

The Indus after the Treaty

The old water compact between India and Pakistan is caught between competing legal claims and strategic anxieties. The challenge now is to build restraint into whatever comes next

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For more than six decades, the Indus Waters Treaty survived wars, military crises, diplomatic breakdowns and prolonged hostility between India and Pakistan. Its endurance was often cited as proof that practical arrangements could be insulated from the wider political relationship between two adversarial neighbours. Water, in this understanding, belonged to a different category: too essential to be left entirely to politics, yet sufficiently technical to be managed through institutions even when trust between the two governments was scarce.

That premise has now been severely tested. India announced in April 2025 that it was placing the Indus Waters Treaty of 1960 in abeyance following the Pahalgam terrorist attack. The decision marked a departure from the long-standing understanding that the treaty could continue functioning despite political and security disputes. Pakistan rejected the move and has continued to invoke the treaty, its dispute-settlement procedures and international forums.

The latest legal developments have deepened rather than resolved the disagreement. The Court of Arbitration constituted under the treaty has maintained that the treaty remains operative and that India's decision to place it in abeyance has no legal effect. India, which did not participate in the proceedings, has rejected the court's authority and maintained that its decision on the treaty remains valid.

The dispute is therefore no longer merely about how much water India can use or how much Pakistan receives. It is increasingly about treaty interpretation, institutional authority, upstream infrastructure, downstream security and the limits of international mechanisms.

The Indus has entered a new strategic phase. **A division of rivers, not annual water sharing**

The popular description of the Indus Waters Treaty is that India and Pakistan agreed to share six rivers, with Pakistan receiving roughly 80 per cent of their waters. While broadly accurate as shorthand, this obscures the treaty's central feature.

The agreement did not establish an annual formula under which the total flow of the basin would simply be divided between the two countries. Instead, it divided the rivers into two groups.

The Indus, Jhelum and Chenab were designated the Western Rivers, while the Ravi, Beas and Sutlej were designated the Eastern Rivers. Pakistan received unrestricted use of the Western Rivers, subject to specified provisions permitting India domestic, agricultural and hydroelectric uses. India received unrestricted use of the Eastern Rivers.

This was essentially a hydrological settlement rather than a straightforward volumetric division.

At the time, the Western Rivers had an average annual flow of about 135.6 million acre-feet, compared with roughly 32.6 million acre-feet in the Eastern Rivers. Consequently, around four-fifths of the basin's average annual flow fell within Pakistan's sphere of use.

The settlement was politically contentious in India. During the Lok Sabha debate in November 1960, several members questioned why India had accepted such a distribution when a substantial portion of the basin's catchment lay within Indian territory.

India's negotiators, however, were aware of the arithmetic. Their priority was to obtain exclusive control over the Eastern Rivers rather than remain locked in perpetual negotiations over annual volumes. The arrangement was considered important for the irrigation and development plans of northern and north-western India, including the Bhakra system and the Rajasthan Canal.

India also agreed to contribute £62.06 million towards the transition arrangements under which Pakistan would develop replacement irrigation works. The payment was spread over ten instalments between 1961 and 1970.

The bargain was therefore not without cost. But it created something both countries valued: predictability.

Why the treaty endured
The treaty's greatest achievement was not that it eliminated disagreement. It provided a mechanism for containing disagreement.

A Permanent Indus Commission was established, with one commissioner from each country. The treaty also created different procedures for different categories of disagreement, including the use of a Neutral Expert and, in specified circumstances, a Court of Arbitration. The World Bank's role was primarily procedural.

This institutional structure was deliberately narrow. The treaty did not attempt to resolve Kashmir, territorial disputes or wider political differences. It dealt with the use and management of the Indus river system.

That narrowness helped it survive. India and Pakistan could disagree over Baglihar, Kishenganga or other hydroelectric projects without necessarily abandoning the entire framework. The treaty did not require friendship. It required both sides to accept rules.

But the circumstances of 1960 have changed. The basin now supports much larger populations and substantially greater energy and agricultural demands. Groundwater is under pressure. Irrigation systems are ageing. Climate variability is affecting water availability and timing. Glacier behaviour is changing. Both countries have developed considerably greater technical capacity to regulate and utilise water.

A framework designed in the 1950s cannot remain entirely untouched by these realities.

Pakistan's international strategy has



deep roots

Pakistan's decision to internationalise the Indus dispute is not new.

