

Mock-I

Part-II Pakistan Affairs

Q No 1

Enlist the major Contours of IWT 1960 between India and Pakistan. Explain the ramifications for both countries if the treaty is held in abeyance.

Answer

Introduction:

Since the day Pakistan got independence the neighbour Countries Pakistan and India have witnessed many Challenges in their bilateral relations. Recently on April 25th, 2025 there happened a terrorist attack on tourists in Pahalgam an area of Indian Illegally Occupied Jammu and Kashmir

(IIOTK) so under Indian administration. Just like always India alleged Pakistan involvement in this attack without any evidence. India sent a notice to hold the Integral Indus Water Treaty (IWT) in abeyance. The Indus river system regarded as Pakistan's lifeline and is shared with one of Pakistan's adversaries, India. The water dispute between both countries began on April 1st, 1948 and ended when negotiations took place between both parties and the Indus Water Treaty agreement was signed in 1960 by both India and Pakistan that was brokered by the World Bank.

• Contours of Indus Water Treaty: - Provisions for Eastern Rivers:

All waters
of the Eastern rivers (Sutlej's

Beas and Ravi) are for India's unrestricted use. Pakistan must allow free flow of Sutlej Main and Ravi Main and itself can use this water for domestic and non-consumptive use.

2. Provisions for the Western Rivers:

Western rivers (Indus, Jhelum and Chenab) belong to Pakistan. India is obliged to not interfere with these waters.

General Provisions:

The natural river channels may freely carry flood water or excess without restriction from either party. Both parties commit to prevent pollution of the rivers. Necessary treatment must be applied to sewage and waste so it does not impact water usage.

Dispute Resolution Mechanism

The Article IX of Indus water

treaty (JWT) tells the forums and their roles for each type of issue if arise between both parties.

→ Permanent Indus Commission (PIC) and its Role:

Any initial question regarding the interpretation of application of treaty is referred to PIC which has commissioners from each country.

→ Neutral Expert (NE) and its role:

If PIC cannot resolve conflict it will be referred to NE which is a technical authority handling only technical issues.

→ The Court of Arbitration (CoA) and its Role:

If a difference involves interpretation of the treaty that is beyond the technical issues, will come CoA and it can handle both technical and legal issues.

Key Events In The Indus Waters Treaty IWT

1. 1960: Signing of IWT between India and Pakistan brokered by the World Bank.
2. 1978-1987: Salal Hydroelectric Project issue.
3. 1985-1990: Wullar Barrage Project Dispute.
4. 2005: Bagliar Dam Dispute
5. 2010: Kishanganga Dispute
6. 2016: Pakistan's appeal to the World Bank.
7. 2003: India's First notice to Pakistan.
8. 2024: India's Second notice to Pakistan.
9. 2025: India sent the notice to hold the treaty in abeyance

Recent Notice of India To Pakistan:

In April 22, 2025, India sent a notice to hold the treaty in abeyance after the Pahalgam incident

Legal Implications of holding the treaty in abeyance:

Article 26

of the Vienna Convention on the Law of Treaties, 1969, lays down that treaties "must be performed in good faith". The unilateral holding in abeyance of the IWT will be treated by Pakistan as a *casus belli* and a step that is destructive to its vital national interests.

Article 57 of the Vienna Convention deals with the 'suspension' of treaties and provides that:

"The operation of a treaty in regard to all the parties or to a particular party may be suspended:-

- a) In conformity with the provisions of the treaty
- b) at any time by consent of all the parties after consultation with the other

contracting states."

Article 66 of the Vienna Convention provides that a treaty may be suspended by a party only when it is breached by the other party.

Pakistan needs to weigh its options under the provisions of the IWT. The treaty itself contains nothing as abeyance or suspension term.

Conclusion:

The recent notice sent by India to Pakistan must lead to negotiation process as unilaterally India cannot hold the treaty in abeyance. Both nations must uphold their international responsibilities and collaborate within the treaty framework to address their concerns. The agreement has

withstood even three major wars and stood intact as it is essential for both parties. It underscores the importance of treaty so it should not be annulled on political shifts or unilateral decisions. Both countries must honour their commitments to preserve the stability in the region.

Pakistan has always been contributed in positive way either it be bilateral or multilateral agreements. So, in the given situation Pakistan is trying to negotiate with India if India co-operates and hope so India understands the sensitivity of the situation and will act mature in this context.