



## INDUS WATER TREATY: INTERNATIONAL RELATION

**NEWS:** *World Bank Neutral Expert says 'competent' to judge Indus Water Treaty dispute*

### WHAT'S IN THE NEWS?

The World Bank-appointed Neutral Expert (NE) has endorsed India's stance on resolving disputes under the Indus Water Treaty (IWT), favoring a sequential resolution process. The disagreement primarily concerns the Kishenganga and Ratle hydroelectric projects and the interpretation of the treaty's dispute resolution mechanism.

### 1. The Indus Water Treaty (IWT): An Overview

- **Year of Signing:** 1960.
- **Broker:** The World Bank facilitated the agreement between India and Pakistan.
- **Objective:** Equitable sharing of the Indus River System's water resources.
- **Rivers Allocation:**
  - *Eastern Rivers* (Ravi, Beas, Sutlej): Exclusively for India.
  - *Western Rivers* (Indus, Jhelum, Chenab): Largely allocated to Pakistan. India can only use these rivers for non-consumptive purposes like 'run-of-the-river' hydropower projects.

### 2. The Dispute Resolution Mechanism in IWT

- **Three-Tier Structure:**
  1. **Permanent Indus Commission (PIC):** Representatives from both countries for data exchange and cooperation.
  2. **Neutral Expert (NE):** Handles technical disputes, especially on design issues of projects.
  3. **Court of Arbitration (CoA):** Addresses broader legal and interpretational disputes.
- **Key Provisions:**
  - Disputes must follow a sequential resolution process.
  - No unilateral exit clause in the treaty; it remains in force unless renegotiated by both nations.



### 3. Current Dispute: Kishenganga (a tributary of Jhelum) and Ratle Hydroelectric (Chenab River) Projects

- **India's Stand:**
  - Disputes must follow a step-by-step process: PIC → NE → CoA.
  - Opposes simultaneous functioning of NE and CoA.
  - Ceased participation in PIC meetings since May 2022, citing Pakistan's approach as inconsistent with the treaty.
- **Pakistan's Stand:**
  - Directly approached the CoA, bypassing NE.
  - Pursuing both mechanisms simultaneously, claiming it aligns with treaty provisions.



**India will 'exploit to the maximum' the water of Pakistan-controlled rivers as per the water sharing pact**

Decision to exploit to the maximum the capacity of three of the rivers that are under Pakistan's control - Indus, Chenab and Jhelum-- in the areas of hydro power, irrigation and storage

Unilateral suspension of 1987 Tulbul navigation project to be reviewed. The project was suspended in 2007

The decision to maximise the water resources for irrigation will address the 'pre-existing' sentiment of people of Jammu and Kashmir, who have complained in the past about the treaty not being fair to them

The meeting came as India weighed its options to hit back at Pakistan in the aftermath of the Uri attack, triggering demands that the government scrap the water distribution pact to mount pressure on Pakistan

**Indus water treaty**

It was signed by Prime Minister Jawaharlal Nehru and Pakistan President Ayub Khan in September 1960, water of 6 rivers - Beas, Ravi, Sutlej, Indus, Chenab and Jhelum - were to be shared between the two countries

■ Pakistan has been complaining about not receiving enough water

**Blood and water cannot flow together**  
Prime Minister Narendra Modi

PTI GRAPHICS

## 4. Challenges and Issues in the Indus Water Treaty

### Dissatisfaction with Water Sharing:

- India receives only 20% of the Indus system's waters, while 80% flows to Pakistan, causing discontent.

### Design Disputes on Hydropower Projects:

- Frequent disagreements over India's projects, with Pakistan alleging violations of downstream flow requirements.

### Ambiguities in the Treaty:

- The treaty lacks clear guidelines for simultaneous mechanisms, creating room for conflicting interpretations.
- The technical nature of the treaty has further complicated its implementation.

### Climate Change Impacts:

- Glacial melt and unpredictable river flows threaten the sustainability of the river system.
- In 2015, NASA ranked the Indus basin as the second-most overstressed aquifer globally.

### Lack of Trust Between Nations:

- Pakistan accuses India of "water terrorism" over projects like the Shahpurkandi barrage.
- India views Pakistan's actions (e.g., bypassing NE) as undermining treaty norms.

### Limited Role of the World Bank:

- The World Bank, as a guarantor, lacks decisive authority to prioritize one mechanism over the other.

## 5. Way Forward: Strengthening the Indus Water Treaty



## Revisiting the Treaty:

- India has proposed renegotiating the treaty to address contemporary challenges.
- Requires Pakistan's formal engagement for effective revisions.

## Clearer Dispute Resolution Process:

- The World Bank must play a proactive role in defining the sequence of dispute resolution mechanisms.
- Expedite NE's decisions to avoid prolonged disputes.

## Building Trust Through Dialogue:

- Resume PIC meetings to foster better cooperation and address pending issues.
- Establish a platform for joint research and climate impact studies.

## Transparency and Data Sharing:

- Encourage open data policies for monitoring river flows.
- Supervise real-time data sharing through international bodies to promote accountability.

## Adopting an Ecological Perspective:

- Include Environmental Flows (EF) as part of treaty governance.
- Ratify the UN Water Convention for sustainable transboundary water management.

## Climate Change Collaboration:

- Joint research on glacial melt, river hydrology, and climate risks under Article VII of IWT.
- Develop a robust mechanism to address water scarcity exacerbated by climate change.

Source: <https://www.thehindu.com/news/national/world-bank-neutral-expert-says-competent-to-judge-indus-water-treaty-dispute/article69123775.ece>