



ISLAMABAD DECLARATION

The Law & Justice Commission of Pakistan under the auspices of the Supreme Court of Pakistan,

Acknowledging the importance of water as a sine qua non for the realization of the fundamental right to life guaranteed under Article 9 of the Constitution of the Islamic Republic of Pakistan, 1973 and the dire need for water security in Pakistan,

Deeply concerned that Pakistan is now facing a water crises; as per the National Water Policy of Pakistan, the country's per capita surface water availability has declined from 5,260 cubic meters per year in 1951 to approximately 1,000 cubic meters in 2016; according to the World Resources Institute, Pakistan is at number 23 out of the top 33 water-stressed countries in 2040; the Pakistan Council of Research in Water Resources has opined that Pakistan may run dry by 2025 if the present conditions continue,

Relying on the judgment of the Supreme Court of Pakistan passed in Constitution Petition No.57 of 2016 in which the Federal and Provincial Governments, WAPDA and all the Executive Authorities in Pakistan who are responsible or have nexus/connection with the building of the Diamer-Bhasha and Mohmand Dams and all matters connected thereto, were directed to take all necessary steps for the commencement of construction and early completion of these dams,

Reaffirming the responsibility of all the pillars of the State to promote and protect human rights, particularly that of the Judiciary, as the custodian of the Constitution, to ensure protection of the fundamental rights of the citizens of Pakistan under Article 184(3) of the Constitution,

Declares that:

1. The potential of Pakistan's part of the Indus Basin has to be realized through priority actions that need to be taken on an immediate basis. Maintaining the integrity of the Indus Basin is a serious and important responsibility of the Federation as well as the Provinces, including all other administrative units and above all, the people of Pakistan,

2. It is imperative for Pakistan to invest in supply augmentation (dams and reservoirs) and ensure better utilization of its groundwater, adopting appropriate water technologies (water recycling, desalinization, and water harvesting) and manage consumption and use of water (controlling water demand and pricing) and do all of this under the principles of mutual trust and benefit sharing,

3. International Water Law should be taken advantage of by consistently putting forward Pakistan's perspective before various international forums and Pakistan's strategy regarding implementation of the Indus Water Treaty and its interpretation should be reconsidered and reviewed to bolster Pakistan's case,

4. The Government must introduce water accounting based on modernized water data collection methods to assess, amongst other things, the water availability per capita, in order to build trust amongst the Provinces regarding water apportionment, particularly considering the requirements of the Indus Delta and lower riparian areas in Pakistan,

5. Effective salinity and sedimentation management techniques must be adopted to protect Pakistan's agricultural land and the storage capacity of dams and reservoirs respectively,

6. Numerous small and large dams and reservoirs must be constructed on a priority basis. Fast-track feasibilities and action is required on the part of the Executive,

7. Innovative solutions regarding storage facilities for low gradient plains (flat areas, coastal areas, hard rock, barani areas and desert areas) must be adopted,



8. The Indus Basin irrigation network has to be extended which would bring several million acres of land under irrigation, and design water allocation right down to the district level.
9. Various traditional and non-traditional financing methods including *inter alia* direct investment, corporate finance, portfolio investment, bonds, upfront tariff, crowdfunding and public private partnership arrangements, must be employed to meet the huge financial requirements for construction of water storage facilities.
10. Various measures for conservation of water need to be taken which include saving and better management of storage of groundwater to prevent its unrestricted extraction,
11. Measures need to be introduced for flood risk reduction through flood plains and hill-torrent management, groundwater recharge, wetlands restoration and community based natural resource management. Other measures to control wastage, encourage productivity and ensure sustainability of scarce resources need to be considered. An appropriate legal framework should be available to strengthen institutional arrangements for proper environmental hazard tackling,
12. It is no longer feasible to allow unfettered access to the valuable resource of water with no incentives to check usage and therefore, it is essential that a fair water pricing model is formulated and implemented by the competent regulatory institution(s),
13. The Indus Basin, one of the largest contiguous irrigation systems in the world, is at risk of reduced flows, climate change, population explosion, outdated agricultural practices, financial crunch and other challenges, which need to be addressed immediately. Pakistan's rain-fed areas, deserts, mountain catchments, and coastlines also face challenges relating to water availability and water uses. The recently articulated national water policy is a step towards remedying these issues which should be implemented by the Executive,
14. Steps be taken to set up and establish an appropriate Indus Basin Authority through a legal instrument with the mandate to ensure the integrity of the basin and all related activities with all requisite powers, financial resources and enforcement mechanisms,
15. Sound systems of governance and management are the need of the hour to effectuate the intent of the water policy and the benefits to be gained from infrastructure development, including dams and reservoirs,
16. Water related subjects have been diffused between various institutions which makes reaching solutions difficult. Institutions need to be empowered with the required mandate and resources, and responsibilities need to be allocated in order to effect change,
17. The institutional capacity of WAPDA being the main water stakeholder should be strengthened for the urgent development of dams and reservoirs on the model of the Indus Basin Replacement Works,
18. Person power of the future must be prepared through our educational systems to address the emerging water challenges of the 21st century,
19. Pakistan should immediately set up a powerful Task Force on Water,
20. Agricultural income tax be levied and recovered across the board, throughout Pakistan through appropriate authorities set up; through an effective legal framework.

20th October 2018