

WELCOME AND INTRODUCTION

BY

MR. JUSTICE MIAN SAQIB NISAR

CHIEF JUSTICE OF PAKISTAN

AT THE INAUGURAL SESSION OF

THE INTERNATIONAL SYMPOSIUM

ON

“CREATING A WATER-SECURE PAKISTAN”

HELD ON 19TH OCTOBER 2018

AT

SUPREME COURT BUILDING ISLAMABAD

His Excellency, Dr. Arif Alvi, the President of the Islamic Republic of Pakistan.

My brother Justices of the Supreme Court,

Esteemed Judges of the High Court,

Respected Members of the Executive,

Valued Members of the Bar,

Foreign dignitaries,

Distinguished participants,

Dear colleagues,

Friends,

Ladies and Gentlemen,

Assalam-O-Alaikam!

It is with great pleasure that I welcome you to the Inaugural Session of the International Symposium on "Creating a Water-Secure Pakistan" hosted by the Supreme Court of Pakistan in conjunction with the Law & Justice Commission of Pakistan. We are particularly thankful to the President, who despite his heavy duties and responsibilities, has taken out time to dignify this session. Many of the participants have travelled to Islamabad from various parts of Pakistan and the rest of the world to make meaningful contributions to this Symposium, for which we are very grateful.

The Supreme Court of Pakistan, as one of the three pillars of the state, is under a duty to serve the country and its people. The greatest duty that a government owes its people, is the duty to protect their right to life as contained in Article 9 of our Constitution and in various International Covenants. Many states interpret this as a duty to invest in their military, to expand law enforcement presence, and enter into arms agreements. And while they are, without a doubt steps that could ensure security of the right to life of the citizens of a nation, the threat to citizens often comes from destruction or

deprivation of the most basic, overlooked sources. In this case, the source is water. It has long been established that water is essential for the existence of life. It is not the presence of air or sunlight we desperately seek on other planets, but water – for only where there is water can there be life. The significance of water encompasses all, and therefore so does the problem of water scarcity, both nationally and globally. The dire water shortage has led to the recognition of a right to water itself, for can there be any life at all without water? All living organisms on this planet are dependent on water for their survival. More than 60% of the human body itself comprises of water. It is well-known that human beings can survive longer without food than without water, subject to varying weather conditions. Animals, plants and even the smallest of organisms require water. The absence of water is one of the primary reasons why, even if a planetary body were to have an atmosphere, there would be no life. Water is what life was made from and this is recognised in the Holy Quran :-

“Did the disbelievers not observe that the heavens and the earth were closed, then We opened them? And We created from water every living thing. Would they still not believe?” (21:30)

Being an agrarian economy, water is highly important for Pakistan, particularly when it relies upon a single source, that is, the Indus Rivers and its tributaries, to cater to almost all of its water requirements. Our nation now faces a water crisis. According to the World Resources Institute, Pakistan will rank 23rd out of the top 33 most water-stressed countries by 2040. The Pakistan Council of Research in Water Resources has opined that Pakistan may run dry by 2025 if the present conditions continue. Pakistan touched the ‘water stress line’ in 1990 and crossed the ‘water scarcity line’ in 2005, and relatively little has been done to improve the supply or use of water. The compounding evidence of the

urgency of the situation is the recent Intergovernmental Panel on Climate Change report, which has been hailed by the scientific community as the final call to action. If the global temperature increases by merely two degrees celsius by 2100, we can expect to face resource shortages, famines, droughts, natural disasters, extreme weather conditions, increased spread of diseases, damage to delicate ecosystems, and an increased rate of glacial melting. Pakistan is particularly precariously placed in this context, with icy mountains to the north, deserts to the south west, floodplains in the north east and an expansive coastline to the south. Flooding and droughts are increasing risks if the river system is not effectively managed or restrained.

Therefore, it is pertinent that Pakistan immediately begin to adopt measures to solve the problems that contribute to water scarcity. The right to water forms part of the fundamental right to life and thus must be guaranteed to the citizens of Pakistan. As the custodians of the Constitution, the judiciary must ensure that such right is enforced, particularly considering the grim and precarious situation that Pakistan is in at the moment. Thus, recognising the importance of water for the preservation of life in Pakistan, the Supreme Court has recently passed a judgment in which we highlighted the risks posed by water scarcity and its security and directed the executive to take all the necessary steps to commence construction of the Diamer-Bhasha and Mohmand dams. In this context, we have appealed to the nation to make contributions to an account set up specifically for this purpose and I must state that we never realized and were absolutely overwhelmed by the positive reception and public response in the form of generous donations for this national cause and the nation's confidence reposed in and respect extended to the Supreme Court of Pakistan.

It is only fairly recently that the nation as a whole has become aware of the severity of the issue of water scarcity and security and it is very unfortunate that the seriousness of water issues has not been talked about

more in the past. However, we are never to say that it is too late. Hence, the Supreme Court's decision to hold this Symposium with the Law & Justice Commission, albeit in the midst of unprecedented water crisis affecting not only Pakistan, but also other countries of the world. This Symposium is being held to remind everyone that the water problems Pakistan faces are real and pressing and must be solved at this stage, lest our beloved nation becomes a victim of drought, floods and climate changes. Our aim is to summarize expert knowledge and experience in water resources management. And we also intend to consider new ideas, approaches and methodologies to find a concrete solution to ensure water security for Pakistan. This would help the government to effectively prepare the nation against future hazardous phenomena including droughts and floods. Fruitful talks and discussions are expected to take place to advance the existing knowledge on critical issues pertaining to water resource management which would have a significant impact not only on the current practices in Pakistan, but across the globe.

