SITUATIONAL REPORTS

From the Indus to the UN as Pakistan Internationalises Its Water Dispute with India

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EXECUTIVE BRIEF & KEY FINDINGS

Pakistan has again taken the Indus Waters Treaty dispute onto an international platform, using the high-level week of the 81st United Nations General Assembly in New York to challenge India's decision to keep the six-decade-old agreement in abeyance. Speaking at the Organisation of Islamic Cooperation Contact Group on Jammu and Kashmir on 22 September, Pakistan's Deputy Prime Minister and Foreign Minister Ishaq Dar argued that India could not disregard international obligations when they became inconvenient and cited the 31 August decision of the Court of Arbitration constituted under the treaty as support for Islamabad's position.[1] The intervention is the latest stage of a diplomatic and legal campaign that Pakistan has pursued since India placed the treaty in abeyance following the April 2025 Pahalgam terrorist attack. New Delhi's official position remains that the arrangement will stay in abeyance until Pakistan "credibly and irrevocably" ends support for cross-border terrorism, while Pakistan rejects the allegation that it was responsible for the Pahalgam attack and maintains that India has no legal right to suspend the agreement unilaterally. The dispute has therefore moved far beyond its original technical arguments over hydroelectric-project design. Water management, terrorism, international law and the wider India-Pakistan security relationship have now converged into a single strategic contest.

Pakistan is taking the dispute back to international forums

Dar's intervention in New York is significant primarily because of its timing. On 31 August, the Court of Arbitration dealing with the Western Rivers dispute issued an award stating that India's decision to place the treaty in abeyance did not suspend its obligations under the agreement and that the treaty remained in force. The court also issued interim measures concerning the Ratle Hydroelectric Plant while a separate Neutral Expert process examines technical questions relating to Indian hydroelectric projects.[2] India rejected the ruling and the authority of the arbitral process, maintaining a position it has held for years that parallel Court of Arbitration proceedings concerning Kishenganga and Ratle were improperly constituted because the Neutral Expert mechanism was already dealing with those technical questions. Pakistan, by contrast, regards the August award as confirmation that neither side can unilaterally disengage from the treaty. The result is an unusual situation in which one party regards the arbitral process as authoritative while the other rejects the jurisdiction underlying the decision.

Islamabad is attempting to convert that legal outcome into wider diplomatic support. Pakistan's Foreign Ministry said on 2 September that the award reaffirmed the treaty's continued operation and subsequently stated that “all diplomatic and non-diplomatic options” remained available for pursuing implementation. Dar has now carried the argument into meetings on the margins of UNGA, embedding the water dispute within Pakistan's wider diplomatic campaign concerning India and Jammu and Kashmir.[3] Pakistan had already brought the issue formally before the United Nations. In an April 2026 letter circulated as a Security Council document, Foreign Minister Dar described the first anniversary of India's abeyance decision as evidence that what Islamabad considered a temporary political measure had become an enduring policy. Pakistan had similarly written to the Security Council in December 2025 accusing India of “weaponization of water”. These are Pakistani characterisations rather than findings by the UN, but their repeated circulation demonstrates Islamabad's effort to ensure that the IWT dispute is no longer treated solely as a technical bilateral disagreement.

The dispute is now about much more than water allocation

The original architecture of the 1960 treaty was designed principally to separate the river systems in a manner that reduced continuous bargaining over individual flows. The agreement allocated the Ravi, Beas and Sutlej, collectively known as the Eastern Rivers, primarily to India, while the Indus, Jhelum and Chenab, the Western Rivers, were allocated primarily to Pakistan. India nevertheless retained defined rights over the Western Rivers, including domestic and agricultural uses and hydroelectric generation subject to detailed treaty restrictions. The treaty also created the Permanent Indus Commission and established progressively more formal mechanisms for disagreements. Questions could be handled through the commission, technical differences could be referred to a Neutral Expert, and disputes meeting the relevant requirements could proceed to a Court of Arbitration.? The World Bank, which assisted the negotiations and signed specified treaty provisions, has repeatedly emphasised that its continuing role is procedural rather than that of an arbiter determining the substantive merits of India-Pakistan water disputes.

This institutional structure proved unusually durable. The agreement survived wars, prolonged diplomatic ruptures and recurring crises between India and Pakistan, but the post-Pahalgam situation introduced a qualitatively different challenge because New Delhi tied implementation of the treaty to the security relationship itself. The Government of India formally announced in 2025 that the treaty would remain in abeyance until Pakistan credibly and irrevocably abandoned support for cross-border terrorism. Indian government material produced following Operation Sindoor explicitly presented the IWT decision as part of a broader set of non-military measures against Pakistan.? Islamabad's position is the opposite. Pakistan argues that treaty obligations cannot be conditioned on an external political or security dispute and that the agreement itself contains no mechanism permitting unilateral suspension. Pakistan has also

warned that an attempt physically to stop or divert waters to which it claims entitlement would be treated as a grave threat to national security. Those statements have at times used highly escalatory language, including references to an “act of war”, although an Indian decision to hold the treaty in abeyance should not automatically be equated with the physical termination of western-river flows.

