

## **Long-term solutions must be sought for the Koshi crisis**

The Koshi barrage, intended for flood control, irrigation and generation of electricity, was constructed by India 48 years ago in 1959, on the basis of the 1954 unequal Koshi agreement between Nepal and India. Today this purported flood control device has unleashed unprecedented flooding in the southern-eastern plains of Nepal. Water and Energy Users' Federation-Nepal (WAFED) is deeply concerned by the breach of the Koshi embankment on the mid day of 18th August 2008 and the consequent flooding of Kusaha, Western Pipra, Shripur, Laukahi, Hariपुर, Basantapur and Ghuski VDCs of Sunsari district, which has displaced more than 50,000 people. Property worth of millions has been damaged. Even today these villages are under water.

The Koshi agreement was a product of the politically unstable conditions prevalent in Nepal in the 1950s and it enabled the Indian government to take control of the waters of one of the largest river basins of Nepal, as a prelude to gaining access to the waters of other rivers in the country. Through inappropriate downstream operations in violation of international law, India has imposed the hardship of periodic human-made inundations on Nepali citizens living close to the Nepal-India border on the southern plains. The present flood in Sunsari district is only the latest and most dramatic manifestation of the Indian state's long history of riparian irresponsibility.

To begin with, the agreement was bad and unequal in principle and its outcome, the Koshi barrage, was worse in terms of its impact on the people. According to the agreement, India is to ensure compensation and remuneration for the physical and human damages caused by the Koshi barrage.

Those who were displaced by the construction of the structure are still awaiting compensation more than 50 years later. Further, in the past few years India has not repaired the Koshi barrage as required by the agreement. And instead of acknowledging this negligence the Embassy of India in Kathmandu has issued a statement blaming the Nepali authorities for this disaster, when it is a known fact that repair and maintenance is India's responsibility.

The Koshi barrage disaster acquires greater significance in the light of other similar Indian constructions notably the Kailashpur, Laxmanpur, Koilabas, Mahalisagar, Rasiyawal-Khurdalotan, Danda-Pharena, Bagmati-Lalbakaiya, Kamala, Kunauli-Khando and a dozen of embankments of same nature. These have also displaced Nepali citizens and affected normal life, just as encroachments in Kalapani, Susta, Maheshpur and over 60 other border areas of Nepal have done.

WAFED appeals both for an immediate humanitarian support for the flood victims and also for building pressure on the Indian government to recognise its own dereliction. It further asks for compensation to provide to the flood victims for damages. The Nepali government should urgently take up the issue of revoking all unequal treaties that have such serious implications for the ordinary people of Nepal, particularly those relating to Mahakali, Koshi and Gandak, to ensure the safety and security of the common people on both sides of the border. The entire stretch of embankments on the border region made by India in various places, from Kailali to Morang, should be immediately dismantled. If the problem cannot be resolved through bilateral negotiations, then the Government of the Democratic Federal Republic of Nepal should not hesitate to pursue them at the specified international fora, such as the International Court of Justice in The Hague and other arbitration mechanisms.

So far, issues relating to the Koshi, Gandak, Mahakali, cross-border inundations and land encroachments are taken up seasonally or occasionally. This ad hoc attitude to fundamental questions of life and livelihood should be replaced by a more coherent and systematic perspective, consistent with the domestic policies formulated within the framework of Nepal's sovereignty. What is required is a long-term approach, and this should be formulated without delay.

Henceforth, the government of Nepal should be cautious about rushing into such patently unequal treaties in complete disregard of the needs of the Nepali people. The clandestine nature of the dealings between the erstwhile governments of Nepal and India have given rise to plausible speculations that the current Koshi disaster was allowed to happen so as to pave the way for the ambitious mega Sapta Koshi High Dam project that is on the anvil. It is in the best interest of the Nepali republic and the people of Nepal if the government of Nepal institutes a more transparent mechanism with regard to upstream and downstream issues in trans-boundary water courses so that sovereign rights are not compromised.

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20 August 2008  
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