At this juncture I would like to briefly discuss the main themes underlying this Symposium. I am certain that the experts we have invited are best placed to guide us on these matters in depth.

The first theme features discussions on the historical perspective of water sharing challenges of the Indus River Basin and the Indus Water Treaty, 1960. The primary goal is to formulate a roadmap to protect the Indus Basin as a national asset and to seek clarity on the current status of the Indus Water Treaty and the Water Apportionment Accord, 1992. This is important because the bulk of Pakistan's water policy must be formulated to suit its unique political and geographical situation, which cannot and should not be done in isolation, rather in the context of the Indus Water Treaty, the Water Apportionment Accord and the peculiar features of the Indus River Basin which must be taken into consideration for its effective management.

The second and third themes relate to the construction of dams and reservoirs which is of paramount importance for Pakistan and the challenges that may be faced in their construction, including financing. I believe that the judgment of the Supreme Court of Pakistan regarding the construction of the Diamer-Bhasha and Mohmand dams serves as a suitable starting point for this concerted effort to reform Pakistan's water policy. Undoubtedly, there are obstacles to the completion of this initiative. However, it is my hope that through the course of this Symposium, we are able to come up with a concrete and practical roadmap for Pakistan's program of building water storages and infrastructure across the Indus Basin and for financing such programs.

The fourth and fifth themes will entail discussions pertaining to the best practices for conserving, managing and recharging groundwater and the pricing imperatives for different uses in key water sectors, and as to how water is governed and managed.

In addition to exploring novel ways of fundraising for dam construction, it is essential that we formulate and implement an effective, fair water pricing model. It is no longer feasible to allow unfettered access to our most valuable resource with no incentives to check usage. Pakistan is an agrarian economy and thus requires vast quantities of water to bolster its economic growth – the key to formulating an effective pricing system is making sure we take into account the industrial and agricultural water requirements and do not hinder productivity and people's livelihoods in pursuit of conservation. We have invited speakers to advise on water pricing methods and hope to reach a consensus as to which method is the simplest and fairest to implement in Pakistan's agrarian economy.

Polluting the resources that we currently have will only increase the strain we will feel in the years to come as our population grows thereby resulting in an increase in demand. Regulating the dumping of industrial waste, eliminating littering into rivers, and responsible sewage disposal will

assist us in preserving the precious amount of clean water we currently have in the rivers. Untreated waste contaminates groundwater supplies and causes health related issues in drinking water, and the water used to irrigate crops.

It is also important that the extraction of groundwater is regulated through various policies. As the situation currently stands, groundwater is relied on for irrigation due to unreliable canal supplies – this drains aquifers, which in turn causes, amongst other things, increased costs of extraction, shortages, depletion of lake and stream water flow. I hope that this Symposium will provide some nuance as to the benefits and hindrances of these policies, and that we may reach a consensus on how to regulate groundwater extraction.

Pakistan's economy is dependent and relies on growing water intensive crops. The irrigation system is poorly managed with a great deal of canal seepage, and no efficient sprinkler system. This is a governance, infrastructure and education issue which results in large quantities of wasted water – more efficient irrigation systems, as well as less water intensive crops ought to be considered.

A very important aspect of the water issue is implementation of the various water policies and the role of the executive in this regard. The government must be involved in this undertaking and facilitate the formulation of a water pricing system, creating the appropriate institutions, enforcing regulations for waste disposal and pollution management, maintaining the momentum of the funding of the Diamer-Bhasha and Mohmand dams, and educating the population on correct, judicious water usage and conservation tactics. I am hopeful that the detailed discussions in the fourth and fifth thematic sessions will help formulate a roadmap for groundwater recharge and adoption of water pricing mechanisms, and the next steps in Pakistan's water policy and the development of a framework for implementation of the various

policies that Pakistan ought to adopt to curb the menace of water scarcity and ensure water security.

I am confident that through this Symposium, we can reach a consensus regarding several key policy decisions we need to make in the immediate future. When looking at what the future holds for us, it is clear that there is no room for complacency. The sooner the policies proposed after the conclusion of this Symposium are adopted, the sooner they can be practically implemented, and its effects be seen. By considering the challenges regarding water scarcity, we will guarantee security in many other domains such as food and energy production. It is our duty, and a crucial one, towards the nation, its citizens and the generations to come. At this point I think it apposite to quote the British poet, W. H. Auden:-

*“Grateful, I slept till a morning that would not say
How much it believed of what I said the storm had said
But quietly drew my attention to what had been done
—So many cubic metres the more in my cistern
Against a leonine summer—, putting first things first:
Thousands have lived without love, not one without water.”*

Let us put first things first, and realize the worth of water so that we, as a nation, can solve Pakistan's water problems.

To conclude, I hope that participants, using the present opportunity, will make worthy contributions towards the development of concrete practical recommendations for effective formulation and implementation of the goals of the Symposium. I wish all those present here a constructive and productive Symposium, and our esteemed guests a pleasant stay in the hospitable land of Pakistan.

Long live Pakistan!