The August award strengthened Pakistan’s legal argument but did not end the dispute

The 31 August decision gave Islamabad an important legal document around which to organise its diplomatic campaign, but it did not resolve the underlying contest. The Court of Arbitration concluded that the treaty remained fully operative despite India's abeyance declaration and said India's obligations could not be displaced through unilateral action. In parallel, the court issued interim measures relating to Ratle, while the Neutral Expert appointed through the treaty mechanism is expected to rule on the relevant technical questions concerning Indian hydroelectric projects by July 2027.? Pakistan can therefore point to an international arbitral decision when arguing that the treaty remains binding, rather than relying only upon its own diplomatic interpretation.

India's response reveals why the dispute will not be settled simply by citing the award. New Delhi had challenged the Court of Arbitration mechanism long before placing the treaty in abeyance. In 2023, India's Ministry of External Affairs described the arbitration process regarding Kishenganga and Ratle as improperly constituted and maintained that the Neutral Expert process was the treaty-consistent mechanism for resolving the relevant technical differences. India also argued that running the Neutral Expert and arbitration mechanisms simultaneously was incompatible with the treaty.? That jurisdictional dispute therefore predates Pahalgam and the 2025 suspension decision. The current confrontation combines this older procedural disagreement with a much larger political argument over whether the treaty can function independently of terrorism and national-security disputes. Pakistan's diplomatic strategy seeks to isolate the first issue from the second by arguing that treaty obligations remain operative regardless of bilateral tensions, while India's position links future normalisation of the water arrangement to a fundamental change in Pakistan's conduct toward India.

Ratle and Kishenganga remain the practical test cases

The legal debate is not entirely abstract. Pakistan and India have disagreed for years over design characteristics of Indian hydroelectric projects on the Western Rivers, particularly Kishenganga on a tributary of the Jhelum and Ratle on the Chenab. Under the IWT, India may construct hydroelectric facilities on the Western Rivers subject to specified design restrictions. Pakistan has challenged aspects of Indian projects that it argues provide New Delhi with excessive control over flows, while India maintains that its projects comply with treaty provisions and are necessary for its legitimate hydropower development. The World Bank's account of the dispute shows that Pakistan sought establishment of a Court of Arbitration in 2016 while India requested a Neutral Expert, eventually producing the unusual situation in which both processes proceeded independently following appointments made in 2022.?

The practical importance of these projects has increased since 2025 because India's decision to stop participating in normal treaty cooperation potentially gives greater strategic significance to infrastructure that had previously been evaluated mainly through technical design rules. Pakistan fears that greater Indian storage or operational flexibility upstream could provide New Delhi with additional capacity to alter the timing of river flows, particularly during sensitive agricultural periods. The extent of India's actual physical ability to withhold large volumes of Western River water remains constrained by geography, existing storage and infrastructure capacity, however, and should not be confused with the political rhetoric surrounding “stopping” Pakistan's water. India's own official assessment after Operation Sindoor noted Pakistan's heavy dependence on the Indus system and acknowledged that Pakistan has relatively limited live storage capacity at Tarbela and Mangla.? The long-term strategic effect of India's policy therefore depends

significantly on infrastructure development, storage capability and operational practices rather than on the declaration of abeyance alone.

Pakistan’s dependence makes water a national-security issue

The intensity of Pakistan's diplomatic response reflects the central role of the Indus basin in its economy. Reuters reported that the system supports roughly 80 percent of Pakistani farms, while Indian government assessments have similarly highlighted Pakistan's extensive dependence on Indus waters for agriculture and other water use.[1]? Wheat, rice, cotton and sugarcane production are concentrated within irrigated agricultural systems linked to the basin, while Tarbela, Mangla and other water infrastructure also support electricity generation and urban supply. The vulnerability is not simply the total quantity of water reaching Pakistan but the reliability and timing of flows. Agricultural systems organised around planting and irrigation cycles can be affected by changes in discharge patterns even where annual flows remain substantial.

