

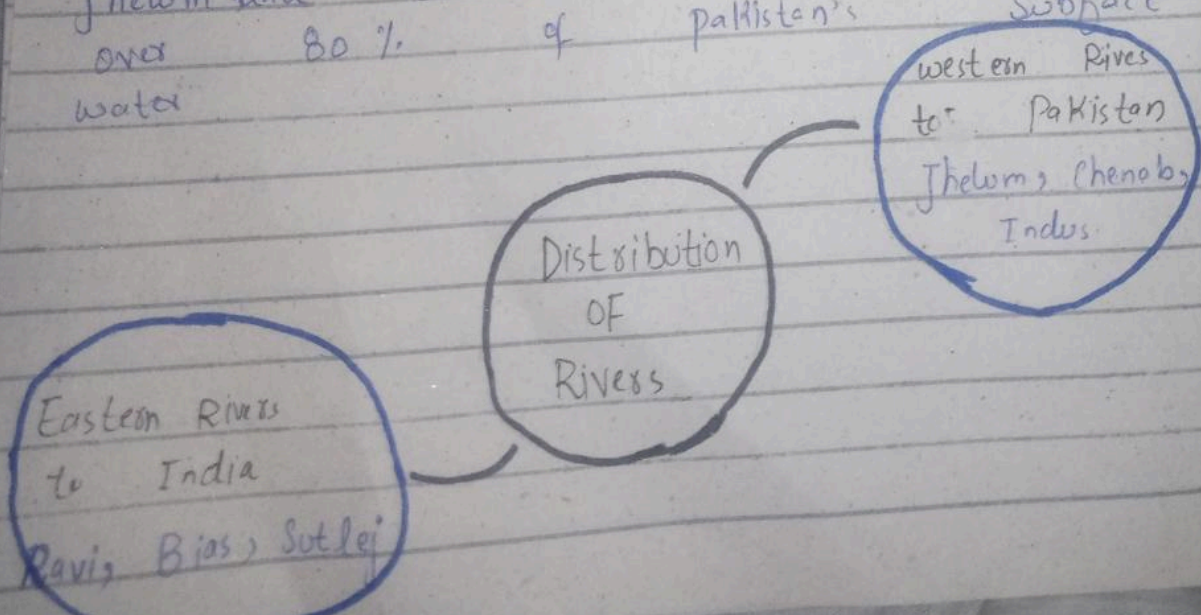
Questions—
 What is Indus Water Treaty (IWT) and what are the water rights of Pakistan? And what are India's under it? And what are impacts or solutions of IWT.

Indus Water Treaty:—

No armies with bombs and shellfire could devastate a land so thoroughly as Pakistan could be devastated by the simple expedient of India's permanently shutting off the source of water that keeps the fields and people of Pakistan green.

David Lilienthal, 1951.

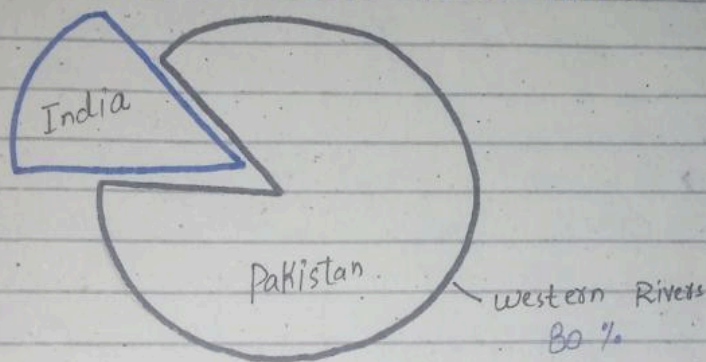
Salient Features:— The IWT of 1960 is described as a water-sharing arrangement between Pakistan and India, allowing the lower riparian state (Pakistan) to receive water from the Indus, Jhelum and Chenab rivers, which supply over 80% of Pakistan's surface water.



(i) Eastern Rivers Ravi, Sutlej and Bias belong to India. Ravi and Sutlej were diverted by India with the consent of Pakistan during 1960's.

(ii) Western Rivers like Jhelum, Chenab and Indus belong to Pakistan. Jhelum and Chenab completely belong to Pakistan. While Indus is shared river where 10% of water of the river can be consumed by India and rest belong to Pakistan.

Eastern Rivers 20% Water Share AFTER IWT



Pakistan = 135 MAF

India = 33 MAF

These rivers are the backbone of Pakistan's Economy. Nearly 90% of Pakistan's agricultural output relies on irrigation, most of which comes from the Indus basin.

