

India-Pakistan and the Indus Waters Treaty

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Summary

For the last six decades, the Indus Waters Treaty has withstood many tests, including wars, military tensions and regular verbal spats between India and Pakistan. However, the treaty has continued to remain a bone of contention between the two neighbours.

The Indus Waters Treaty (IWT) has been regarded as [“one of the most successful international treaties”](#) and it is considered by some as a model for [conflict resolution](#). However, dissatisfaction continues to persist in both India and Pakistan with the IWT for [different reasons](#). Objections were raised in India and Pakistan soon after the treaty was signed in 1960. In the following decades, some quarters in Pakistan, including within the Pakistani establishment, have blamed India for the country’s [water crisis](#). Likewise, a section in India feels that the IWT is “unfair” to New Delhi and should be [abrogated](#). Despite the initial objections, criticisms, water nationalism, wars and political tensions between India and Pakistan, the IWT has survived the test of time.

In recent years, the IWT was the subject of serious tensions between India and Pakistan, with it being linked to militancy, security and strategy. In 2016, following a militant attack in Uri in which 19 Indian soldiers were killed, Indian Prime Minister Narendra Modi said in an [IWT meeting](#) with Indian water ministry officials that “blood & water can’t flow together at the same time”. After the Uri attack, the Indian army carried out surgical strikes on militants in Pakistani territory, which Pakistan [dismissed](#), and tensions escalated between the two countries. Weeks later, 18 shells fell across the border in November 2016, just a kilometre away over the hills on both sides of the dam in Gurez, an important component of the [Kishanganga project](#). And, in 2019, after a militant attack on the Central Reserve Police Force convoy in Pulwama, which led to the death of 40 paramilitary personnel, India decided to speed up the completion of projects to use the full share of its waters from eastern flowing rivers [Ravi, Sutlej and Beas](#).

On 25 January 2023, India sent a notice to Pakistan in accordance with Article XII (3) of the IWT, which states “the provisions of this Treaty may from time to time be modified by a duly ratified treaty concluded for that purpose between the [two governments](#)”. The Indian notice was sent a few days after Pakistani Prime Minister Shehbaz Sharif stated in an interview with the Dubai-based news channel, *Al Arabiya*, that his country wanted [“serious and sincere talks”](#) with India.

India, as reported in the media, said that the notice was “necessitated” as Pakistan has refused to discuss and resolve Kishenganga (330 megawatts) and Ratle (850 megawatts) hydroelectric projects for the [last five years](#). India has asked Pakistan to enter into intergovernmental negotiations within 90 days to rectify the “material breach” of the [IWT](#). Reacting to Indian media reports on the notice, the Pakistan Office of the Attorney General

issued a statement saying that “[the notice] is an attempt to divert attention from the ongoing proceedings at the Permanent Court of Arbitration under the [Indus Waters Treaty](#)”. Arbitration proceedings started on 27 January 2023. India boycotted the [hearing](#). New Delhi [claims that](#) Islamabad has violated the dispute settlement mechanisms mandated in Articles VIII and IX of the IWT.

Bilateral spats between the two countries on water issues are not recent phenomena. In [April 1978](#), after prolonged discussions, India and Pakistan bilaterally agreed to settle questions over the Salal dam. Decades later, in 2007, Pakistan’s objections on the design, planned pondage capacity, and location of turbines on 450 megawatts Baglihar dam had to be addressed by a [World Bank-appointed neutral expert](#), Professor Raymond Lafitte.

Pakistan first raised its concerns over the Kishanganga project in 2006 and the Ratle project on the Chenab river in 2012. In 2010, the dispute on the Kishanganga project was taken to the Court of Arbitration (CoA). Pakistan contended that India’s plan [violates Annexure D of the IWT](#). In 2013, the CoA delivered the final judgement, ruling that the Kishanganga hydroelectric project is a run-of-river dam, and India, under the IWT, can divert water from the river Kishanganga/Neelum for power generation. However, the Court stated that India has to maintain a minimum flow of water in the Kishanganga/Neelum river to [nine cusecs](#) (cubic metre of water per second). Also, before the matter went to the CoA, India decided to lower the dam's height from 98 metres to [37 metres](#).

After the CoA’s judgment, four design-related issues were expected to be resolved between the two countries. However, they reached an amicable resolution on only one issue. Still, despite several rounds of talks between Indus Water Commissioners, Delhi and Islamabad could not resolve the other three matters relating to pondage and spillway [configuration](#). Pakistan went to the World Bank accusing India of violating the IWT and [the Court’s verdict](#). Islamabad also raised objections to the Ratle project.

In 2016, the World Bank paused the works on Kishanganga and Ratle projects “to allow the two countries to consider alternative ways to resolve their [disagreements](#)”. Despite the pause, works on Kishanganga continued, and, in 2018, Modi inaugurated the Kishanganga project. Pakistan raised its concerns with the [World Bank](#). In October 2022, the World Bank appointed Michel Lino as the Neutral Expert and Professor Sean Murphy as Chairman of the CoA.

The IWT’s [Article VII](#) talks about cooperation between the two countries on matters relating to the development of shared rivers and the construction of engineering works on them. However, such a scenario is only possible if the two countries have improved bilateral ties which, under the current political environment, seems unlikely to happen.

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