Soon after Partition, Islamabad understood the diplomatic advantage of presenting itself as a downstream state dependent on water controlled upstream by India. In 1952, Pakistan took the canal-water dispute to the United Nations Security Council, portraying India's regulation of water as a threat to Pakistani agriculture and livelihoods.

The argument subsequently acquired a broader vocabulary. Pakistan sought to portray interference with water supplies not merely as an engineering disagreement but as a question of economic security and the rights of a downstream population.

That approach has continued into the present.

In January 2026, Pakistan used an informal Security Council meeting to present the Indus issue as raising wider questions about international agreements and treaty obligations.

For Pakistan, internationalisation serves a purpose beyond securing a particular technical ruling. It places the dispute within wider debates about international law, downstream rights and the reliability of treaties.

India therefore cannot treat the international dimension as incidental.

A disagreement over the design of a dam can be addressed through engineering evidence. A dispute over jurisdiction requires legal argument. Once water is presented as a matter of international security, diplomacy becomes inseparable from the technical issue.

Infrastructure is the real strategic question

The post-abeyance debate has often been accompanied by an exaggerated impression that India can simply stop the Western Rivers from flowing into Pakistan. The physical reality is considerably more complicated.

India does not possess the enormous storage capacity necessary to abruptly halt the normal flow of the Indus, Jhelum or Chenab.

But infrastructure still matters. Projects such as Salal, Baglihar, Dulhasti and Kishenganga, along with newer projects including Pakal Dul, Ratle, Kiru and Kwar, can expand India's ability to generate hydropower and utilise and regulate water within the limits of geography and engineering.

Pakistan's concern therefore extends beyond present water volumes to the possibility of increased Indian capacity to influence the timing and management of flows.

In June 2026, Pakistan's Foreign Office described Indian activities as an attempt to "weaponise water" and warned that Islamabad retained options to protect its water rights.

India rejects that characterisation and maintains that it has legitimate rights to develop its water resources.

The danger is that the security interpretation can become self-reinforcing.

India may see new infrastructure as the utilisation of resources that have historically remained underdeveloped. Pakistan may interpret the same infrastructure as an increase in India's coercive capacity. Pakistan's heightened security response can then reinforce India's perception that water has become part of the strategic contest.

A technical water dispute can consequently

become a security dilemma.

The legal contest will not disappear

The most complicated aspect of the present situation is that the treaty's legal machinery has continued to operate even as India considers the treaty to be in abeyance.

The dispute over the Kishenganga and Ratle projects predates the 2025 decision. Pakistan sought a Court of Arbitration, while India requested a Neutral Expert. The World Bank eventually allowed both processes to proceed.

The resulting parallel proceedings created a difficult institutional situation.

The Court of Arbitration subsequently issued awards concerning the interpretation of the treaty and technical questions relating to hydroelectric projects. India rejected the process, arguing that the court had been constituted contrary to the treaty's dispute-settlement framework and that the relevant matters should first have been considered through the Neutral Expert mechanism.

Pakistan has maintained that the arbitration is valid and that its awards remain binding.

The latest proceedings have therefore transformed the dispute from one concerning individual projects into a broader argument over jurisdiction and the treaty's continuing legal status.

This is unlikely to be resolved simply by the passage of time.

Pakistan has an incentive to maintain the legal proceedings because they reinforce its position that the treaty continues to operate. India has an equally strong incentive to contest them because participation could be interpreted as accepting a legal framework it considers to be in abeyance.

The two sides are thus operating within fundamentally different legal understandings of the same instrument.

Water as national security

Perhaps the most consequential change has been Pakistan's increasingly explicit treatment of water as a national security issue.

In April 2025, Pakistan's National Security Committee described water as a vital national interest and warned that an attempt to stop or divert its water would be regarded as an act of war. In July 2026, Pakistan's military leadership reaffirmed its commitment to take all necessary measures to safeguard the country's water rights.

There is an obvious material basis for this concern. Pakistan's agriculture, food security, energy production and rural livelihoods are deeply dependent on the Indus system.

But framing every upstream development through the language of national security carries risks.

A disagreement over reservoir capacity or the design of a hydropower project can potentially be settled through technical evidence. Once it becomes a question of national survival, compromise becomes politically harder.

This could gradually turn the Indus Basin into another arena of strategic rivalry.

That would represent a fundamental departure from the philosophy that allowed the treaty to survive for decades.

Pakistan's water problem is also domestic

There is another dimension that deserves greater attention.

The treaty provides Pakistan with a frame-

work for access to the Western Rivers. It cannot guarantee efficient or sustainable management of those waters.

