

# THE INDUS WATERS TREATY

*Asymmetric Obligations, Unequal Concessions and Pakistan's Weaponisation*

## *Part II: Obstruction, Exploitation and the Long-Overdue Reckoning*

### **1. Pakistan's Weaponisation of the Treaty**

#### **1.1 Systematic Obstruction of Indian Development**

Since the Treaty's signing, Pakistan has consistently used its dispute resolution provisions as a strategic tool to delay and effectively obstruct development rather than genuine dispute resolution. Virtually every significant hydropower project India has proposed on the Western rivers—even those explicitly permitted under the Treaty's terms—has faced formal Pakistani objection, technical challenge, or referral to arbitration.

Projects including Baglihar, Kishenganga, Pakal Dul, and Tulbul have all been subjected to prolonged Pakistani challenges. In several cases, Pakistan has acknowledged the potential benefits of Indian projects for regulated water flow—including flood moderation—while simultaneously opposing them. This pattern reveals that Pakistani objections are not genuinely about Treaty compliance; they are about preventing Indian development in Jammu and Kashmir, regardless of the legal merits.

#### **1.2 The 'Water War' Narrative and Its Deployment**

Pakistan has simultaneously exploited India's consistent compliance with the Treaty to construct and disseminate an international narrative portraying India as a potential 'water aggressor'. Pakistani officials, academics, and diplomatic channels have repeatedly raised the spectre of India 'weaponising water' against Pakistan—citing the very Treaty that India has scrupulously honoured.

This narrative—posing the upper riparian as a threat—has proven remarkably effective with international audiences unfamiliar with the Treaty's history. Pakistan has used it to generate diplomatic pressure, attract multilateral sympathy, and constrain India's ability to assert its legitimate Treaty rights.

The singular irony of this strategy is that India has not committed a single violation of the Treaty—not during the 1965 war, not during the 1971 war, not during the 1999 Kargil conflict, and not at any other point in the sixty-five years of the Treaty's operation. India has maintained compliance even as Pakistan has used its territory to conduct state-sponsored terrorism against India.

### **2. The Consequences for India**

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#### **2.1 Unrealised Development Potential**

The Treaty's constraints have had measurable, lasting consequences for India's development in the Indus Basin. Vast areas of Rajasthan and parts of Punjab that could have been irrigated remain arid or dependent on alternative, more expensive water sources. The agricultural productivity foregone over six decades represents an incalculable economic loss.

#### **2.2 Jammu and Kashmir's Suppressed Hydropower Potential**

The impact on Jammu and Kashmir has been particularly acute. The Union Territory sits astride the Western rivers and possesses enormous, largely untapped hydropower potential. Development of that potential is constrained at every turn by the Treaty's design restrictions, Pakistan's systematic objections, and the perpetual risk of multi-tiered long drawn dispute resolution mechanism. Local populations have increasingly come to view the Treaty not as a framework for shared benefit but as an

instrument of their own economic marginalisation—an external imposition that prevents them from developing the natural resources flowing through their own territory.

### **2.3 Energy Security Implications**

India's inability to optimally develop the hydropower potential of the Western rivers has direct implications for national energy security. The Treaty's restrictions mean that potential capacity—as a clean, renewable, and economically efficient energy source—has been sacrificed purely because of Pakistan's strategic obstruction of even the limited rights India possesses in this asymmetric agreement.

## **3. India's Case**

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The Treaty was intended achieve the "most complete and satisfactory utilisation of the waters of the Indus system of rivers" in a "spirit of goodwill and friendship"—a context that no longer exists.

The treaties derive their legitimacy not merely from the force of law but from the good faith implementation of their terms by all signatories. Pakistan's documented and persistent use of state-sponsored terrorism as an instrument of foreign policy against India—culminating in atrocities including the 2001 Parliament attack, the 2008 Mumbai attacks, and most recently the Pahalgam attack of April 2025—fundamentally challenges the premise upon which India's continued compliance with the IWT rests. Bilateral agreements cannot be selectively honoured: a state cannot simultaneously breach the foundational norms of inter-state conduct while demanding that its negotiating partner fulfil treaty obligations that disproportionately benefit the norm-breaker. The Treaty cannot be an island of Indian compliance within a sea of Pakistani bad faith. India's step represents an assertion long overdue—that international agreements are a two-way street.

## **4. Conclusion**

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The Indus Waters Treaty has long been celebrated as a triumph of international diplomacy. This paper has argued that such a characterization fundamentally misrepresents what actually occurred: a negotiation process in which Pakistani intransigence was rewarded with concessions, and Indian goodwill was systematically exploited to produce an agreement that was inequitable from its inception.

Nevertheless, India surrendered 80 percent of the water, paid £62 million (approximately \$2.5 billion in present value) to facilitate that surrender, accepted one-sided operational restrictions on its own territory, and has maintained scrupulous compliance for sixty-five years—including through Pakistan inflicted multiple wars and sustained sponsoring of cross border terrorism. In return, India has received a Treaty agreed to in good faith that Pakistan uses as a tool of developmental obstruction, a 'water war' narrative it deploys internationally with no factual basis, and the permanent underdevelopment of vast tracts of Indian territory.

India's step is to protect its legitimate interests in the Indus Basin. This is not aggression; it is the long-overdue correction of an asymmetric arrangement premised on a goodwill that was never reciprocated. To those who ask why hold the Treaty in abeyance now, it would be useful to remember that there is no wrong time for a right decision.

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