At the same time, Pakistan's water vulnerability cannot be attributed exclusively to India. Domestic storage limitations, inefficient irrigation, groundwater depletion, population growth, climatic variability and extreme weather all affect Pakistan's water security independently of the treaty dispute. That distinction matters analytically because Islamabad's international messaging naturally emphasises the risks created by upstream Indian action, while New Delhi increasingly highlights Pakistan's own water-management weaknesses. The strategic reality includes both. Pakistan is highly dependent on an upstream river system whose headwaters and major tributaries pass through territory controlled by India, but the effect of future water stress will also depend heavily on Pakistan's ability to store, distribute and manage the water that enters its territory. The IWT dispute therefore acts as an additional strategic pressure on top of an existing structural water-security problem rather than as its sole cause.

Internationalisation has political value but limited enforcement power

Pakistan's decision to raise the issue repeatedly at the UN, the OIC and legal forums serves several purposes. It builds a documentary record of Islamabad's objections, places diplomatic costs on New Delhi's policy, encourages third countries to frame the treaty as an issue of international legal compliance and attempts to prevent India's description of the arrangement as effectively suspended from becoming internationally accepted through repetition. The August arbitral award has strengthened Pakistan's ability to pursue this strategy because it can now cite a formal decision rather than merely asserting its interpretation of treaty law. Pakistan's Foreign Ministry has accordingly called upon India to return to treaty mechanisms and has said it will continue exploring legal and political options.[11]

Internationalisation nevertheless does not produce an automatic enforcement mechanism. The World Bank's role is limited by the treaty and does not extend to compelling either sovereign state to implement an arbitral decision. The Court of Arbitration can issue decisions within the mechanism it considers valid, but the effectiveness of those decisions ultimately depends upon state conduct and the surrounding diplomatic environment. This explains the unusual strategic position after August 2026. Pakistan can claim significant support for its legal interpretation from the arbitral award, while India can continue refusing to recognise the process and implementing its abeyance policy in practice. The contest therefore risks dividing into two parallel realities, one legal and diplomatic, where Pakistan will seek progressively wider validation of the treaty's continued force, and another operational, where India's infrastructure choices and actual management of the rivers determine what the abeyance policy means on the ground.

India’s long-term objective may be larger than the present dispute

New Delhi had already sought modification of the treaty before the Pahalgam attack. India formally notified Pakistan in January 2023 that it wanted modifications under Article XII(3), with Indian officials citing disputes over implementation

and dissatisfaction with the way conflict-resolution mechanisms had developed. India's 2023 position on the Kishenganga and Ratle cases explicitly stated that the emergence of simultaneous proceedings underlined why treaty modification was necessary.[12] The 2025 abeyance decision consequently sits within an older Indian debate about whether an agreement negotiated in 1960 adequately reflects contemporary hydrology, climate change, technological capabilities, population needs and security conditions.

Pakistan has little incentive to accept a renegotiation that could reduce rights it considers established under the existing arrangement. Islamabad instead seeks restoration of full treaty implementation and argues that modification cannot be imposed unilaterally. The result is a structural deadlock. India increasingly questions whether the existing framework remains suitable and has linked its restoration to Pakistan's conduct on terrorism, while Pakistan insists that the treaty remains legally binding in its existing form and is attempting to mobilise international institutions in support of that interpretation. The August arbitration award strengthens Pakistan's legal position within the arbitral process but does not bridge the strategic gap between the two governments.

> ***Strategic Assessment***
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> *Pakistan's renewed campaign at UNGA demonstrates that Islamabad now views internationalisation as one of its principal instruments for responding to India's IWT policy. The 31 August award has given Pakistan a stronger legal foundation for that effort and allows its officials to frame the dispute as one concerning treaty compliance rather than simply bilateral water competition. India's rejection of the Court of Arbitration, however, means that the award has not restored the pre-2025 system of treaty cooperation. New Delhi continues to link the future of the arrangement to cross-border terrorism and had already sought treaty modification before the Pahalgam crisis. The central contest is therefore increasingly over whether water cooperation can remain institutionally separated from the wider India-Pakistan security relationship.*
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> *For India, the strategic significance lies less in an immediate ability to shut off the Western Rivers than in the additional policy freedom that could emerge through expanded storage, hydropower and river-management infrastructure over time. For Pakistan, the risk lies in both physical upstream vulnerability and uncertainty about a river regime upon which its agricultural economy heavily depends. The most important indicators over the coming months will consequently be Indian work on Western River projects, the Neutral Expert process and its expected decisions, any resumption or continued absence of Permanent Indus Commission activity, changes in hydrological data sharing, Pakistani attempts to secure additional international backing and whether either government shows willingness to discuss a modified institutional framework. The dispute has not yet become an uncontrolled water confrontation, but the IWT has ceased to function merely as a technical river-sharing arrangement. It has become part of the broader coercive and diplomatic relationship between two nuclear-armed neighbours, making developments on the Indus increasingly relevant to South Asian strategic stability.*

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