Pakistan faces serious structural pressures: population growth, groundwater depletion, inefficient irrigation, ageing infrastructure, changing cropping patterns, inadequate storage and competition among provinces.

These are domestic governance challenges.

Even a fully functioning treaty cannot solve them.

The distinction between water access and water security is therefore essential. A country may possess legal access to a large river system and still face severe water stress if it cannot store, distribute and conserve water effectively.

Pakistan consequently faces two separate but interconnected tasks: protecting its position concerning the Western Rivers and reforming the management of the water it already receives.

The first is politically visible because it can be presented as an external threat. The second requires difficult domestic reforms involving irrigation efficiency, groundwater extraction, crop choices, storage, pricing and inter-provincial allocation.

Over time, internal water mismanagement could prove as consequential to Pakistan's water security as developments upstream.

India's challenge is to use space without overreach

For India, the value of abeyance lies less in dramatic declarations than in the policy space it potentially creates.

India's utilisation of the Western Rivers has historically remained below the level permitted by the treaty. Greater infrastructure can allow India to make fuller use of its hydropower and water resources.

But water policy must remain grounded in physical reality.

A treaty announcement does not create storage overnight. Dams require years of construction, investment and environmental assessment. Hydropower projects depend on geography and seasonal flows. India's capacity to regulate water remains constrained by the basin's hydrology.

The strategic opportunity, therefore, is gradual rather than theatrical: develop viable infrastructure, improve hydrological data and management, strengthen hydropower capacity and make efficient use of India's legitimate share.

India should also maintain a clear legal and diplomatic narrative.

The distinction between territorial sovereignty and treaty-based rights of water utilisation needs to remain central. The treaty regulates the use of waters; it does not transfer sovereignty over rivers, riverbeds or territory to Pakistan.

India's argument concerning terrorism and the circumstances surrounding the abeyance must likewise be presented through a coherent legal framework rather than political rhetoric alone.

The stronger the legal and technical case, the less dependent India's position becomes on diplomatic assertion.

The wider South Asian precedent

The implications extend beyond India and Pakistan.

India is an upper riparian in relation to Pakistan and Bangladesh in major river systems, while it is a lower riparian in relation to China

in others. The principles India advances in the Indus Basin will therefore be closely observed elsewhere.

This does not require India to surrender legitimate development rights. It does require consistency.

A credible water policy should demonstrate that India can develop its resources while respecting applicable legal principles, relying on sound engineering and avoiding actions that could reasonably be interpreted as deliberate coercion.

Pakistan, similarly, has a legitimate interest in predictable downstream flows. But international diplomacy becomes less effective if every expansion of upstream infrastructure is automatically characterised as an attempt to threaten downstream populations.

Both countries have an interest in preventing water from becoming an unrestricted extension of military rivalry.

The rivers still require rules

The Indus Waters Treaty has entered its most uncertain period since it was signed in 1960. Whether the old arrangement can be restored is increasingly doubtful. The competing legal positions of India and Pakistan have created an institutional impasse that cannot be wished away.

Yet the end of one framework does not remove the need for rules.

The Indus will continue to flow across an international boundary. Farmers will remain dependent on it. Hydropower projects will continue to be developed. Climate change will continue to affect the basin. Population and food demands will continue to grow.

Geography will eventually impose its own logic.

The challenge is therefore to determine what comes after the present confrontation. Any future framework will have to reflect realities that were far less prominent in 1960: climate variability, environmental pressures, larger populations, increased energy demand, expanded infrastructure and the strategic importance of water.

Such a framework will also have to reconcile India's sovereign right to develop its resources with Pakistan's legitimate requirement for predictable downstream flows.

The old treaty's great achievement was to keep water insulated, as far as possible, from the larger India-Pakistan conflict. The events since 2025 have demonstrated that this insulation can no longer be assumed.

The task now is not to pretend that nothing has changed. It is to ensure that the collapse of an old equilibrium does not become the collapse of institutional restraint itself.

India has greater space to utilise its water resources. Pakistan has compelling reasons to seek predictability. Neither reality can be wished away.

The future of the Indus Basin will ultimately depend on whether the two countries can establish a new equilibrium grounded in hydrology, law and sovereign interests rather than political rhetoric.

The Indus has survived wars, crises and changing political orders. It will survive the present dispute as well.

The question is whether India and Pakistan can create the next set of rules before their strategic rivalry makes cooperation over the river more difficult than the river itself.