Signing Date

September 19, 1960

PM Jawaharlal Nehru

Signatories

President Ayyub Khan

Brokered by

The World Bank

(iii) From 1960 to 1980 India was not allowed to use the water or build any water reservoir on the western rivers in order to give Pakistan enough time to increase its water need and utilization. Construction of Dams and canals, increase water use in agriculture, domestic and industrial sectors.

(iv) India's right to Construct Hydropower projects on western Rivers with Conditions:-
From 1980 onwards India can use the water of western rivers with some

Conditions:-

→ It can use the water of western rivers if the water need downstream in Pakistan is low.

→ It can not divert the flow of the river. It has to make on the natural or run of the river projects.

→ It has to send the design of the project of Pakistan before initiating the construction.

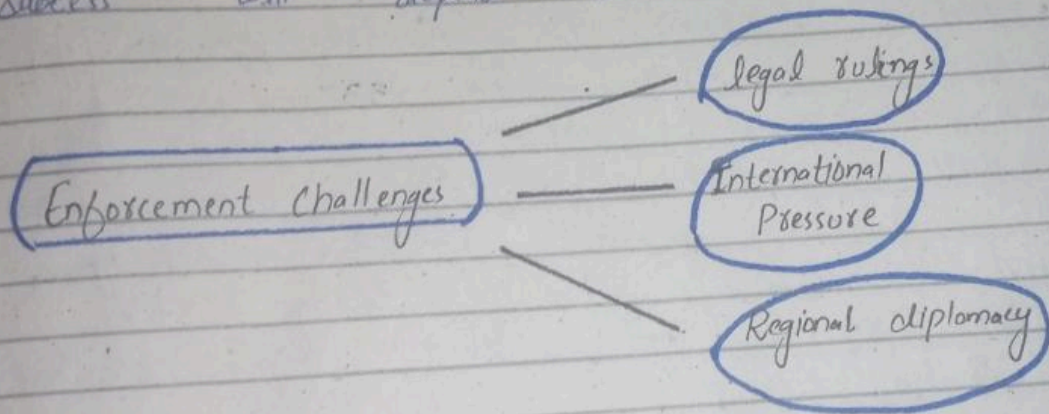
→ Pakistan can raise structural objections only like the height of the project, diversion etc.

→ After 6 months India is bound to facilitate the Pakistan team to inspect the under construction project up-stream.

(V) In case of disagreement between the two countries over a particular project then three step process to resolve the dispute; Water Commission of Pakistan and India would meet and resolve the structural or legal issues.

Neutral observer - could be appointed by Indus Water Commission, World Bank - WB, by International Court of Arbitration - ICA. Deals with technical issue only e.g. in 2013 ICA appointed an observer to inspect the Kishan Ganga project. ICA deal with legal issue.

If Pakistan wins legally International Courts lack the power to enforce their judgments. Success will depend on the combination of:



Problems / Issue: 1:-

a. Unprecedented decline in the flow of the rivers. More than 50% cut has occurred. In the flow of Indus and Jhelum while more than 55% in the flow of Chenab in 2021 (World Bank)

b. Pakistan has overwhelming dependency

on Indus, Jhelum and Chenab. According to WB more than 70% of agriculture 20% of domestic dependency is on Indus while Mangla Dam is on Jhelum which are major sources of the water can. one hand and electricity generation on the other hand.

Reason For decline :-

1. Stance OF India
 - Climate change $\rightarrow$ Reduced rainfall and snowfall $\rightarrow$ prolonged droughts.
 - Decline in snow deposits in chilly areas reduces river flow.
2. Pakistan's Stance
 - India's claims is correct partially, rainfall contributes only 33% of western river's water.
 - Snowfall decline affects water flow, but giant glaciers melt, adding water instead of reducing it.

3. Main reasons for river flow decline (Pakistan view)

- Dams built by India upstream (Salal, Dullhasti, Kishan Ganga, Buglihar, Ratdwar, Pake Daul) reduce river flow.
- Structural violations, India increased dam heights (for example Kishanganga by 33 feet by ICA in 2013) more height given to dams would mean more storage capacity and cutting flow to Pakistan.

- India is also involved in diverting in the flow of the rivers. India's wuller barrage diverts Jhelum river water.

Problem 2:- Prime Minister Narendra Modi's remark that

Blood and Water Cannot flow together

hinted at the politicization of water-sharing arrangements. India repeatedly demanded from Pakistan to renegotiate the IWT. It wrote letter to Pakistan in 2023 and another level in 2024. India demanded the renegotiation on the basis of.

a. The treaty is more than 60 years old now.

b. Decline in the flow of the river due climate change

c. The water need of India has tremendously increased.

d. Pakistan still waste more water into the sea which show that its water need is less.

