is apparent that in so far as this theory hampers the upper riparian, its effect is exactly opposite from that of absolute territorial sovereignty and operates to the sole advantage of the lower riparian (Michael, 1974). So, to redress the flaws of absolute territorial sovereignty and absolute territorial integrity the principle of limited territorial sovereignty has been developed by synthesizing the both.

The concept of limited territorial sovereignty is substantively interpreted as the right of territorial sovereignty and the corollary duty not to cause significant harm to the sovereign rights of other States (Thorson, 2009). This theory is based on the assertion that every state is free to use shared rivers flowing through its territory as long as such utilization does not prejudice the rights and interests of the co-riparians (Rahaman, 2009).

The advantage of this theory is that it simultaneously recognizes the rights of both upstream and downstream countries because it guarantees the right of reasonable use by the upstream country in the framework of equitable use by all interested parties (Rahaman, 2009).

This approach of limited territorial sovereignty has its origins in widespread state practice, international treaty law, decisions of municipal courts and international courts. An early example of relevant state practice is provided by a communication of 1856 from the Dutch government in relation to Belgian diversion of the River Meuse which asserted, *inter alia*, that ‘both parties are entitled to make the natural use of the stream, but at the same time, following the general principles of law, each is bound to abstain from any action which might cause damage to the other’ (Earle, 2010: 65). This theory has been adopted in the majority of the treaties in recent years, e.g. the 1995 Agreement on the cooperation for the sustainable development of the Mekong River basin (Articles 4–7), the 1995 SADC protocol on shared watercourse systems (Article 2) and the 2002 framework agreement on the Sava River basin (Articles 7–9) (Rahaman, 2009).

Teesta is an international river and is not subject to absolute control by any of the riparian countries. Nevertheless, India as an upper riparian country tried to control the Teesta from time to time. They have built five dams and two barrages over the Teesta in different places to produce electricity and to irrigate agricultural lands.^{xiv} Moreover, they have also diverted the Teesta river course at Gazoldoba through the Teesta Mahananda Link Canal under the inter-river linking project of India.^{xv} Exclusive control of Teesta’s water in the dry season at Gazoldoba makes the northern part of Bangladesh waterless, and furthermore, sudden release of excessive water through the Gazoldoba Barrage in the rainy season causes floods and bank erosions, and leads to serious sufferings by the people in the Bangladesh area of the basin.^{xvi} This exclusive control of an international river Teesta by India is a violation of the theory of limited territorial sovereignty.

Nevertheless, mastering the water of Teesta by diverting it to serve their own needs also violates the principles of customary international law.

Equitable and Reasonable Utilization

Equitable and reasonable utilization of a watercourse or the water of an international river is an important principle of transboundary water management. It rests on a foundation of shared sovereignty and equality of rights, but it does not necessarily mean an equal share of waters (Rahaman, 2009). It was first introduced in the 1966 Helsinki Rules and subsequently adopted by other international documents. Helsinki Rules, 1966 stated in its article 4 that, *“Each basin State is entitled, within its territory, to a reasonable and equitable share in the beneficial uses of the waters of an international drainage basin.”*

After the Helsinki rules this principle has been adopted by UN Watercourses Convention, 1997, which states in its article 5 that,

1. *“Watercourse States shall in their respective territories utilize an international watercourse in an equitable and reasonable manner. In particular, an international watercourse shall be used and developed by watercourse States with a view to attaining optimal and sustainable utilization thereof and benefits therefrom, taking into account the interests of the watercourse States concerned, consistent with adequate protection of the watercourse.”*
2. *Watercourse States shall participate in the use, development and protection of an international watercourse in an equitable and reasonable manner. Such participation includes both the right to utilize the watercourse and the duty to cooperate in the protection and development thereof, as provided in the present Convention.”*

In determining an equitable and reasonable share, relevant factors such as the geography of the basin, the hydrology of the basin, the population dependent on the waters, economic and social needs, the existing utilization of waters, potential needs in the future, climatic and ecological factors of a natural character and availability of other resources etc. as envisaged in article 5 of the Helsinki Rules, 1966 and article 6 of the UN Watercourses Convention, 1997 should be taken into account (Rahaman, 2009). Moreover, the principle of equitable utilization has also been recognized as an established principle of customary international law in all recent significant codifications of this area, including International Law Association’s 2004 Berlin Rules on Water Resources Law, the UN Environmental Programme’s 1978 Principles on Shared Natural Resources and Institute of International Law’s 1961 Salzburg Resolution (Earle, 2010:65). Furthermore, in the *Gabcikovo-Nagymaros case*^{xvii}, the ICJ opined that equitable utilization comprises the governing principle in the field of international watercourses (Earle, 2010: 65) and the court also refers to the 1997 Watercourse Convention as “evidence” of the “principle of perfect equality of all riparian states”, notwithstanding that the Convention at that time had not been ratified by a single state (Versterg, 2006-2007). Again Justice Kooijmans, in his separate opinion in the Case Concerning Kasikili/Sedudu island, noted that practices and available law indicate that “there is overwhelming support for the doctrine of equitable utilisation as a general rule of law for the determination of the rights and obligations of states in this field” (Versterg,