Problem 3:- India unilaterally pulled out of the IWT after phalagam attack. Modi government has threatened to severe the water war against Pakistan.

Under International Law (Vienna Convention on the Law of Treaties), stopping a binding treaty unilaterally raises serious questions. India's action seems to have no proper legal basis.

Impacts of IWT

India's water projects

Construction of Higher Dams

Increased water storage
by India

Reduced flow of Rivers
into Pakistan

Barrages and water
diversion tunnels built by India

Restriction on Pakistani
inspection teams.

Acute shortage in Chenab
and Jhelum rivers

Decline in Tarbela and
Mangla reservoirs.

Water scarcity in Sindh
and Punjab.

Agricultural losses and
reduced crop production.

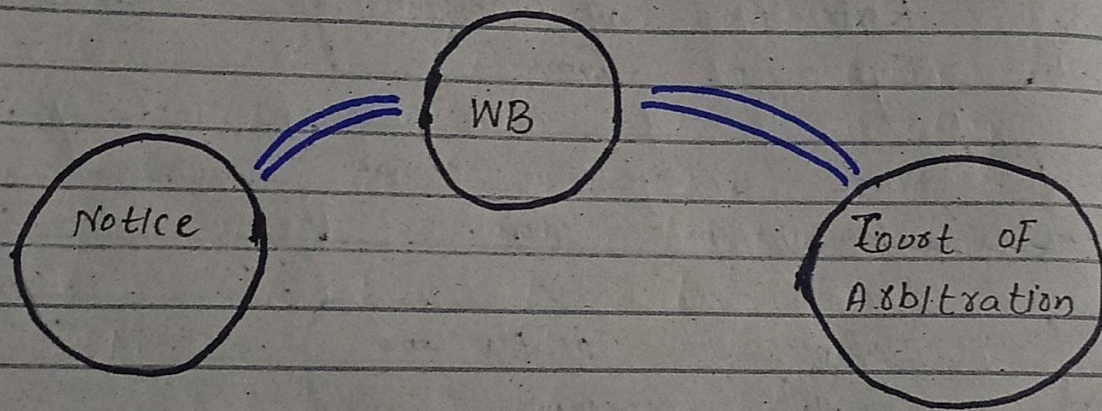
Threat to Pakistan
water security

Solutions:-

1. Indigenous Water Infrastructure as a Permanent Solution:-

The most sustainable solution for Pakistan is to increase its internal water capacity. Projects like Kalabagh Dam (10 MAF), Diamer-Basha Dam (8.1 MAF), Dasu on Indus, Kohala, Korat, PIR Mehal on Jhelum will significantly enhance storage capacity. It will reduce water wastage into sea, and limit India's ability to exploit Pakistan's weak storage capacity.

2. Legal And Diplomatic Action:-



Diplomatically Pakistan must get help of china, china and India also have water disputes over multiple rivers especially on Brahmaputra River.

→ India's Heavy dependence on Brahmaputra river.

→ No water treaty between china and India

→ China's potential construction of

- India's Heavy dependence on Brahmaputra river
- In case India approaches ICA then china may counter it with violations it has been making against Pakistan.

3. Institution Preparedness and Expert - Driven Water Diplomacy:-

Proper preparedness on the part of Pakistan to fight the case against India. Past dialogues show that India succeeded due to technical and legal expertise, not legal strength. Pakistan must form specialized teams of engineers, hydrologists and legal experts led by diplomats to safeguard its water interests, and they can counter India on legal and scientific grounds more efficiently.

4. Legal Binding Nature of the IWT:-

India cannot unilaterally withdraw from or suspend the IWT. The Treaty allows renegotiation or amendment only through mutual consent. Pakistan has three legal options:

- Serve a formal notice of violation
- Approach the World Bank as a neutral facilitator.
- Move to the International Court of Arbitration (ICA) to restrain India from violations

The IWT contains no provision that allows for its suspension or temporary abeyance. **Article XII(4)** clearly states:

The Provisions of this treaty shall continue in force until terminated by a duly ratified treaty concluded for that purpose between two Governments.

5. India's Growing Influence and Pakistan's Challenge:-

India has become a powerful country and most big power (except China) support India. Because of this, India can stop Pakistan from sending an inspection team to visit upstream areas every six months. Pakistan has not been allowed to do this since 2019.

Pakistan has two options:-

Use China's Technology:- Pakistan can use China's advanced technology to spot any violations or wrongdoings by India on its own.

Involve International bodies:- Pakistan should ask the World Bank (WB) and International Court of Arbitration (ICA) to help solve the problem.