2006-2007). Kooijmans also notes that the principle of equitable utilization has trumped the competing Harmon doctrine that assigns absolute sovereignty to the upstream state to use the water however it wants, without having to pay attention to the needs of the downstream states (Versterg, 2006-2007). Moreover, the Ganges Treaty of 1996 concluded between India and Bangladesh provides for equity and fairness in its article 9. It is stated that,

“Guided by the principles of equity, fairness and no harm to either party, both the Governments agree to conclude water sharing Treaties/Agreements with regard to other common rivers.”

Despite all the above rules and regulations, India is unwilling to share the water of Teesta equitably and reasonably. Their strategy is to fulfill their own needs first and think about others if something remains. The flow of water in Teesta was more before the construction of Gazoldoba barrage but it decreased to a considerable amount after its construction in 1985 (Afroz and Rahman, 2013). During February, 2015, the average flow of water was between 300 and 400 cusecs in the Teesta^{xviii} and during January, 2016 the flow was between 1010 to 1273 cusecs which seems a rise but if we see the water flow between 1973 and 1985 which was 5,668 cusecs^{xix} then we would understand that it is still very low. Moreover, the number of population living in the upstream region is approximately 8 million and downstream is about 21 million and the huge population in the downstream are mostly depended on agriculture. In addition, this agriculture is mostly relying on surface water as 98 percent of Bangladesh’s water is surface water. Furthermore, the proportion of total population with Surface Water in Bangladesh is only 0.04% whereas in India it is 0.51% in 2015.^{xx} So the water of Teesta is a life saving matter for 21 million people of northern part of Bangladesh.

Besides this, the Gross Cropped Area of northern part of Bangladesh is 5217339 hectare and cropping intensity is 197.6%. On the contrary, Gross Cropped Area of the related part of India is 2600081 hectare and Cropping intensity is 168.78%.^{xxi} Neglecting all these factors India is not willing to give Bangladesh their righteous share to water, which is reflected in their attitude not to conclude Teesta water sharing treaty. Moreover, during the 2010 negotiations regarding Teesta water India wanted 55% of the water and another formula articulated in the public debate in West Bengal was that, India would retain 75%.^{xxii}

Therefore, by judging all the matters mentioned above it can be said that India is in violation of the principle of Equitable and reasonable utilization of transboundary water management more specifically article 9 of Ganges Treaty of 1996.

Obligation Not to Cause Significant Harm

The obligation not to cause significant harm is a part of the theory of limited territorial sovereignty (Rahaman, 2009). The origin of this principle can be traced back to the famous *Trail Smelters* case (Jaiharn and Popattanacha, 2013). It has been incorporated into various international instruments and documents as well as decisions of the International Court of Justice, which are now crystallized as customary international law (Rahaman, 2009). Here harm is understood to be a real impairment of use i.e. a detrimental impact of some consequence upon,

for example, public health, industry, property, agriculture, or the environment (Weng, 1995). This theory suggests a pure application of the principle of *sic utere tuo ut non laedas*, which obligates a state that it may not cause significant harm even in appropriating what is its equitable share (Weng, 1995). According to this principle, no states in an international drainage basin are allowed to use the watercourses in their territory in such a way that would cause significant harm to other basin states or to their environment, including harm to human health or safety, to the usages of water for beneficial purposes or to the living organisms of the watercourse systems (Rahaman, 2009). Implication of this principle can be found in article 5, 10, 11 of the Helsinki Rules 1966. However, the UN Watercourses Convention, 1997 in its article 7 specifically mentioned about Obligation not to cause significant harm. It is stated in this article that,

“Watercourse States shall, in utilizing an international watercourse in their territories, take all appropriate measures to prevent the causing of significant harm to other watercourse States.”

Moreover several international treaties also reflect this principle like Article 2 of SADC Protocol on Shared Watercourse Systems 1995 , Articles 2, 9 of Sava River Basin Agreement 2002 and Articles 3, 7, 8 Mekong Agreement 1995 etc.

India as an upper riparian country should comply with this principle of not to cause significant harm. Nevertheless, India’s obstruction in the natural course of Teesta would result in a dead Teesta in the side of Bangladesh^{xxiii} and will accelerate desertification in the northern part of Bangladesh which has already been started.^{xxiv} Moreover, due the shortage of surface water, the ground water is getting contaminated with arsenic day by day which results in a harmful impact on the health of the people.^{xxv} Further, sudden release of excessive water through the Gazoldoba Barrage in the rainy season causes floods and bank erosions, and leads many deaths and serious sufferings by the people of lower riparian country Bangladesh.^{xxvi} Besides these the Ganges Treaty of 1996 states in its article 9 that, ‘guided by the principles of ‘no harm’ to either party, both the Governments agree to conclude water sharing Treaties/Agreements with regard to other common rivers’, which stipulates that India would not inflict any harm regarding water sharing upon lower riparian Bangladesh, but it is totally absent from India’s approach.

Community of Interest

The theory of community interest dispenses with any political or geographical boundaries and considers the watercourse, watershed, and basin as a unit and all riparians or contributors to the watershed have an equitable interest in the watercourse use (Upadhye, 2000). This theory also implies a general obligation to cooperate (Upadhye, 2000). Under the community interests approach the drainage basin is regarded as an integrated whole and is managed as an economic unit, with the waters either vested in the community or divided among co-basin states by agreement, accompanied by the establishment of international machinery to formulate and implement common policies for the management and development of the basin (Earle, 2010:67). In a sense, it imposes certain restrictions on the right of individual action which a basin state might otherwise have enjoyed (Maluwa, 1992). The Permanent Court of International Justice recognized the community of interests theory in 1929 and stated that,

"The community of interest in a navigable river becomes the basis of a common legal right, the essential features of which are the perfect equality of all riparian States in the user of the whole course of the river and the exclusion of any preferential privilege of any one riparian State in relation to the others. This community of right necessarily extends to the whole navigable course of the river and does not stop short at the last frontier"^{xxvii}

Further the community of interest was also reflected in the arbitral award by PCIJ in the *Lac Lanoux* case between France and Spain (Sands, 2012:307). Moreover, the Convention on the Protection and Use of Transboundary Watercourses and International Lakes embraces community of interests (Sievers, 2002). Nationalism, absence of political will, lack of trust between and among the riparian States and the variation in the degrees of development among the basin States, however, could all undermine this principle (Sidhu, 2013).

Teesta is an international river constituting India as the upper riparian and Bangladesh as the lower riparian. So India can't claim Teesta as their own river rather both Bangladesh and India have a community of interest over Teesta. Therefore, India's aversion to conclude a treaty regarding Teesta and arbitrary use of the watercourse as mentioned earlier, indicate disrespect to the principle of community of interest.

Principles of Notification and Consultation

The principle of notification and consultation holds that an upper riparian must provide formal notification and offer consultation to lower riparian at least prior to the initiation of any project that may have a substantive impact on the freedom of navigation and/or a co-riparian's ability to enjoy its current quality and quantity of water (Sievers, 2002). The arbitral award in *Lac Lanoux* arbitration case^{xxviii} considered whether riparian states have any obligation to notify and consult with others who may be potentially affected prior to engaging in activities which may harm in a shared river resource (Maluwa, 1992). Further in deciding a case concerning unilateral diversion of water from the Meuse, the Permanent Court of International Justice in 1937 held that as long as either party did not adversely affect the current, flow, or volume of water available to the other party, there was no breach of law.^{xxix} Moreover, part III of UN Convention on the Law of the Non-navigational Uses of International Watercourses, 1997 talks about notification and consultation, more specifically article 11 states that,

"Watercourse States shall exchange information and consult each other and, if necessary, negotiate on the possible effects of planned measures on the condition of an international watercourse."

Furthermore, article 24 of Helsinki Rules 1966 talks about notification and consultation. In addition, treaties like Indus Waters Treaty 1960 (Articles 7, and 8), 1995 SADC Protocol on Shared Watercourse Systems (Articles 2(9), 2(10)), 2002 Sava River Basin Agreement (Part Three and Four, Article 22), 1995 Mekong Agreement (Articles 5, 10, 11, 24) also talk about the principle (Rahaman, 2009).

India as an upper riparian very rarely notifies and consults with Bangladesh regarding their activities in the Teesta. As evidences, India's sudden release of water in rainy season and very

less release of water during lean season can be called upon.^{xxx} Moreover, building of dams and barrages without consultation violates this principle.^{xxxi}

Maintenance of Environmental Flow

Maintaining environmental flow is not an established principle of international environmental law regarding transboundary water management but it can be argued under the well established principle of sustainable development. Environmental flow is defined as “the water regime provided within a river, wetland or coastal zone to maintain ecosystems and their benefits”.^{xxxii} And to maintain the environmental flow of the river means to ‘keep the river alive’.^{xxxiii} To trace an international document as a support for environmental flow, The Brisbane Declaration^{xxxiv} can be referred. Environmental flows has been defined in Brisbane Declaration as the quantity, timing, and quality of water flows required to sustain freshwater and estuarine ecosystems and the human livelihoods and well-being that depend on these ecosystems.^{xxxv} Moreover, ‘INTERNATIONAL RIVERS’^{xxxvi} defined ““Environmental flows” is a system for managing the quantity, timing, and quality of water flows below a dam, with the goal of sustaining freshwater and estuarine ecosystems and the human livelihoods that depend on them”.^{xxxvii}

In order to restore and maintain environmental flows, the Brisbane conference delegates called on all governments and other stakeholders to commit to actions to estimate environmental flow needs everywhere immediately, integrate environmental flow management into every aspect of land and water management, and establish institutional frameworks, such as laws, regulations, policies, and programs, for integrating environmental flows into land and water management (Cornett, 2014). Provisions regarding Environmental Flows can be found in the Mekong River agreement, Murray Darling Basin Initiative and many more.^{xxxviii}

Freestone and Salman rightly argued that watercourses must be protected in terms of both quantity and quality. Not only should the watercourse or water per se be protected, but also the ecosystems and biodiversity therein (Jaiharn and Popattanacha, 2013). As stipulated in Article 20 of the Watercourse Convention, states are required “individually and, where appropriate, jointly, to protect and preserve the ecosystems of international watercourses”.

It is the obligation for both the upper riparian India and lower riparian Bangladesh to maintain environmental flow. But different formulas regarding the sharing of water from the Indian side ignored the minimum environmental flow requirement to keep the river alive and flowing in its current route.^{xxxix} Moreover, as an upper riparian, India has to play a pivotal role to keep the environmental flow. This is because if they do not let sufficient amount of water to flow into Bangladesh then it would be hard-hitting to keep the river alive.

Future Prospect

International river basins have become breeding grounds for conflicts among or between the riparian states (Tiwary, 2006). The main traditionally discussed factors of conflicts around international waters have been the riparian structure associated benefits and disadvantages, sovereignty notions, upstream-downstream diverging interest and regional power hierarchy

(Tiwary, 2006). The struggle to minimize these conflicts has become a prime concern of the world community. It is therefore no surprising that mutual co-existence of neighbors sometimes endangers problem between them. But it is imperative that they should seek solution in the spirit of understanding and co-operation. The conflict regarding the sharing of Teesta water is one of the important matters of discussion between India and Bangladesh at present. The Teesta has been playing an important role in the economic development for both India and Bangladesh. Nowadays it has become a core issue regarding the Indo-Bangladesh relations. Moreover, social, political, economic and technical issues are so closely interconnected and overlapping between the two countries that finding a permanent solution is an essential task.

There are immense benefits of cooperation for India and Bangladesh.^{xi} Cooperation can help to regulate human and economic losses from floods, reduce the costs of generating electricity from hydropower by trading energy and achieve improved water quality through shared monitoring.^{xii} Moreover, by building trust and preventing water security-based conflict, there is potential for increasing cross-border trade and investment.^{xiii}

Bangladesh is important to India for various security reasons like combating the insurgents group in the northeastern states of India.^{xiii} Then if cooperation between Dhaka and New Delhi hits a rough patch, economic access will become difficult in terms of integrating the states with the Indian mainland.^{xiv} Moreover, India's Look East Policy (LEP) and the Bangladesh China India Myanmar Regional Forum (BCIM), provide immense opportunities and lessons for India to live interdependently with Bangladesh.^{xv}

Therefore, it can be said that a permanent solution to the Teesta water dispute is of paramount significance to the Indo-Bangladesh relationship as well as to the entire Indian subcontinent and without adhering to the principle of peaceful co existence and mutual give and take, an agreed solution is almost impossible.

Conclusion

“Peace cannot be kept by force. It can only be achieved by understanding”

—Albert Einstein

To conclude it can be said Teesta is important for both India and Bangladesh and they both have equitable right to use the water of Teesta. A mutual cooperation is very much necessary to resolve the dispute regarding Teesta. In addition, it is very true that peace can only be obtained by cooperation, not by force. As an example of cooperation, Indus Water Treaty (IWT) can be invoked wherein despite their history of animosity, trust deficit and inhospitable hydro-political climate, India and Pakistan agreed to cooperate on the Indus river basin through the IWT, which has served the important functions of allocation of waters and settling the disputes (Sidhu, 2013). Therefore, it can be hoped that very soon India and Bangladesh will conclude a treaty regarding the equitable sharing of Teesta water and the recent Land Boundary Agreement Bill passed by the Indian parliament would accelerate it further.

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